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CHILD ADOPTION SUBSIDY DOCUMENTS

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HEARING

BEFORE THE

SUBCOMMITTEE ON LABOR, SOCIAL SERVICES,
AND THE INTERNATIONAL COMMUNITY

OF THE

COMMITTEE ON

THE DISTRICT OF COLUMBIA
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

ON

H.R. 7259

TO AMEND THE ACT OF MARCH 16, 1926 (RELATING TO THE BOARD OF PUBLIC WELFARE IN THE DISTRICT OF COLUMBIA), TO PROVIDE FOR AN IMPROVED SYSTEM OF ADOPTION OF CHILDREN IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

JULY 27, 1973

Serial No. 93-15

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(II)

CONTENTS

H.R. 7259 ----- Page
2

STATEMENTS

America, Child Welfare League of, Inc-----	106
Chunn, Jay, President, National Association of Black Social Workers, Metropolitan Washington Area, and national vice president-----	52, 53
Davis, Ms. Millicent M., Metropolitan Washington Urban League-----	86, 87
Gallagher, Ursula M., specialist on adoption, Children's Bureau, Depart- ment of Health, Education, and Welfare-----	37, 39
Gaughan, Dennis M., Council on Acceptable Children of Metropolitan Washington; accompanied by Ms. Janet Hutchinson, Council on Adopt- able Children of Metropolitan Washington-----	89, 91
Gentile, Mrs. Beth-Ann, Assistant Corporation Counsel of the District of Columbia-----	19
Grayson, Ms. Mary, president, Washington, D.C., Metropolitan Foster Par- ents Association, Inc-----	98, 99
Green, Hon. Joyce Hens, Associate Judge, D.C. Superior Court-----	8, 11
Gude, Hon. Gilbert-----	5, 7
Hargrave, Ms. Vivian, Ms. Elaine Schwartz, and Ms. Jeanine Smith, rep- resenting the Illinois Department of Children and Family Services-----	43, 44
Hessler, Mrs. Helen, director of adoption services, Lutheran Social Ser- vices of the National Capital Area-----	77, 78
Hulett, David, chairman, Community Task Force for Child Care Systems, representing For Love of Children, Inc-----	92, 93
Riley, Ms. E. Anne, president, Metropolitan Washington Chapter, National Association of Social Workers-----	62, 64
Robinson, Dr. Henry S., Jr., member, D.C. City Council-----	13, 14
Shokes, Mrs. Virgie, Family and Child Services of Washington, D.C-----	70, 71
Wolf, Ms. Ann, supervisor, child placement, Catholic Charities-----	74
Yeldell, Joseph P., Director, Department of Human Resources-----	17, 18

MATERIAL SUBMITTED FOR THE RECORD

Child Welfare League of America, Inc., statement-----	106
Nevius, Hon. John A., Chairman, City Council, letter to Congressman Mazzoli, dated July 17, 1973-----	106
Washington, Hon. Walter E., Mayor-Commissioner, letter to Chairman Diggs, dated July 26, 1973-----	30

APPENDIX

Authorizing subsidy payments for child adoption—Report No. 93-657-----	111
--	-----

SUMMARY OF TESTIMONY

Adoption disapproved-----	27
Adoption subsidies-----	12, 15
Amendments proposed-----	54, 65, 99
Benefits of subsidy-----	39, 65
Child adoption procedure-----	11
Child availability-----	67, 80, 94
Child custody-----	25
Child with special needs-----	55
Children eligible-----	32
Costs-----	16, 29, 79, 95, 103
Council recommendations-----	15

Disseminating information.....	56
District's adoptions.....	64
Eligibility for subsidy.....	25
Financing child disabilities.....	20
Foster care.....	88
Foster homes.....	68, 85, 99, 102
Handicapped parents.....	21
Illinois experience.....	44
Maintenance payments.....	57, 59
Medicaid.....	46
Need for legislation.....	7
Need for subsidies.....	39
Nonresident wards.....	35
Parental relinquishment.....	24
Payments beyond 18.....	101
Payments level.....	82
Private agency children.....	75
Religious and racial factors.....	58, 60, 67, 81, 96
Single adopting persons.....	28
State programs.....	7
States' experience.....	42
Subsidies for handicapped.....	97
Subsidized adoptions.....	75
Subsidy determinations.....	40
Subsidy eligibility.....	48
Subsidy need.....	72
Subsidy payments.....	22
Subsidy payments and medicaid.....	34
Subsidy pitfalls.....	60
Subsidy support, not adoption.....	91
Time element.....	33
Waddy decree.....	22

DISTRICT OF COLUMBIA ADOPTION SUBSIDIES

FRIDAY, JULY 27, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON LABOR, SOCIAL SERVICES,
AND THE INTERNATIONAL COMMUNITY
OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 1310 Longworth House Office Building, Hon. Romano L. Mazzoli presiding.

Present: Representatives Mazzoli and Gude.

Also present: Joseph D. Kirschten, professional staff member; John Hogan, minority counsel; and Mary Wyatt, counsel; Leonard O. Hilder, professional staff member.

Mr. MAZZOLI. Ladies and gentlemen, the hearings will come to order. I do have a short statement, and so also does the gentleman from Maryland, Mr. Gude.

STATEMENT OF HON. ROMANO L. MAZZOLI

We are convened this morning to hear testimony on proposed legislation, H.R. 7259, which affects a powerless and very vulnerable segment of our society, and those are abandoned children that have very meager prospects for adoption.

Today we will be talking about those children who really have what could be called the deck stacked against them. We will be talking about the retarded child, the physically handicapped child, that child who has insecurity problems by reason of a defective family situation, and a lack of a cohesive family.

If I were to allow my personal feeling to intrude at this point, which I will, I feel strongly that the retarded and the handicapped have rights. They have very strong rights, and that we have a responsibility to accede to these rights where we can, and therefore allow them to play their roles in society. It can be a very large role. It can be one of fulfillment to them, and a productive role to society generally. And accordingly, I feel it is incumbent upon all of us who have been blessed with sound bodies and sound minds to do anything and everything we can to assure that those that are the less fortunate, those that I have just described, can assume their rightful place in the sun, and assure that these young people are not shunted aside and forgotten.

The sponsors of the bill that is numbered H.R. 7259 feel that a program of adoption subsidies in the District of Columbia could help to open up opportunities to place these overlooked, hard-to-place children in good, substantial homes where they will be loved and they will be nurtured, and they will be raised by parents as if their own natural parents.

An important thing for us to keep in mind is the fact that there is no real dollar value that can be placed on the gift of love. A family which is poor in some cases in material possessions and material goods, can be one very rich because it is rich in love and rich in devotion and rich in spirit. This is what these children need, and hopefully this kind of legislation, after hearing and being tested and debated, may provide just that means. It seems that some of these families that are rich in love but poor in material possessions can find themselves in a situation where they cannot afford to adopt a child because to do so would eliminate their eligibility for the foster care payments which they now receive. And adoption subsidies could possibly be one answer to this cruel dilemma.

It is the task of this subcommittee therefore to determine whether legislation before us will indeed achieve these desired results in a workable and coherent fashion.

In dealing with human lives and with family relationships, we have to assure that all possible safeguards are taken to eliminate the possibility of abuse or the possible misdirection of the funds that are to be involved.

It is my hope that the goals of this legislation which certainly are, in my personal opinion, worthy goals, can be realized and that we can make progress toward providing dignity, love, and emotional support for the very needy, but very deserving, young people. In the final analysis, the hallmark of a good society is determined by the manner in which it treats its weakest and most helpless and most vulnerable citizens.

[The bill referred to follows:]

[H.R. 7259, 93d Cong., 1st sess., by Mr. Gude, on Apr. 19, 1973]

A BILL To amend the Act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 11 and 12 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes", approved March 16, 1926 (D.C. Code, secs. 3-114 and 3-115), are each amended to read as follows:

"SEC. 11. The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') is authorized to—

"(1) make temporary provision for the care of children pending investigation of their status;

"(2) have the care and legal guardianship, including the power to consent to or arrange for adoption in appropriate cases, of—

"(A) children who may be committed by courts of competent jurisdiction; and

"(B) children who are relinquished by their parents to the Commissioner or whose relinquishment is transferred to the Commissioner by a licensed child-placing agency under section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32-786); and

"(3) make such provision for the care and maintenance of such children in private homes, under contract including adoption subsidy pursuant to section 12 of this Act (D.C. Code, sec. 3-115), or in public or private institutions, as the welfare of such children may require; and

"(4) provide care and maintenance for feeble-minded substantially retarded children who may be received upon application or upon court commitment, in institutions or homes or other facilities equipped to receive them, within or without the District of Columbia.

The Commissioner shall cause the wards of the District of Columbia placed out under temporary care to be visited as often as may be required to safeguard their welfare and when children are placed in family homes or private institutions, so far as practicable such homes or private institutions, shall be in control of persons of like faith with the parents of such children, and whenever the Commissioner shall for any reason place a child with any organization, institution, or individual other than of the same faith as that of the parents of that child, the Commissioner shall set forth the reasons for such action in the records of the case.

"SEC. 12. (a) The Commissioner shall have the power to conclude arrangements with persons or institutions at such rates as may be agreed upon.

"(b) (1) The Commissioner shall make adoption subsidy payments as needed on behalf of a child with special needs, where such child would in all likelihood go without adoption except for the acceptance of the child as a member of the adoptive family, and where the adoptive family has the capability of providing the permanent family relationships needed by such child in all areas except financial, as determined by the Commissioner.

"(2) For the purposes of this subsection—

"(A) The term 'child with special needs' includes any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. A child for whom an adoptive placement has not been made within six months after he is available for adoptive placement shall be considered a child with special needs within the meaning of this section.

"(B) The term 'adoptive family' includes single persons able to meet the emotional needs of prospective adoptees.

No subsidy shall be paid under this section unless a tentative adoption subsidy agreement shall have been entered into prior to the completion of the child's legal adoption.

"(c) Any person, public agency or licensed child-placing agency having a child with special needs in foster care or institutional care may recommend to the Commissioner a subsidy for the adoption of such child, and may include in the recommendation advice as to the appropriate level of payments and any other information likely to assist the Commissioner in carrying out the provisions of this section. The Commissioner shall make the determination as to whether or not an appropriate adoptive home exists for the child, but in so doing the Commissioner shall refer to the recommendations of the referring agency. If the Commissioner concludes that the child referred is a child with special needs within the meaning of this section, and that an appropriate adoptive home exists for the child, the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive family and to accept a transfer of relinquishment of parental rights from the referring agency pursuant to section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32-786).

"(d) If a child in the custody of the Commissioner or a licensed child-placing agency has been in foster care or institutional care for at least six months after the child is considered legally free for adoptive placement, the Commissioner or agency shall inform the family providing care of the possibility of financial aid for adoption under this section. If the family caring for the prospective adoptee applies to the Commissioner for adoption of the child, and if it appears to the Commissioner after study that the family would be an appropriate adoptive family for the child but for the family's economic inability to meet the child's needs, the Commissioner shall enter into a tentative agreement with the family concerning the amount and duration of a proposed subsidy in the event the child is placed for adoption with that family. Thereafter the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency in appropriate cases, and shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption.

"(e) The amount and duration of adoption subsidy payments may vary according to the special needs of the child, and may include maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other costs necessary for his care and well-being. A subsidy may be paid on a long-term basis, to help a family whose income is limited and is likely to remain so,

on a time-limited basis, to help a family meet the cost of integrating a child into the family over a specified period of time, or on a special services basis, to help a family meet a specific anticipated expense or expenses when no other resource appears to be available. The Commissioner shall continue responsibility for adoption subsidy payments in the event that the adoptive family moves to another jurisdiction: *Provided*, That the family continues to meet the conditions of the adoption subsidy agreement. Eligibility for payments shall continue until the child reaches eighteen.

"(f) The Commissioner is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including Federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Commissioner for any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner.

"(g) The Commissioner may periodically review the need for continuing each family's subsidy, not more often than once a year. At the time of such review and at other times during the year when changed conditions, including variations in medical opinions, prognosis, and costs are deemed by the Commissioner to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child. Any parent who is a party to a subsidy agreement may at any time in writing request, for reasons set forth in the request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of the request. Any adjustment may be made retroactive to the date the request was received by the Commissioner. If the request is not acted on within thirty days after it has been received by the Commissioner, or if the Commissioner modifies or terminates an agreement without the concurrence of all parties, any party to the agreement shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedures Act (D.C. Code, secs. 1-1501-1-1510).

"(h) The Commissioner shall keep such records as are necessary to evaluate the effectiveness of adoption subsidy as a means of encouraging and promoting the adoption of children with special needs. The Commissioner shall make an annual progress report which shall be open to public inspection. The report shall include, but not be limited to—

"(1) the number of children placed in adoptive homes under subsidy agreements during the year preceding the annual report and the major characteristics of the children placed; and

"(2) the number of children currently in foster care with the Commissioner for six months or more, and the legal status of those children.

The Commissioner shall disseminate information to prospective adoptive families as to the availability of adoptable children and of the existence of aid to adoptive families under this section.

"(i) All rules and regulations adopted by the Commissioner pursuant to this section shall be published in the District of Columbia Register as required by section 6 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1-1505)."

(b) Section 14 of such Act (D.C. Code, sec. 3-117) is amended to read as follows:

"Sec. 14. The Commissioner shall have full power to—

"(1) accept for care, custody, and guardianship dependent or neglected children whose custody or parental control has been transferred to the Commissioner, and to provide for the care and support of such children during their minority or during the term of their commitment, including the initiation of adoption proceedings and the provision of subsidy in appropriate cases under section 12 of this Act (D.C. Code, sec. 3-115);

"(2) with respect to all children accepted by him for care, place them in private families either without expense or with reimbursement for the cost of care, or in appropriate cases to place them in private families under an adoption subsidy agreement concluded under section 12 of this Act (D.C. Code, sec. 3-115) or to place them in institutions willing to receive them either without expense or with reimbursement for the cost of care; and

"(3) consent to arrange for or initiate court proceedings for the adoption of all children committed to the care of the Commissioner whose parents

have been permanently deprived of custody by court order, or whose parents have relinquished a child to the Commissioner or to a licensed child-placing agency which has transferred the relinquishment to the Commissioner under section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32-786)."

SEC. 2. (a) Section 307(b)(1)(D) of title 16 of the District of Columbia Code is amended by inserting immediately after "should have knowledge" the following: "including the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition under section 12 of the Act of March 16, 1926 (D.C. Code, sec. 3-115)".

(b) Section 309(b) of title 16 of the District of Columbia Code is amended by adding at the end thereof the following new sentence: "In determining whether the petitioner will be able to give the prospective adoptee a proper home and education, the court shall give due consideration to any assurance by the Commissioner that he will provide or contribute funds for the necessary maintenance or medical care of the prospective adoptee under an adoption subsidy agreement under section 12 of the Act of March 16, 1926 (D.C. Code, sec. 3-115)."

Mr. MAZZOLI. I would like now to recognize for his opening remarks the author of this resolution, a man who has been a contributing member of this committee and of the Congress for a number of years, and a person who feels very strongly for these people about whom I have spoken.

With that I yield to the gentleman from Maryland, Mr. Gude. Mr. GUDE. Thank you, Mr. Chairman.

I ask in the interests of time and the number of witnesses that my statement be inserted in the record.

Mr. MAZZOLI. Without objection, so ordered.

[The prepared statement of Mr. Gude follows:]

STATEMENT OF HON. GILBERT GUDE

Thank you, Mr. Chairman, for the opportunity to present my views in strong support of H.R. 7259 which will establish a program of subsidized adoption for "hard to place" children in the District of Columbia. I wish to commend and thank you as well Mr. Chairman, for the Subcommittee's consideration of this legislation which I introduced in April. In providing for improved care for the District's dependent and neglected children, we are faced with an immediate need, and I am most gratified that this matter is receiving our attention today, before the Congressional recess.

Mr. Chairman, since my arrival to the Congress in 1967 and my membership on the District Committee, we have witnessed increasing public concern over the adequacy of the city's care for dependent children. The City Council, in particular, has played a vital role in focusing attention upon this issue with the phasing out of Junior Village, the prescription of guidelines for the care and protection of dependent children, and last year, an in-depth investigation and public hearings regarding efforts which were then being and could be implemented to correct an intolerable situation. During the time of those hearings, I indicated to the Council that we in Congress stood ready to act on legislation to provide for subsidized adoption or any corresponding system to help the District's dependent children, if the city deemed that such Congressional authorization was necessary. The Corporation Counsel has so ruled in the case of subsidized adoption, and I have introduced H.R. 7259 accordingly.

I believe Congressional support holds very true in this regard, and certainly, the need continues to be a pressing one. Each day that a child is deprived of the loving care and stability which is provided in a permanent family relationship—due to that family's lack of financial resources only—a true injustice is being committed.

There are now approximately 2700 children in the District of Columbia who fall into the category of "dependent and neglected." These are children in private child care institutions, in traditional foster care, and in group and special foster care. These are children, some of whom have temporarily languished in D.C. General Hospital, with no medical reason to keep them there, due to the fact

that the District may be running out of places which are proper and qualified in which to place them. According to one newspaper report this spring, at one point there were "more than 40 children for whom officials could find no vacancies in facilities established to care for them." Some were being placed at that time in homes not properly inspected and not really felt adequate.

I do not wish to imply that the establishment of an adoption subsidy program in the District will result in the immediate placement of all of these children, nor even most, in permanent homes. Indeed, it cannot, because several are not yet legally free for adoption. It is, however, a very viable alternative which is not present today for those free to be adopted. I understand that approximately 100 of those children now in the District's custody by court commitment or voluntary relinquishment are immediately available for adoption. This number would likely increase sharply with the establishment of a subsidy program, as the program would give impetus to the review of cases not now under active consideration, and the initiation of proceedings to free the child legally. Indeed, beyond the 100 mentioned, there are several for whom relinquishment is already planned or in court adjudication at this time.

Numbers of eligible children are not terribly important to me, Mr. Chairman, for I strongly believe that we ought to have a program of this nature were it to result in the placement in permanent homes of but a handful of children who might otherwise have remained indefinitely in custodial care.

Increasing numbers of states are experimenting with programs of subsidized adoption as a means of providing permanent homes for children in foster or institutional care. Twenty-four states have enacted a program in some form or another. In other states, it is a matter pending before the legislature. Subsidized adoption is, further, a concept strongly endorsed by the U.S. Children's Bureau, the Child Welfare League of America, and other groups interested in child welfare. We will hear later of the experience of Illinois. California is another state whose experience may be useful to us today in our consideration of this legislation.

In California, 1,267 children were placed in adoptive homes in 1969 and 1970, for example, as a result of a two-year pilot project. It is particularly noteworthy that all of the children, indeed only 449, actually received financial assistance. Many of the adoption placements resulted from aggressive publicity and special social services made available to families in applying for and completing the adoption process, as a result of the subsidy program. I think this latter point is extremely important, and would hope that the Department of Human Resources would follow California's lead in this regard.

While the value and benefit of such programs is to the children, we note also that the savings to the public under subsidized adoption programs have been substantial. Many families interested in adoption because of the publicity focused on the children as a result of these new programs, were eventually found to be without need for financial assistance. Others need short-term, time-limited subsidies only.

H.R. 7259 would enable the Department of Human Resources to provide payments for children with special needs, defined as children difficult to place in adoption because of age, race or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. It follows the pattern of most states in permitting subsidies on a long-term basis, to help a family whose income is limited and likely to remain so, or on a time-limited basis, to help a family meet the cost of integrating the child into the family until, for example, a parent finishes school or gets a better job, or where the mother temporarily leaves her job, or on a special services basis, to help a family meet specific limited expenses when there is no other resource available.

The amount that could be spent for an adoption subsidy under this bill may not exceed the amount the Department would be authorized to spend if the child continued in foster or institutional care.

What we are talking about, Mr. Chairman, is providing the minority child, the older child, the handicapped and retarded child with a loving and permanent family relationship the worth of which cannot be calculated in terms of dollars and cents. We want these children to have the fullest opportunity to develop to their highest potential in a time when youth is our greatest resource. This goal is so far more easily attained with a family than an institution. I urge the Committee's prompt and favorable consideration of this bill.

Thank you, again, Mr. Chairman.

STATEMENT OF HON. GILBERT GUDE

Mr. Gude. I will hit some of the highlights.

I appreciate the opportunity to present my views in support of H.R. 7259 which will establish a program of subsidized adoption for hard to place children in the District. I wish to commend you, Mr. Chairman, for the subcommittee's consideration of this legislation.

Mr. Chairman, since my arrival in the Congress in 1967, and my membership on the District of Columbia Committee, we have witnessed increasing public concern over the adequacy of the city's care for dependent children. The City Council, in particular, has played a vital role in focusing attention upon this issue with the phasing out of Junior Village, the prescription of guidelines for the care and protection of dependent children, and last year, an in-depth investigation and public hearings regarding efforts which could be implemented to correct an intolerable situation.

During those hearings, I indicated to the Council that we in Congress stood ready to act on legislation to provide for subsidized adoption or any corresponding system to help the District's dependent children if the city deemed that such congressional authorization was necessary. The Corporation Counsel has so ruled in the case of subsidized adoption, and I have introduced H.R. 7259 accordingly.

NEED FOR LEGISLATION

There are approximately 2,700 children in the District of Columbia who fall now in the category of dependent and neglected. I do not wish to imply that the establishment of the adoption subsidy program in the District will result in the immediate placement of all of these children, or even most, in permanent homes. Indeed, it cannot because several are not yet legally free for adoption. It is, however, a very viable alternative which is not present today for those free to be adopted. I understand that approximately 100 of these children now in the District's custody, by court commitment or voluntary relinquishment, are immediately available for adoption. This number would likely increase sharply with the establishment of a subsidy program, such a program would give impetus to the review of cases not now under active consideration, and the initiation of proceedings to free the child legally.

STATE PROGRAMS

Increasing numbers of States are experimenting with programs of subsidized adoption as a means of providing permanent homes for children in foster or institutional care. Twenty-four States have enacted a program in some form or another.

For example, in California 1,267 children were placed in adoptive homes in 1969 and 1970, for example, as a result of a 2-year pilot project. It is particularly noteworthy that not all of the children, indeed only 449, actually received financial assistance. Many of the adoption placements resulted from aggressive publicity and special social services made available to families in applying for and completing the adoption process, as a result of the subsidy program.

I think that this latter point is extremely important and would hope that the Department of Human Resources would follow California's lead in this regard.

While the value and benefit of such programs is to the children, we note also that the savings to the public under subsidized adoption programs have been substantial. Many families interested in adoption because of the publicity focused on the children as a result of these new programs, were eventually found to be without need for financial assistance. Others need short-term, time-limited subsidies only.

But the amount that could be spent for an adoption subsidy under this bill may not exceed the amount that the Department would be authorized to spend if the child continued in foster or institutional care. What we are talking about, Mr. Chairman, is providing the minority child, the older child, the handicapped and retarded child, with a loving and permanent family relationship, the worth of which cannot be calculated in terms of dollars and cents. We want these children to have the fullest opportunity to develop to their highest potential in a time when youth is our greatest resource. This goal is so far more easily attained with a family than an institution. I urge the committee's prompt and favorable consideration of this bill.

Thank you, Mr. Chairman.

Mr. MAZZOLI. I commend the gentleman on a very excellent statement and his sponsorship of this legislation.

I would like to call the first panel together, which would consist of Hon. Joyce Hens Green, judge of the Superior Court of the District of Columbia; the Hon. Henry S. Robinson, Jr., member of the District of Columbia Council; Mr. Joseph P. Yeldell, Director of the District of Columbia Department of Human Resources; and Mrs. Beth-Ann Gentile, Assistant Corporation Counsel for the District of Columbia.

Perhaps they could come forward and assume positions around the table there.

Good morning. We appreciate your coming and thank you for joining us today.

Since we do have a very full day, perhaps we can proceed along the basis that each has filed a statement which will be certainly made a part of the record.

Perhaps each can summarize perhaps the essential points, the salient points of the testimony and then we could engage in a bit of a colloquy, some general discussion of where we go from here.

If that would suit you, Judge, maybe you could lead us off and then we go forward.

Your prepared statement will be accepted in the record at this point.
[The prepared statement of Judge Green follows:]

PREPARED STATEMENT OF JUDGE JOYCE HENS GREEN

Mr. Chairman, my name is Joyce Hens Green and I am an Associate Judge of the Superior Court of the District of Columbia.

Chief Judge Greene has asked me to represent the Court at this important public hearing on the provisions of H.R. 7259. It is indeed my pleasure to be here today at his request in response to your kind invitation.

First as a lawyer and subsequently as a Judge, I have seen and talked with many, many of those very children with whose care we now concern ourselves. I have also talked with their parents, their lawyers, their social workers. The

numbers are impossible to estimate, but I have considered and approved many hundreds of adoptions during the past several years. It is a matter exceptionally close to my heart. It is a matter where, usually, everyone "wins". The child attains permanent security; the adopting parents now have the child they have yearned for so long; the natural parents know their child can have a fuller life than they could have provided.

When a child comes before the Court, what the Court is most interested in and most concerned about, is the welfare of that child. This is also what we are most concerned about at this hearing today—what will be best for those children whose lives will be affected by the decision which this Committee will make.

In the District of Columbia, our adoption statute, which we consider to be one of the most enlightened in the country, is geared toward this very concept of protecting the interests of the child. The Court wants to be assured of the reasons for and the voluntariness of the relinquishment of the child by its natural parents, and to be assured that the potential adoptors can provide a good home. The Court wants to make certain that the new relationship which is established between the adopting parents and the child is as permanent as it can be made. In the words of our statute, the relationship sought to be established is that which will make the child "as if he were born" to the adopting parents.

As to the matter of consent, the Court must be assured that the natural parents have given their full, informed and voluntary consent to the adoption by executed relinquishment of parental rights. Both parents must give their consent if they are or were married and are both alive; if one of the parents is dead, the living parent must consent; and the mother must consent in the case of a child born out of wedlock unless the child has been legitimated, in which case the consent of the father is also required if he is alive. I might add that an attempt is always made to get the consent of the natural father if his whereabouts are known.

There are certain circumstances under which the Court may grant a petition for adoption without the consent of the natural parents. For example, when a parent cannot be located, or has abandoned the child and voluntarily failed to contribute to his support for a period of at least six months preceding the date of the filing of the petition, the consent of that parent is not required. Also, the Court may grant a petition for adoption if it finds, after a hearing, that the consent or consents are being withheld contrary to the best interests of the child.

Further, in those cases where there has been an executed relinquishment of parental rights to a licensed child-placing agency, the Court also requires assurance that there had been no doubt at the execution of the agency relinquishments. I might mention that from time to time the Court has considered the advantages of seeking a requirement that all relinquishments of parental rights be accomplished through judicial process or sanction. This, however, is in no way a reflection upon current procedures authorized for licensed child-placing agencies. Rather it would be one way of providing yet another safeguard for the protection of the child.

Under the adoption statute an investigation of the adopting parents must be made before an adoption can be approved, with a written report submitted to the Court advising the details of that investigation, with recommendations. These investigations are made by representatives of the Department of Human Resources (Social Rehabilitation Administration) for those children who are wards of the District of Columbia, and by the respective private child-placing agencies for children under their care. The investigations customarily are very thorough and, among other matters, probe not only into the love and affection which the prospective adopting parents can provide (and their background, education, marital and present parental status) but also into factors such as the type of home environment which will be provided, the suitability of the home of the petitioners, and economic considerations which will assure that the health, educational, and other basic needs of the child can be adequately provided for. For this purpose, the Court is provided with a dollar figure for the yearly financial capabilities of the parties, plus the amounts which may be realized to the child through health insurance and life insurance and other assets of the adopting parents. All this is with the idea that the child can and will be reared in secure circumstances.

And this is the area where this bill which we now consider today will have the greatest impact.

Subsidized adoptions, such as those which would be authorized by this proposed legislation are one manner of assuring that a child who is otherwise appropriate and available for adoption will not be deprived of adoptive parents who will provide a home in which this youngster can enjoy parental love, security, and an opportunity to develop mentally, educationally and physically; that the child will not be deprived of adoptive parents solely because of the lack of economic resources within potential adoptive parents otherwise qualified to be good parents to him and eager to have him as their child, through adoption. Financial reimbursement and support can make adoption possible for families who can offer affection and emotional security to a child but who cannot afford to assume the total financial responsibility for him.

Our greatest concern is about those hard-to-place children, who have gone beyond the age of cuddly infancy, or who have emotional, mental or physical handicaps, or who have several siblings, from whom they should not be separated. These children need special help. These children need and deserve a home like all other children and should have an even greater assist from society in the providing of such a home.

For reasons which we cannot precisely pinpoint, since no studies have been conducted for this purpose, there has been a great lessening in the number of petitions for adoption filed in the District of Columbia and in the number of adoptions actually granted. For example, in 1969, 862 petitions for adoption were filed, and 800 dispositions were made by the Court (granted, denied, or otherwise terminated). For subsequent years, the statistics are as follows: in 1970, 824 petitions were filed and there were 891 dispositions; in 1971 684 cases were filed and 749 dispositions were taken; in 1972 541 were filed and 558 dispositions were made; and, through June 30 in 1973, 257 petitions have been filed and 300 dispositions have been made. Even though there has been a substantial lessening of adoptions in general, it remains certain that children in the hard-to-place areas will continue to become available for adoption. And there will continue to be those fine human beings who, but for lack of adequate financial resources, would offer a home and love and permanent security to these children.

As is evident from the earlier discussion, the Court does not know anything about the adopters until the bare outline of the petitions is filed in Court, at which time the child has already been placed with the prospective adopters or is about to be placed imminently. This petition has attached thereto its required notation of agency consent. It is only then at time of the report and recommendation, after detailed investigation by social workers in the field, who have had office interviews and at-home interviews with the adopters, that the Court begins to know the child and the family. The Court, therefore, does not see the applications of those people who have been rejected by the agencies due to lack of sufficient financial resources because they never reach the stage of petitioning the Court for the right to adopt a child.

A recent informal survey conducted by Court personnel of the private child-placing agencies in the District, however, indicates that there have been a limited number of cases where an applicant was turned down because of lack of resources. Also, the same survey showed that there have been cases where an adoption which was made would not have been possible without financial assistance from the private agency concerned.

A typical case for a subsidy, in the experience of those other 26 jurisdictions which now have statutes permitting subsidized adoptions, is an instance where a child has been in the care of a foster home for a period of time, but the foster parents cannot afford to adopt the child because they would lose the monthly support payments. While the foster home usually provides advantages over institutional care, a foster care arrangement without adoption carries no guarantee of permanence and also denies the status and the rights of name and inheritance that should accrue to every child. The overriding goal is to have the child part of a true family.

Experience with subsidized adoption programs in other states also has yielded evidence of the economic benefits to the state of such a program. The dollar savings to the State have, in some cases, been most impressive. But, in human terms, the "savings" which accrue to the children as a direct result of a permanent home are inestimable and, potentially, the social benefits from such a program provide the most persuasive evidence for support of the proposed legislation.

It is obvious that the child who is without the security of a permanent familial relationship starts and struggles through life with dramatically lessened advantages than those youngsters who come from stable family backgrounds. The

high proportion of children who have lacked such stable backgrounds and who appeared before this Judge—and all the other Judges—in juvenile delinquency hearings are evidence of this fact. I am convinced that there is a strong probability that a program of subsidized adoptions could in the long run represent a considerable saving in community money now being expended in efforts to repair the damage children sustain when deprived of permanent family ties. We are completely aware that adoption not only affects the lives of the adopting parents and the child being adopted, but also influences the lives of the adoptee's own future family. The security and strength the child derives from his parental-familial relationships he eventually passes on to his own family. With a little help, these children, of whom we now talk, stand every chance to become useful citizens. If not, we may well see them in our criminal courts one day. These children with whom we now concern ourselves are the true "innocents". They have committed no crime. And we should be ever mindful that the measure of a society is how it handles the most vulnerable, the most helpless of its members.

In closing, you may be assured that if this legislation is passed, there will be no lessening of standards on the part of the Court. Each petition for adoption will continue to be reviewed on its own merits. Judicial decisions will continue to be made on the basis of what is in the best interests of the child.

Again, let me convey my appreciation to you for the opportunity to share these views with you and my heartfelt gratitude for your efforts on behalf of our children of our community.

STATEMENT OF HON. JOYCE HENS GREEN, JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Judge GREEN. I would like to preface any remarks I want to make, Mr. Gude, Mr. Mazzoli, that both of you have made such eloquent statements; I saw everything I have written sweeping away, but I was delighted to know that we are all echoing the same thing.

I took it from the approach of the court, of course, and the basic substance of my discussion and my statement was that the court does not actually come to recognize some of the problems that would be covered by subsidized adoptions until later on in the process of adoption. I explained in my statement the processes that we go through to make sure we have a voluntary relinquishment or a judicial commitment so the child is legally free for adoption, and also the problems that we might have with parents who have not done their utmost for their children and may be yet loathe to give up the children for adoption.

In connection with our adoption statute, I did highlight that we consider it the most enlightened in the country. It has gone through several changes throughout the years, and this, of course, the adoption subsidy would, of course, be another change, all geared toward the improvement and benefit of the child.

If I could explain to you a little of the process that we do have with our adoption system, perhaps it might be clear where the court comes into this and what the court could do in that respect.

Mr. MAZZOLI. It would certainly help me. I have some questions along that very line.

CHILD ADOPTION PROCEDURE

Judge GREEN. The child, of course, has already gone to an adopting agency or to the Department of Human Resources, the Social Rehabilitation Administration. The basic investigation has been made of the adopting parents' familial situation, the economics of which we now concern ourselves, whether there are other children in the home.

whether these people are of age and maturity to devote themselves properly to a child. When this is all to become affirmative, then the petition is worked out generally with an attorney, or the parties can proceed on their own without an attorney, with the help of our court.

A petition is presented to the court. That is the first time that the court actually comes into the picture. This is a bare outline. The court hears the names of the petitioners, their relationship to the child, how the child came into the home, the age of the child, how the child was placed with the petitioners, the needs of the child, if there are any special needs, and the fact that these people are in general terms economically able to adopt and rear these children.

We then send it for reference to the agency which has already screened the prospective adopting parents. In the District of Columbia we would send it to our Department of Human Resources, as far as the District wards are concerned. In the other agencies they would take care of this in a specialized manner.

We then get back eventually, after investigation has been made in the field by the social worker, a very detailed report with recommendations. Customarily the recommendations are affirmative. Customarily they are accepted by the court. If the court ever has any doubt about a recommendation, affirmative or negative, the court holds a hearing. It is a regular hearing, a regular trial, if it becomes that, unfortunately, in the court sense.

In the recommendations we have a very detailed outline of what these prospective adoptors can provide to the children: love, of course, devotion, of course, strong family unit, of course, and also then it touches on the economic situation. And that is what we naturally concern ourselves with today.

But to touch on the economic situation is usually in bare terms. This gentleman works at such and such capacity and he earns X number of dollars a year. His wife is a housewife or she too is employed and brings a certain amount of money into the family unit. They have so and so much hospitalization that will take care of this child. They have so many dollars that are utilized for life insurance.

Then, if everything on the surface appears to be all right and there are not any questions, then we have the recommendations and references from all the parties concerned. The Board normally acknowledges that this would be a proper adoption.

ADOPTION SUBSIDIES

Now, adoption subsidies would only be brought to the attention of the court after these people have already been screened, for example, by Mr. Yeldell's organization, or the other agencies, and said that these are appropriate people financially. They are adequate financially to even let them present the petition to the court. Otherwise we do not know about it.

Mr. MAZZOLI. Judge, excuse me. You are not saying under the subsidized adoption approach, that there would be a finding that they have adequate financial support.

Judge GREEN. Yes. We must make that finding in all of our adoptions, even now, that they are able to raise this child physically, emo-

tionally, educationally, with the financial necessities of life. We sometimes strain a little bit because we do want to have the child to have a home. The very children that we are concerned with here are those hard-to-place children which both of you gentlemen cite in your opening statements. These are the youngsters that not only have the physical and emotional and the mental problems, but they are sometimes children who have many siblings, and there does not want to be a division of the siblings, and there are not too many families that would be able economically to assume two or three or four children en masse at one time, as much as they have the love and devotion for these children.

The court would continue with the adoption subsidies to give the same thorough consideration to every adoption petition that processes through the court.

Naturally we yearn to place as many of these children as we can. We know the need. We recognize it. We have dealt with it, most of us, as lawyers in private practice, and subsequently as judges. It is probably the one situation in which everyone wins, the child most particularly. That is what we are concerned with, the best interests of the child.

The adopting parents have yearned for a long time to have a child, and now they have received this child through the process of adoption. The natural parents, or parents of the child that had to give up this child, know that this would be a better home for the child.

I would yield to my conferees.

Mr. MAZZOLI. Mr. Robinson, perhaps you could give your statement?

Your prepared statement will be accepted in the record at this point. [The prepared statement of Mr. Robinson follows:]

TESTIMONY OF DR. HENRY S. ROBINSON, JR., MEMBER DISTRICT OF COLUMBIA CITY COUNCIL

Mr. Chairman and members of the committee, I am deeply appreciative of this opportunity to testify on behalf of the District of Columbia City Council on proposed legislation to provide for an improved system of adoption of children in the District of Columbia.

The District of Columbia City Council first recommended a program which would provide adoption subsidy payments for children with special needs in its fiscal year 1972 Budget Report, but action on this recommendation was deferred because of lack of legal authority on the part of the District to implement such a program. Since that time, the need for such a program has grown. The effect of this legislation, if enacted, would be to provide a permanent family relationship for children who otherwise might be shunted from foster home to foster home, institution to institution never being able to feel that they belonged to anyone or anybody or to our society.

This legislation would also enable many solid, outgoing people the opportunity to become parents—people who because of their income level or because of the extraordinary needs of the child would not be considered—people who by choice are willing to take on the enormous responsibility of parenthood and particularly children who have special needs.

The benefits to our city of a subsidized adoption program are immeasurable. David Fanshel and Eugene B. Shinn of Columbia University School of Social Work, studying the costs of foster care in New York City, estimate that the cost of caring for a child in foster care until maturity averages \$68,701.00. Foster care and institutional care of children in the District of Columbia ranges from \$1,500.00 per child per year to well over \$12,000.00 per child per year excluding administrative costs, medical care and other supportive services.

This legislation would enable the child to have a stable home environment at a cost no more than the highest amount that could be spent if the child remained

in the custody of the District. Additionally, the child would acquire all inheritance rights and other legal benefits provided to a natural child. I believe the experience of most states who have such a program is that the expenditure incurred in a subsidized adoption program is substantially less than it would have been if the child remained in the state's custody. The very fact that a child is provided a permanent family could be said to result in anticipated savings as most social scientists recognize a direct relationship between unstable and insecure environments and failure to learn, psychiatric disturbance, juvenile delinquency, child abuse and other undesirable social behavior which in the end costs a great deal more to contain or to correct.

Setting aside the cost benefit factors, I think we all agree that a child is better off in a home where he is loved and wanted than in an institution. Some go so far as to say that this should be the birthright of every child.

This legislation gives first opportunity to foster parents to adopt the children they are caring for but could not adopt without financial help. We are talking about children with developmental disabilities, children with medical needs that cannot be sustained without the help of government, as well as older children who have lived with foster families for years and should not be moved but need the protection of adoption.

Other favorable aspects of the bill are :

The provisions which allow other persons, public agencies and child placing agencies to recommend to the Mayor an adoption subsidy with the safeguard that subsidy is not mandatory and not retroactive following adoption;

The periodic review of subsidy payments;

The evaluation reporting system;

The provision which empowers the Mayor to assist families eligible for subsidy to obtain appropriate legal assistance;

The requirement for the dissemination of information to adoptive families as to available children and the existence of aid; and

The requirement that the court shall give consideration to possible adoption subsidy in determining whether the petitioner will be able to give the prospective adoptee a proper home and education.

No new funds will be needed. The bill, as it is the practice in many other states, provides for the use of funds now being used for the care of children in foster homes and institutions as well as allowing the city to seek and accept funds from other sources.

It is my understanding that this legislation, if passed, would be applicable to at least 100-200 children now in the city's custody and that there are many others to which it might apply in the future. While this is not a massive solution to all of the children in the custody of the city, it is an excellent solution for some.

There may be some misunderstanding concerning this legislation which I hope will be dispelled. This legislation does not change the criteria for severing parental rights. It does not change the court process or the criteria for selection of adoptive parents. All the bill does is to alleviate some financial burden which might preclude adoption. It will, I believe, encourage those who would be good parents to consider adopting a child who is blind, retarded, emotionally disturbed or just older than the bouncing baby many people initially desire. Most of all, I believe it will help to provide a secure and lasting family relationship for children who otherwise would spend their pre-adult years in institutions and foster homes.

The District of Columbia City Council wholeheartedly supports this legislation.

STATEMENT OF DR. HENRY S. ROBINSON, MEMBER, DISTRICT OF COLUMBIA CITY COUNCIL

Dr. ROBINSON. Thank you, Mr. Chairman, Mr. Gude.

I would like to say at the start that the District of Columbia City Council voted unanimously in support of H.R. 7259 on Monday morning.

Mr. MAZZOLI. Of this week?

Dr. ROBINSON. Of this week.

We got the bill before us that morning. That was the first time all of us had a chance to see it.

COUNCIL RECOMMENDATIONS

The District of Columbia City Council first recommended a program which would provide adoption subsidy payments for children with special needs in its fiscal 1972 budget report, but action on this recommendation was deferred because of lack of legal authority on the part of the District to implement such a program. Since that time, the need for such a program has grown. The effect of this legislation, if enacted, would be to provide a permanent family relationship for children who otherwise might be shunted from foster home to foster home, institution to institution never being able to feel that they belonged to anyone or anybody or to our society.

This legislation would also enable many solid, outgoing people the opportunity to become parents, people who because of their income level or because of the extraordinary needs of the child would not be considered, people who by choice are willing to take on the enormous responsibility of parenthood and particularly children who have special needs.

ADOPTION SUBSIDIES

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help. We are talking about children with developmental disabilities, children with medical needs that cannot be sustained without the help of Government, as well as older children who have lived with foster families for years and should not be moved but need the protection of adoption.

Other favorable aspects of the bill are: The provisions which allow other persons, public agencies, and child-placing agencies to recommend to the Mayor an adoption subsidy with the safeguard that subsidy is not mandatory and not retroactive following adoption; the periodic review of subsidy payments; the evaluation reporting system; the provision which empowers the Mayor to assist families eligible for subsidy to obtain appropriate legal assistance; the requirement for the dissemination of information to adoptive families as to available children and the existence of aid; and the requirement that the court shall give consideration to possible adoption subsidy in determining whether the petitioner will be able to give the prospective adoptee a proper home and education.

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The District of Columbia City Council wholeheartedly supports this legislation.

COSTS

Now, sir, gentlemen, as to the cost, we have been told that it may not cost any more in the subsidized program, but as I think that Mr. Yeldell will bring out in his talk, it is very important in the beginning years, that if it does cost more, that authorization for appropriations be allowed in the bill because as you gentlemen know better than I do, any bill that does not have authorization for money is no good bill at all.

Now, looking down the long road, the good of an adoptive program is this. Since I have been on the Council for four years I have visited Lorton, I have visited Laurel, and I have found out that a lot of the inmates of Laurel and Lorton and even the D.C. Jail are graduates, so to speak, of foster homes. We have found very few of the inmates there that have been in loving adoptive homes.

So what happens to keep a person in Lorton or a penal institution, as you know, for 15 or 20 years, costs the District Government anywhere from \$10,000 to \$12,000 a year. But if we put this money in the early years into adoption, it may cost a little more at the beginning, but we have found out, as we have said, very few children that have gone into the penal system that are products of adoptive homes which means, what, at the age of 18 when they leave this adoptive home, the majority of them are good, law-abiding citizens. Then the community does not have to take up that money for 10 or 20 years to keep them in a penal institution.

Thank you very much.

Mr. MAZZOLI. Thank you very much, Mr. Robinson.

Mr. Yeldell.

Your prepared statement will be accepted in the record at this point.

[The prepared statement of Mr. Yeldell follows:]

PREPARED STATEMENT OF JOSEPH P. YELDELL, DIRECTOR, DEPARTMENT OF
HUMAN RESOURCES

Mr. Chairman, we are gratified to have been invited to give testimony regarding the proposed legislation to establish a program of subsidized adoption in the District of Columbia.

The Department of Human Resources supports the efforts of Congress to bring this program to the Nation's Capitol. We have had our own concerns regarding the need for a subsidy for several years, and we are reassured by this present development in the legislative sector.

We have read with interest the details of the bill and are impressed by the clear expression of the lofty purpose of helping children find a permanent home. It has been our concern in the department that the city must have a way of uniting those children who are adoptable with those prospective adoptors who would welcome them in their homes if it were not for the financial demands.

With almost half of the states having established this program, the trend of the future is clear. The arrival of subsidized adoption in the nation's capital is overdue already. It seems altogether fitting that we have promise now of being able to express our city's advocacy for children in the form of this humane program which offers such exciting possibilities for strengthening the lives of young people.

We can take heart from the reported success and satisfaction of the program throughout the nation. Our research indicates a favorable picture overall. We have compared the proposed legislation with what exists elsewhere, and are impressed with what the District of Columbia may have for its program, should the bill be enacted into law.

It has at least these advantages:

1. There will be an immediate "human" savings, more so than monetary, because children who might linger for years in a foster care situation can grow up in their own homes with a family.
2. Adopted children accrue all of the natural and legal rights of a family member, such as veterans' benefits, social security benefits, and inheritance, which are not obtainable by children in foster care.
3. The children can be embraced in the general ability of a natural family to handle most of its own emergencies, rather than having to be dealt with as "wards" as is the case when foster parents must call on the agency for help when there is an upheaval of some sort.
4. The whole human growth and development process is enhanced when a child can mature in the general stability of adoption, rather than being jostled about in the various changes of foster placement. Many foster placements have failed, but our records show only one breakdown of an adoption in the past five years.
5. Families who have yearned for the opportunity to adopt and provide a home for a youngster, but who could not do so because of financial inability, could now realize their ambitions to help.

There is a potential disadvantage with which we are concerned, should it be the assumption of the legislation that we can finance subsidized adoption merely by shifting appropriated money from board and care to the new program. If this program is to get off to a good start, it must be funded adequately and not be caught up in the struggle of trying to reprogram resources which are already insufficient. Subsidized adoption in the District of Columbia must stand on its own financially. The city should be assured of financial support necessary to extend this new service without having to begin with an initial handicap of funding problems.

Consideration of a subsidized adoption bill is especially timely at this moment. With the full support of Mayor Washington, in early June I established a special task force to develop a comprehensive child care program. Preliminary briefings on the work of the task force to date reflect definite plans for the use of subsidized adoption in dealing with the overall child care problem in the District of Columbia.

We would hope that the basic intent of the legislation is promptly translated into law.

STATEMENT OF JOSEPH P. YELDELL, DIRECTOR, DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN RESOURCES

Mr. YELDELL. Without reading the statement, I would like to say certainly on behalf of the Mayor and certainly for myself we support the bill that is before us, H.R. 7259. We feel that it is long overdue in the District of Columbia. Following the statement by Congressman Gude that it has been in effect in about 24 States now, our research shows that the success has been very good.

We feel that there is no reason in the world not to proceed with such a bill. We feel that the enactment of this bill will certainly enhance the work that is underway now, a comprehensive child care program. In fact, it is a most important cog in that program. I would like to reiterate that the fact that Dr. Robinson just brought out about the cost factor. I want to preface this with the remark that this is not to say that I would not be in favor of moving a subsidized adoption bill, irrespective of where we end up on this issue of money, but I do want to make it very clear that in many cases these kinds of programs are brought upon us without a consideration of adequate resources.

I think as you will hear later from Mrs. Grayson, who is head of the Foster Parents Association, one of the main problems they are facing in trying to deal with the placement of foster children is keeping up with the cost of living, and I think in many cases this is the kind of problem that faces us.

As you know, we have just come back before the Congress now trying to raise the payments to persons on welfare, AFDC children specifically, from 80 to 90 percent, but not at today's cost of living standard, 1970's cost of living standard.

I think that as I have looked at this and my staff has looked at this, we believe as this program gets underway and gets into place, that there is a tradeoff that would result in positive gain once subsidized adoption is placed. We are saying that there should be a savings of placement in subsidized adoption versus placement in subsidized care. Over the long run we should net it out, and net it out with substantial savings.

I would not want to see the program hindered in the outset by failure to recognize that legal fees and other factors that would be involved that we do not have sufficient money to get this started.

As I understand it, in the process of subsidized adoption, a family moving to adopt, even under a subsidized basis, would still have the problems of moving through the courts, and they should not be expected to face the legal fees so associated with such an action.

I would say without reservation, we do support it, and I would like to say further to Congressman Gude that as in California we would want to continue services to these children, irrespective of the fact that they now have been adopted, with a subsidy.

Mr. MAZZOLI. Thank you very much, Mr. Yeldell.

Mrs. Gentile?

STATEMENT OF MRS. BETH-ANN GENTILE, ASSISTANT CORPORATION COUNSEL OF THE DISTRICT OF COLUMBIA

Mrs. GENTILE. I do not have a separate statement, but I would like to express the support of the Corporation Counsel for this bill, and point out the bill would supply what we concluded was the necessary statutory language to authorize the Commissioner to enter into a subsidized adoptive program.

We have felt it necessary that there be specific statutory authority authorizing such a program to residents of the District of Columbia entering what is, in effect, a long term contract, and putting specific language into the adoption law. Judge Green has already mentioned that, so that when the court assesses the economic ability of the prospective adoptive parents, it takes into consideration the fact that a tentative adoption subsidy agreement has been entered into which would supply the necessary financial resources.

Mr. MAZZOLI. To the best of your knowledge, at this point, the way this bill is worded would satisfy what the Corporation Counsel feels is necessary in order to give the authority to the Mayor-Commissioner to involve the District in a long-term contract, which is the way you characterize this kind of arrangement.

Mrs. GENTILE. Yes. It is one of the possibilities. The bill does not require that each subsidy agreement be on a long-term basis, but that is one of the alternatives.

Mr. MAZZOLI. Thank you very much.

Perhaps if we could start in the same order where we began with the statements, therefore, with Judge Green.

GUARDIAN AD LITEM

Judge, is there a guardian ad litem in the present adoption proceedings in the superior court?

Judge GREEN. No. The adoption proceedings say—Mr. Yeldell spoke to the lawyer processing that. I referred briefly to it in my statement that only attorneys represent the prospective adopters and petition the court, or they can proceed on their own. As far as a guardian ad litem, someone to protect the interests of the child, that is really the court. The court is always there in that circumstance to protect the interests of the child. In addition, of course, we have the benefit of these detailed reports and recommendations made by the social workers. They have actually gone in the homes, done this investigation, made their spot interviews, checked the references, and we get the totality of information.

In direct response to your question: "No".

Mr. MAZZOLI. Are you satisfied, Judge, in your years of experience in family court, that there is no need for a guardian ad litem, that that would be an additional tool for the court?

Judge GREEN. I do not feel it is necessary the way we are presently structured, sir. In any case, the court has the inherent power to appoint a guardian, to make an additional investigation, but really in most instances, it would be a duplicative effort, and we are calling upon our lawyers. Usually the guardians would be the lawyers. We are calling upon our lawyers to give so many other services without benefit of compensation, this would be an added situation.

Of first concern, naturally, is the child and the best interests of the child. If the court ever has any doubt—and this is occasional, but it is rare—if any doubt ever comes to the court, as I said before, we will hold a full hearing. Everyone comes before it, and then the court can address itself to these people. The people are entitled to have counsel if they wish, or we appoint counsel in certain instances to represent people in a contested case.

Mr. MAZZOLI. My recollection of the years I practiced and was involved in a few adoptions, they went through pro forma really, both when I represented the parents and when I was guardian ad litem.

I wonder, if there is a need, for instance, to apply an extra safeguard where we are dealing specifically with the hard-to-place child; those that have disabilities, either physical or mental, or those that have disturbances that have arisen from a less than ideal family situation; if you think that would alter the need of the present procedures.

Judge GREEN. I do not think so, Mr. Chairman. I believe that we would have to have a more detailed statement from the social worker, from the references, and certainly an acknowledgement that the prospective adopters are aware of health problems, are aware of the potentialities of problems that might occur in the future, such as the child that has a heart condition that might only be corrected several years hence; and yet the parents have to take care of the child in a very particular way for those years and need special moneys for that purpose.

FINANCING CHILD DISABILITIES

Mr. MAZZOLI. That is an interesting point because a lot of what we are talking about in the way of disabilities are not going to come immediately into effect for many years. If you have an orthodontal problem or some kind of health problem or some kind of an operation to correct a defect that cannot take place except under doctor's orders many years from now, you have that additional problem for the court.

Judge, if I might, section 16-309(b)(1) of the D.C. Code, I will describe it. I am told that that requires the prospective adoptee, which would be the child, to be physically, mentally, and otherwise suitable for adoption by the petitioner.

Would you have any concern about the need to retain this language, change this language in view of the kind of child we are now talking about, would be one who is by definition physically impaired or mentally impaired or somehow disturbed.

Do you think that there would be any conflict?

Judge GREEN. In this instance, I had better speak only for myself and not for my fellow judges who are all independent as far as application of the statute. I would have no problem with it. I would feel, again, with emphasis that if the prospective parents knew about the conditions as much as we can tell at the time that we are planning to give completion to the adoption, and if there was sufficient financial resources which this bill would provide if they did not have it on their own, I feel that there would be no problem. They would be physically and emotionally appropriate for adoption because all factors would be known.

Mr. MAZZOLI. Mrs. Gentile, would you concur with that or do you feel that Corporation Counsel would be able to make that statement about that?

Mr. GENTILE. I would concur with what Judge Green said. I think the bill itself—I am referring to page 6, subsection (e)—that the bill authorizing for inclusion in the subsidy agreement expenses incidental to medical, dental, surgical expenses, psychiatric, the whole health gamut, would supply the necessary authority on the part of the Commissioner, which the Corporation Counsel would like to see. I think this would assure that the parents would have adequate funds and as provided in the bill, if for some reason the health problem is corrected or ceases, then the subsidy payment could be reduced at a later date if that payment is no longer necessary, but only until the health problem is corrected.

HANDICAPPED PARENTS

Mr. MAZZOLI. Judge, would you believe that there would be any impediment for a handicapped parent who would wish to adopt?

We understand that there is a difficulty even with some of the parents. The bill itself deals with handicapped children.

Would you believe that there would be any difficulty in the language in the D.C. Code or in any changes that we would make to it with respect to the subsidized adoptions?

Judge GREEN. Let me say only I hope not, because I have already put through several adoptions involving handicapped parents. It depends on the degree of the handicap. It depends on the mobility of the individual. It depends on the needs of the child.

We have often situations, sir, where a child has lived in the family home for years without benefit of formalized adoption, and the prospective adopting parents have been able, nevertheless, to nurture the child, in spite of whatever physical handicap that that particular parent might have.

If we come to an emotional or mental handicap, that is a different situation. You have to be more guarded. A physical handicap, in most instances, we are able to make enough adjustments to still satisfy the requirements of adoption and still find that this is in the best interests of the child.

As you know, even going one step beyond that, we are sometimes giving to a single individual adoption, and some people might construe that as a handicap. Some people might construe it as an advantage. We have broadened our outlines considerably in the past few years, and I think very hopefully so, to say that it is not always an

ideal situation into which to put a child, but then again, a child is not always born into an ideal situation.

Mr. MAZZOLI. That is very true.

Judge, would you feel that there is any problem with respect to this kind of law that would set up, if you will, a special category wherein an adoptive parent and an adopted child are treated differently than a natural parent and a natural child?

SUBSIDY PAYMENTS

I say it to this extent. A child who is placed under this law, were it to be adopted, if it were to be enacted, would be entitled to a subsidy, and adoptive parent as well. In a similar, natural situation, the child would not be entitled to any money, nor the parents.

Would you feel that there would be any difficulty there, any discrimination that this law would provide that would be troublesome in the future?

Judge GREEN. I cannot visualize that, Mr. Mazzoli. I really cannot. We make exceptions already just by our regular adoption procedures. We make detailed investigations of backgrounds of parents, prospective parents. We make detailed investigations of the child. We make detailed investigation of the child's natural parents. We are already making some differentiation because we want to give this protection to the child.

At the moment, I would certainly—not having studied it in any great depth—cannot see where there would be any loud clamor of discrimination.

Mr. MAZZOLI. I possibly envision somebody challenging if not legally, at least from the standpoint on the Floor. The idea is what you are doing is making a classification here, and you are treating these children differently in a superior sense to treating other children, and you are giving this child a number of dollars, or the people who adopt him so may dollars a month, a year.

Why not do the same thing for another child who is handicapped or retarded or has a physical or a mental problem, but who was naturally born to a family?

Judge GREEN. It does not problem me. I hope it would not problem most people.

Mr. MAZZOLI. The gentleman from Maryland.

Mr. GUDE. I think our answer would be that the natural child already has an advantage over the institutionalized child in that he is born in a natural setting. Therefore he does have an advantage, so we are compensating for this.

WADDY DECREE

Mr. MAZZOLI. Mr. Yeldell?

Mr. YELDELL. It would seem to me, gentlemen, that this is the particular point that has been addressed in what now has become known as the *Waddy* decree, in the sense that any child in the city is entitled to all the services, irrespective of their particular handicap, and quite frankly, irrespective of the family income, particularly as it relates to education. If you take the education and carry it forward, I think

you will come to the services incidental to the educational base. If the city were doing what it should be doing anyway, there would be no disparity between that naturalized child and the adopted child on the subsidy setting.

Mr. MAZZOLI. Would you, Mr. Yeldell, feel that there would be any problem with such a bill were it enacted without an extension of the Waddy decree?

Mr. YELDELL. I do not. I come out the say way as the judge. I would have no problem whatsoever in seeing the child in a subsidy setting receiving all of the services which I think is coming out from where Congressman Gude came before, incidental to leading a balanced and well-meaning life, even if the child is severely handicapped. This would be a factor.

If I could pursue it further, what we are hoping will happen—now, I do not know whether it requires language in this bill or not. There are two factors here. One is that the amount paid as a subsidiary not be considered as income to the family either for income tax purposes or more specifically, under Title XIX, the Social Security Act, so that the child would remain eligible for medicaid, which would again address many of the health related problems; indeed, may well not upset the balance in the family itself, because if the family itself were entitled to medicaid, if by the addition of the adopted child, the amount paid for subsidy of that child were considered as income, it could well remove the entire family from the medicaid setting. So we would be concerned, as we deal with all of this, in this kind of setting; so that in effect what we are basically saying is, the subsidy is paid to support the child and should not be considered as income to the family and therefore, the child remains consistently eligible for medicaid as if it were a foster child.

Mr. MAZZOLI. What you are saying, too, you must keep an inducement there for a parent, or for two parents, to even become interested in the hard to place child. If you were to remove the inducement, the financial inducement, the financial benefits that flow from it, for instance, by including it, calling it income and disabling them from medicaid, this might defeat the purpose of the program.

Mr. YELDELL. It definitely would.

The whole factor of considering subsidized adoption, there is a family here that is prepared to adopt a child, except it cannot financially afford it. If we bring in dollars in a gross sense which, when netted out, becomes far less, and indeed could be far more expensive to the family, for instance, if they were then removed from the medicaid rolls; you have actually added a burden to the family far in excess of the amount received from the subsidy.

Mr. MAZZOLI. Dr. Robinson, you a moment ago seemed to indicate that you had something to say.

Dr. ROBINSON. On the point that you made, Mr. Chairman, about the natural child in the family who may be handicapped, I believe, in the *Waddy* decision, but what Judge Waddy has told the city to go get \$40 million; where are we going to get that from?

That child who is a natural child, if we had the money, as Mr. Yeldell said, they would be getting the same services through Human Resources or other areas of this Department; but in case we do not have

that flow, I am looking on the side of the legislative side of the Council now, in order to be with his ruling, we have got to get \$40 million, some for these school children, the handicapped and whatnot.

So I think something should be done in the appropriations so revenue sharing, some of that went by the board, and this adoptive child, it seems to me, if the law is passed, he will be taken care of as far as these special things.

But what would you say is with the natural child who had that handicap?

I think it would have to be worked, the *Waddy* decision along with this.

PARENTAL RELINQUISHMENT

Mr. MAZZOLI. Judge Green, as I read this bill, there would be a relinquishment of the parental rights to the Commissioner, and at the point of adoption, to the new parents, to the adoptive parents. It would be like a two-step proposition.

Would you envision any difficulty with that? Do you think it could be constructed and drafted so that there could be a relinquishment from the adoptive agency to the adoptive parents; I guess, you would say placement agency to the parents rather than through the Commissioner?

Do you think there would be any benefit gained from that or would there be any problem in the system, as I think it is called for under the bill?

Judge GREEN. Actually, this is very much what happens right now. The natural parent—I will use it in the singular because usually it is a mother having a child out of wedlock, but not always—the natural parent or parents relinquishes already to our Commissioner. Then it goes via the Department of Human Resources. Then they relinquish the child to the prospective adopters at the time of the petition for adoption. That consent is filed with the court so that when we get the petition we also have the consent of the agency, whether it be the Commissioners or whether it be a private child placed in an agency.

Mr. MAZZOLI. If the agency has, after investigation, determined that Mr. and Mrs. Jones are the proper parents for this child, and they have made their investigations and so forth, and then there is a relinquishment from the agency to the Commissioner in behalf of a subsequent adoption to Mr. and Mrs. Jones, but at some point the Commissioner decides that he does not want to—or through Mr. Yeldell—to recommend this adoption, but in fact to Mr. and Mrs. Smith; would there be somehow a thwarting of the agency's original determination whereas if you had a direct relinquishment from the agency that made the investigations and submitted them to the court, to the prospective parents or adoptive parents, could that not insure that the agency's decision or the agency's recommendation at least bolstered by the search, is actually fulfilled.

Judge GREEN. No. Actually, the Commissioner gives his consent to the adoption of children who are wards of the District of Columbia, or in the situation where we have direct placements, an individual places with another individual; we must have a recommendation done, we also have to have the consents of the natural parents to the prospec-

tive adopting parents. The other consents come from the other individualized child placement agencies. They do not even go through the Commissioner. We get them coming from different areas. We have several licensed child placing agencies in the District of Columbia, Lutheran Services, Methodist Services, many of them religious services, Jewish Welfare and so forth, Family and Child Services, Catholic Charities, and the like.

We also have the Commissioners in the District of Columbia that take care of the wards of the District of Columbia, those so-called, I think, 2,700, Mr. Gude, children that you referred to that were dependent in the District of Columbia and who come under authorization of the District of Columbia. That is where it goes through the Commissioner.

ELIGIBILITY FOR SUBSIDY

Mr. MAZZOLI. As I understand this bill, this would apply to the broad universe of children, not to just those that are wards of the District of Columbia, but to those that come from private agencies as well.

It occurs to me that there might be some need, perhaps, of insuring that a private agency does not then have to place a child with the District of Columbia and then into the new home setting. Maybe I am seeing a problem that really practically would not exist.

Mr. YELDELL, do you have some thoughts on that?

Mr. YELDELL. I do not think a problem would exist in terms of the relinquishment rights. I am speaking as a layman. You lawyers may want to argue that.

My concern would be that the involvement of the Commissioner would occur at a time prior to the movement for a subsidy. If the agency were able to go directly through the process, bypassing the Commissioner, and a subsidy be ordered, I may well be in the position where the Commissioner has not been able to react to the impact, financial impact of that. I do not think that should affect the child at all, however. I do not see there is any point in passing a relinquishment to the Commissioner, but I think the Commissioner certainly has the opportunity to address himself to the subsidy itself.

Mr. MAZZOLI. He would do that at some point having custody of the child?

Mr. YELDELL. No; I do not think there is need for custody of the child. I do not see that at all.

Mrs. Gentile, I do not know, might want to respond.

Legally, as I look at it, as an administrator, I do not see a need for them to bring the child to me, and for me to determine whether there is a subsidy there; I would say, in light of our obligations on resources, if agencies could go and automatically move for a subsidy without any knowledge of the city until at such time the subsidy is ordered, we could technically be in a posture of having to come up with resources that are nonexistent.

CHILD CUSTODY

Mr. MAZZOLI. I do not think the committee would do that. The problem—I may be imagining a problem that would not exist once this thing gets underway—would be the situation where all the children

would then, at some point, if I read this bill correctly, would come under the custody, would have those rights relinquished on behalf of the Commissioner or the District of Columbia for later relinquishment at the time of the adoption procedure, if they are qualified for a subsidy or nonsubsidy situation. I guess you follow current projects, but whether subsidy is involved, if I read this thing right, at some point in time every such child would have to be a ward of the District of Columbia; and I say, if there could be language drafted, it would seem to be a much cleaner practice if the Commissioner through you, Mr. Yeldell, would have a full opportunity to make the investigation of whether or not a subsidy should be granted, to look in that data developed by the private agency, and make secondary judgments of your own; say, a yes or a no. But that, as you have already said, would not necessarily presuppose that you had custody of the child. As long as you had the facts and know what we are talking about, you could make your own judgment.

It is on that basis that the Commissioner would recommend yes or no on a subsidy, but I was saying that there would be no need to have legal custody, relinquishment of rights to the Commissioner, to make that judgment.

What do you think, Mrs. Gentile?

Mrs. GENTILE. I read the bill a little differently. I am referring to page 4, subsection (c). The first point I would like to make, subsection (c) provides that not only public agencies and licensed child-placement agencies be authorized to recommend to the Commissioner that a child be considered for the subsidy program, but also any person having a child with special needs in foster care. Presumably that would be the foster parent.

You are suggesting that the licensed child-placing agency keep custody of the child until such point as the adoption is going to go through. It would seem to me that to protect the rights that this bill intends to give to the foster parents who for some reason might not be dealing with a licensed child-placing agency, or perhaps the licensed child-placing agency may for some reason not recommend a certain foster parent for participation, but the foster parent would want to set forth his or her reasons for wanting to participate. The way I read the bill, these people and agencies would recommend to the Commissioner that such a child with special needs be considered.

The Commissioner would then enter into his determination-making phase. That is at the bottom of page 4. He shall determine first whether the appropriate adoptive home would exist, but in doing so, the Commissioner shall refer to the recommendations of the referring agency. So, built into the bill is a requirement that the Commissioner do give serious consideration to the recommendations of the licensed child-placing agency.

Only when the Commissioner concludes that the child referred is a child of special needs, and that the appropriate adoptive home exists for the child, the Commissioner is then authorized to enter into the tentative adoption subsidy program.

I thought at this point the relinquishment would enter into it.

Mr. MAZZOLI. The transfer relinquishment?

Mrs. GENTILE. They are not going to have a child from a private agency immediately thrust on the Commissioner and become a ward

of the District and have the child in limbo until the Commissioner decides one way or the other.

Mr. MAZZOLI. Even I had not thought that. I would assume that a much more equitable practice in this case. Just the fact that there would have to be a relinquishment to the Commissioner at some point prior to the subsidy-type adoption, apparently according to this law that would be required.

Mrs. GENTILE. That would be.

Mr. MAZZOLI. We assume that the child is not taken from one place and put in another, but just physically remains put, but technically there is a change of parental right and of custody at some point prior to the subsidy adoption. I do not know whether or not that would ever pose a problem for a special agency or private licensed child-placement agency. Obviously for the wards of the District of Columbia there is no problem. They are already wards of the Commissioner. Maybe that is the field that we are really talking about, really. I do not know.

Should it be as a practical matter, this is not a problem.

Would you expect that there would be any problem in drafting language, if we can, which would provide that if the parental rights have been relinquished on behalf of the licensed child care agency, that it could remain with that agency to the point of placement to the point of completing the subsidized adoption without having to go into the Commissioner, provided that the Commissioner had the fullest opportunity to investigate through Mr. Yeldell's people to find out whether or not a subsidy is required or possible here, whether the child would fit these definitions, and so forth.

That would then, you might say, avoid one middle step that seems to me could be of some concern and some confusion.

ADOPTION DISAPPROVED

Judge, I have one final question. I do not mean to be taking up too much time, but I do have one final question. That is, would you have any statistics as to the number of times an adoptive parent or set of parents is rejected from adoption because of financial problems?

Judge GREEN. No. I think, it would be hard to come by, Mr. Mazzoli. Again, the court comes in at the outer spectrum of the situation. When these adoptions are proposed to the court by the referring agencies, as far as finances are concerned, they are proposed to us affirmatively and not negatively. It would be rejected when they start to go to the adopting agency and say, I want a child, and they say, you cannot afford to have a child. We cannot place a child with you.

We made our own very brief investigation by telephone to find out if there were any agencies that have rejected any children. My staff tells me they just heard one or two that might have been rejected. I am emphasizing the word "might" because of economic reasons.

Mr. MAZZOLI. There could be rejections at the level of the referring agency.

Judge GREEN. I would suggest that there probably are, but those agencies could speak more adequately to it than I can.

Mr. MAZZOLI. Mr. Gude?

Mr. GUDE. Thank you, Mr. Chairman.

Judge Green, I was glad to hear Mr. Mazzoli inquire about the question of the handicapped couples looking—or one individual of a handicapped couple interested in adoption and the fact that this has not been a problem in the courts. There have been placements in situations such as this.

I was wondering, in case parents were turned down in a situation like this, prospective adoptive parents, is there any administrative remedy appeal, if they should be rejected?

Judge GREEN. From the Superior Court, if the Superior Court rejects the petition for adoption, he can go directly to the District of Columbia Court of Appeals, which is our appellate tribunal from the District Court of Appeals, if that good court should grant certiorari, it would go to the Supreme Court of the United States.

Certainly there is appellate review of whatever we do, yes sir.

SINGLE ADOPTING PERSONS

Mr. GUDE. Specifically, on page 4 of the bill, in line 10, under (b), it provides adoptive family includes single persons.

Is this a not uncommon practice?

We have had changing times and attitudes in regard to families.

Judge GREEN. It is still rather uncommon. Let me put it that way, Mr. Gude. We do not have that many applications from single individuals who wish to become adopting parents. When we do have them, normally, as I understand from my conferees, they also do approve them. I do by and large because these people very often have something even additional to offer the child. They are really quite unusual people. When they are single and when they wish to take a child into their home, they often have something extraordinary to offer.

I am thinking of a particular situation in which, of course, will remain nameless, where the individual was a woman who is very much embraced with psychological aspects. She had a psychological training center for other people. She had worked in the social field for many, many years of her life. She had worked with children. She had a fine home arrangement for the child that she wished to adopt. She had certainly economic resources that were sufficient. As far as she was concerned, she had many friends, male and female, that could give some substance to this child's life. She had relatives who were willing to come in and participate. She was willing to make provisions in her will in the event of her demise of who would be guardian for the child and so forth.

She had seriously considered this matter and thought it out perhaps even more so than two people who would be adopting.

Mr. GUDE. As far as the court is concerned, this provision that an adoptive family includes single persons is reality.

Judge GREEN. Yes; it is very much reality.

Mr. GUDE. Mr. Yeldell, you mentioned in your statement, that with the support of the Mayor you established a special task force to develop a comprehensive day care program. This included, part of it, a subsidized adoption plan.

I was wondering what the status of this review was. It does not relate directly to the legislation before us, but this adoptive program would be a subsidized adoption program, would be a part of it.

MR. YELDELL. Congressman Gude, the only reason subsidized adoption is not in place in the District at this point, it is the reason that Mrs. Gentile has mentioned, that upon inquiring of the corporation counsel whether we had the administrative authority to enter into such a program, the answer was "No" because we could not commit resources beyond a single fiscal year.

Understanding that both your bill had been introduced and the bill that has been introduced by Senator Birch Bayh, both calling for subsidized adoption, in our move to develop a comprehensive child care program, we logically included then subsidized adoptions as a part of that. That task force has been at work for about 7 weeks and probably has about another 2 to 3 weeks to run before it will come up with what it will then put together as the District's comprehensive child care program.

MR. GUDE. Thank you.

COSTS

You mentioned in regard to cost the question of authorization, and on page 6, at the bottom, line 24, we have provision where the Commissioner is authorized to make payments under this section, and so on, and also the provision which we discussed where such amounts may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child. You mentioned that there is the possibility of certain costs over and above the cost that the child would receive in institutionalized or foster care such as adoption, the legal fees.

Do you feel that there should be a provision in this bill to provide for those additional costs, keeping in mind that probably in the long run there is going to be this net savings?

MR. YELDELL. Congressman Gude, my concern is that subsidized adoption be allowed to get off the ground without being torpedoed by the lack of money. If you are really going to do the program and do it properly, the subsidy ought to reflect the cost of caring for the child on today's cost-of-living standards.

The board and care account for the District of Columbia is treacherous, to say the least, because we are not in the position to provide the kind of care we should now to these children already in foster care settings.

My concern is that if we are going to move with this thing, which I certainly hope we are, that there is a clear understanding of the fact that as we start this program, that there may be a need for resources outside of those available in the board and care account. As the program gets underway and stabilizes itself, there is no question in my mind that the subsidized adoption approach would be far less expensive than keeping the child in a foster care setting. I do not think you nor I nor the city would like to see not getting this program moving simply because we lack \$200,000 to \$300,000 that is required in its first year or so to get it going.

I do not know if it is \$200,000 or \$300,000 or what it might be. I would certainly like to see us have the opportunity to see the actual appropriation required should there be a requirement in excess of that which is already available.

Mr. GUDE. The Department might submit language or a proposal as to provide for such costs on substantiation.

Mr. MAZZOLI. I would certainly think it would help the committee, Mr. Yeddell.

[The information referred to follows:]

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D.C., July 26, 1973.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The District of Columbia Government has for report H.R. 7259, a bill "To amend the Act of March 16, 1926, (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes."

H.R. 7259 would amend Sections 11, 12 and 14 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia to determine its functions, and for other purposes", approved March 16, 1926, (D.C. Code, secs. 3-114, 3-115 and 3-117). The bill would amend Section 11 to provide that the Commissioner of the District of Columbia shall be authorized to: (1) make temporary provision for the care of children pending investigation of their status; (2) have the care and legal guardianship, including the power to consent to or arrange for adoption of children committed as wards of the District by courts of competent jurisdiction and children relinquished by their parents to the Commissioner or children relinquished by a licensed child-placing agency; (3) provide for the care and maintenance of such children in private homes, under contract including adoption subsidy, or in public or private institutions; and (4) provide care, welfare, and maintenance of retarded children.

The bill would amend Section 12 of the Act to provide that the Commissioner shall have the authority, in appropriate cases, to consent to adoption with subsidy for wards of the District of Columbia. Subsection (b) (1) would authorize the Commissioner to make adoption subsidy payments on behalf of a child who falls within the definition of a "child with special needs," when such a child would not be adopted otherwise by a qualified family due to lack of adequate financial resources. The bill would define a "child with special needs" as "any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together."

The amendment of subsection (c) of section 12 of the Act would provide that any person, public agency or licensed child-placing agency having a child with special needs in foster care or institutional care may recommend to the Commissioner that a child be determined eligible to receive a subsidy for purposes of adoption. The bill provides that the Commissioner shall determine whether the child referred is a "child with special needs" and if so whether an appropriate adoptive home exists for the child. Upon making those determinations the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive parents and to accept a transfer of relinquishment of parental rights from the referring agency, pursuant to D.C. Code sec. 32-786.

Subsection (d) would provide that if a child who is in the custody of the Commissioner or a licensed child-placing agency, has been in foster care or institutional care for at least six months after being considered legally free for adoption, then that family or institution would be informed of the possibility of subsidized adoption for the child. Subsection (e) would provide that the amount and duration of adoption subsidy payments may vary according to the special needs of the child, as determined by the Commissioner but may include in addition to maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and for other necessary care. The bill would authorize the Commissioner to continue to provide adoption subsidy payments if necessary, until the child reaches the age of eighteen, provided that the family continues to meet the conditions of the adoption subsidy agreement.

The amendment of subsection (f) of section 12 of the Act would provide that the Commissioner would be authorized to make payments for the care of children with special needs in foster homes and institutions from appropriations as well as

federal, private and public funding sources. Subsection (g) would provide that the Commissioner may periodically review the need for continuing each family's subsidy. Subsection (h) would require the Commissioner to maintain necessary records to evaluate the effectiveness of adoption subsidy and to make annual public reports on the number of children placed in adoptive homes, and number of children in foster care for six months or more. Subsection (i) would provide for publication of all rules and regulations adopted by the Commissioner as required by the D.C. Administrative Procedure Act.

The bill would amend section 14 of the Act to provide specifically that the Commissioner would have the authority, which the former Board of Public Welfare and the Department of Public Welfare, had to (1) accept for care, custody and guardianship dependent or neglected children under his control; (2) place all children accepted by him for care in private families either without expense or with reimbursement for cost of care; and (3) arrange or initiate court proceedings for the adoption, in appropriate cases, of children committed to his care.

Section 2 of the bill would amend the D.C. adoption law (Act of December 23, 1963, as amended; D.C. Code Sec. 16-307(b) (1) (D)) to provide that the court may take into account in determining whether or not to grant a petition for adoption the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition. The bill would also provide that the court give due consideration, in determining whether the petitioner will be able to give the prospective adoptee a proper home and education, to any assurances by the Commissioner that he will provide or contribute funds for maintenance or medical care under an adoption subsidy agreement.

The District Government welcomes the introduction of H.R. 7259 on behalf of children with special needs in the District of Columbia and on behalf of prospective adoptive parents who are in every way, except financially, capable of providing permanent family relationships for such a child. We are of the view that the bill would encompass the major provisions necessary to enable the District of Columbia to locate qualified adoptive homes for many children who might otherwise grow up in foster care.

We are convinced of the need of such legislation. The experience of other states indicates that there are two primary benefits which flow from a program of subsidized adoption: first, the opportunity to place children in adoptive homes by providing financial resources to prospective parents who other wise could not afford to consider adoption; second, the decrease in state child welfare expenditures which results from shifting from the state to the adoptive parents the cost of care and responsibility for the child. Our statistics show that approximately 150 children could be placed in adoptive homes in the first year if subsidies could be provided.

The District Government recommends several amendments to H.R. 7259. The word "feble-minded" on page 2, lines 23 and 24 of the bill, should be deleted as redundant.

For the purpose of clarity, lines 8 and 9 on page 2 should be amended to read:

"(A) children who may be committed as wards of the District of Columbia by courts of competent jurisdiction; and".

The bill would amend section 12(b) (2) (B) to provide that a single person be within the scope of the definition of "adoptive family." Accordingly we think it is unnecessary to include the further qualification, on page 4, lines 11 and 12, [who is] "able to meet the emotional needs of prospective adoptees." and recommend that this phrase be deleted.

In order to make it clear that the "person" referred to in subsection (c) on page 4 at line 16 is limited to a person "having a child with special needs in foster care or institutional care," we recommend that subsection (c) on page 4 be amended at lines 16 and 17 to read as follows:

"(c) Any public agency, licensed child-placing agency or person having a child with special needs in foster"

For purposes of consistency, we recommend the insertion of "or institution" after the word "family" on page 5, line 16.

The bill would also provide that a subsidy continue after a family has moved out of the District of Columbia. While the District Government fully appreciates the humanitarian rationale for continuing such payments, we also recognize the cost implications of our endorsement of legislation which would require

the District of Columbia to pay for children living in other jurisdictions. Accordingly, we recommend the bill be amended to provide that if the new state of residence provides subsidy payment to the adoptive parents then that portion of the subsidy payment which is a District appropriation shall be reduced accordingly. Such an amendment, inserted after the word "agreement" on line 22 of page 6 might read as follows:

"And *provided further*, that if, under the laws of the new State of residence of the family, the family qualifies for payment of an adoption subsidy from that State, then the adoption subsidy payment from the District shall be reduced by the amount of the payment from the new State." This amendment would not affect the total amount of the subsidy received by the adoptive parents.

We would call to the attention of the Committee the fact that the District Government would not want any family which is currently eligible for social service programs to become ineligible as a result of an adoption subsidy payment to the family. Accordingly, we recommend the bill be amended to provide that in no event will an adoption subsidy payment be considered as earned income for purposes of eligibility in various social service programs which make certain income levels a prerequisite for participation.

The District Government would question whether, in addition to all of the other criteria considered in child placement, religion should be singled out as the predominant criterion as the bill provides on pages 3, lines 7-9. We do not for a moment suggest that religion is not an important and relevant factor in making placements, but we do not think the criterion of religion should place an additional responsibility on the Commissioner to justify placing a child in an institution, foster home or adoptive family of a different religion. Placement of a child in a loving home should be the predominant criterion.

The District Government has estimated that the cost to institute a subsidized adoption program would be \$117,450 in the first year, \$197,383 in the second year, and \$166,456 in the third year. Based on our analysis, it would appear that some of the children who will be eligible for the adoption-subsidy program are the same children currently under foster care. Therefore, institution of the adoption-subsidy program can be funded at least in part in the manner authorized by Section 12(f). However, due to the newness of this program and the fact that we do not know how successful the program may be, the program will probably require additional funding. Therefore, the District recommends that section 12(f) be amended to provide additional budget authority. This could be accomplished by a provision to the effect that "There are hereby authorized the necessary appropriations to carry out the purposes of this Act."

Subject to the above comments, the District Government supports enactment of H.R. 7259.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Mr. YELDELL. I think in the communication from the Mayor to the chairman, that there is language insertion that would take care of the problem we are talking about.

Mr. MAZZOLI. Very good.

If not, we will be in touch with you.

CHILDREN ELIGIBLE

Mr. Yeldell, how many wards in the District of Columbia do you think would be in the category of those children amenable to this if this law were to be enacted?

Mr. YELDELL. If we could take the figure that somewhere between 2,500 and 2,700 children exist, our estimates on research of this that perhaps as much as 10 percent of that load might well be moving into the subsidized adoption area. If that seems surprisingly low to some people, it is not really because of the other factors that come to play on the remaining children in foster care.

We do believe somewhere between 200 to 300 would be those that would probably move into this in its initial stage.

TIME ELEMENT

Mr. MAZZOLI. Do you have any figures on what the normal timespan is from the beginning of the procedure to final placement of the average child, the average ward of the District?

Mr. YELDELL. Moving a ward from foster care into an adoption setting?

Mr. MAZZOLI. Yes.

Mr. YELDELL. No; I do not, but Ms. Wheeler is with me. Ms. Wheeler is head of our adoption unit. She could give you the timespan if you care to have it.

Mr. MAZZOLI. I think that would be helpful.

If 6 months elapsed, that automatically makes the child, the hard to place child as one that might qualify for the subsidy, I do not know whether or not time would be the best standard.

Mr. YELDELL. The 6 months is something we read a little differently here.

If the child has been certified for adoption and still has not been placed for a 6-month period of time, then the child would be automatically qualified under the terms of this legislation. In 95 percent of the cases that would probably be an adequate time.

Ms. Wheeler and other members of the staff have thought about asking that this be extended to maybe 10 months or even a year, but we believe that we could live with this, and basically we want to try to use that a goal anyway.

Mr. MAZZOLI. To make the record complete, when you say certified for adoption, what exactly does that mean?

Mr. YELDELL. As I understand it—and I think I had better let Mrs. Wheeler talk—as I understand it we are talking as the language of the bill is now here, we have gone through all the processes and have determined that this child is now eligible for adoption, which would include, I believe, relinquishment of parental rights, so that all of the administrative processes have taken place and the child is now certified for adoption. After 6 months, we have still not placed that child.

Mr. MAZZOLI. You mean place it in an adoptive home or foster home?

Mr. YELDELL. An adoptive home.

Therefore I would have no problems with the child at that point coming under the provisions of the subsidized adoption legislation even though some members of the staff think maybe 10 months or a year might be better. I would like to see us work with the 6-month provision.

In answer to your original questions, Ms. Wheeler tells me it takes 3 to 6 months to go through the process of preparing a child for adoption and actual placement.

Mr. MAZZOLI. Ms. Wheeler, if I might, you say 3 to 6 months from the time that you get a child to the time, it is then in an adoptive home, is that your average length of stay?

Ms. WHEELER. Yes, Mr. Chairman, depending on the age of the child. We are addressing ourselves mostly to the older age range. For the older child more time is needed to make that transition. If the child is not being adopted by the foster parents, that accounts for the time period, giving that child the time to settle into the family.

Mr. MAZZOLI. You would say, then, the 6-month period that the bill sets up as a determining factor as to whether or not a child is hard to place is a reasonable criterion to use?

Ms. WHEELER. As Mr. Yeldell said, we can live with that. We would like to have just a little leeway, but we could work well within the 6 months.

Mr. GUDE. In that regard, the placing of the child in the foster home still leaves him in a category available for adoption.

Is that right?

Ms. WHEELER. Yes; it does, Mr. Gude.

Mr. GUDE. A child that you receive and has gone through the proceedings to find him eligible for adoption and then, say, he goes into a foster home 2 months later. Then at the end of the 6-month period he would still come up as eligible for subsidized adoption, even though he were in a foster home.

Ms. WHEELER. Yes.

Mr. YELDELL. Congressman Gude, I would say that you would probably find that many of your foster parents would then move to adopt the child because many of these foster parents have been with us for years. I know we had a recent meeting, and there were four ladies in the room whose service totals over 100 years because they stay with the program consistently. That is why I would like to underscore the requirement that we actually have sufficient funds to really make subsidized adoption work so that it does not adversely impact on the family standing, income standing, so that the foster parent could move to subsidized adoption feeling free that this is going to work, knowing that the services will still be brought to bear, and that the actual amount of moneys being paid will meet the situation and be reviewed on a yearly basis.

You see, if you look at the situation even now, we pay a food rate to the foster parent, and that food rate is so far out of line now with the actual problems that we are having in the cost of food, that it is almost ridiculous to assume that a foster parent could support a child with that amount of money.

Now, subsidized adoptions should not fall into that kind of category because if the parent is going to make a commitment to bring this child up actually as a part of his family, then the subsidy that we pay should clearly meet the cost that that parent would incur in terms of having that child as a member of the family.

Mr. GUDE. This legislation would mesh in perfectly with your present foster home program where you have foster home situations where you could easily foresee the child moving and becoming an adopted child.

Mr. YELDELL. I think it would meet with great success in the District; yes.

SUBSIDY PAYMENTS AND MEDICAID

Mr. MAZZOLI. Mr. Yeldell, let me ask you, you mentioned earlier that real problems might occur where a family, a foster home per-

haps, when, upon deciding to adopt a child, found with the addition of the subsidy that they would lose other benefits you mentioned, particularly medicaid.

Do you think that there is any possibility that we could allow a child to remain eligible for medicaid and maybe disallow the inclusion of the money which is given by way of subsidy as income so that the adoptive family, for instance, is then not all of a sudden set above the line which presently permits them to obtain some kind of welfare, public assistance grant.

Mr. YELDELL. I think it would be most important, Congressman. I think you could do it. I think in the State of New York IRS has ruled that the amount paid for subsidy is not to be considered income for tax purposes so long as the subsidy equals the cost of support of the child.

I would propose that it would be clearly stated here that it would not be included as income for tax purposes, would not be included for income under the purposes of title XIX of the Social Security Act.

Mr. MAZZOLI. We are probably invading another jurisdiction. I guess, Ways and Means would really have the responsibility as far as taxation and medicaid.

Dr. ROBINSON. Mr. Chairman?

Mr. MAZZOLI. Mr. Robinson?

Dr. ROBINSON. How would you take care of this case, where a child has had a medicaid card, but he goes into an adoptive family whose income is up there?

Mr. MAZZOLI. That is a second situation.

Dr. ROBINSON. Congress would have to pass that.

Mr. MAZZOLI. That is exactly the reverse of what we are talking about here. That is a distinct possibility where the child then loses medicaid card because he goes into a family that is above the line. It would seem—

Mr. YELDELL. My position is that if it were a subsidized adoption setting, the child should not lose any of the supportive services.

Mr. MAZZOLI. If they qualify, for instance, for medicaid card, the card should stay with him or her regardless of the situation.

Mr. YELDELL. That is right.

NON-RESIDENT WARDS

Mr. MAZZOLI. Some of the District wards, I understand, are not within the District itself but are outside in Maryland and Virginia.

Would there be any problem in your understanding, Mr. Yeldell, with our providing subsidies for those adoptions, even though they happen not to be those children that live within the boundaries of the District of Columbia?

Mr. YELDELL. I would have no problem with that at all, Mr. Chairman. I would say that there is a savings clause that has been inserted in the communication to you from the Commissioner that probably states that if we are paying a subsidy to a child whose now adoptive parents are living outside the District of Columbia, and if they were to apply in the State of residence they would receive a subsidy, that the amount of that subsidy would be reduced from the District subsidy. I think, that is a savings case, but, I can imagine, cases where we are already paying the subsidy, a person would apply.

Mr. MAZZOLI. As far as administration, you do not envision any problem?

Mr. YELDELL. I do not see any problem.

Mr. MAZZOLI. Following the children, keeping in touch with them.

I would imagine you would make periodic investigations anyway to determine the income status.

Mr. YELDELL. That would be a requirement. I would not want to see a parent feel that they were restricted to geographic location for the District of Columbia for the remainder of the period that he has that child, if he is to continue to receive a subsidy.

Mr. MAZZOLI. I have no further questions. There may be some other questions that we will submit in writing. I would say—we were talking in terms of some 2,700 children that may well be at this point wards of the District of Columbia, of which you say roughly 10 percent—it would be 300—would be those to place children, those that would fit into that category.

What we are still talking about is a very intensive need for foster care and foster homes. We really are not eliminating that by any means, are we?

Mr. YELDELL. Not by any means.

I think in terms of this, the movement of this will enable us to strengthen the foster home program.

Mr. MAZZOLI. Thank you.

Judge Green?

Judge GREEN. May I say one thing?

I would hope that everyone would agree with me that there is some degree of urgency as to the implementation of a program like this. Obviously the older a child gets, the more difficult it is for a child to make a transition into any home life. He becomes wedded to certain ways of living, as do the older people. It is harder and harder the more time is passed. The older the child is, they have to acclimate in an emotional sense to a family and have tight roots there.

The more rapid it could be to place the child in the home, the happier everybody would be.

Mr. YELDELL. I certainly echo that sentiment.

Mr. MAZZOLI. Dr. Robinson?

Dr. ROBINSON. I agree with everything my conferees said.

Mr. MAZZOLI. Thank you very much.

We appreciate it.

The second panel we will have this morning would be Ms. Ursula Gallagher, Specialist on Adoptions, Children's Bureau, Department of Health, Education, and Welfare; Miss Vivian Hargrave, Miss Elaine Schwartz, and Ms. Jeanine Smith, representing the Illinois Department of Children and Family Services.

For purposes of identification, maybe we go to my left and go down the table and introduce ourselves. Then after your statement we can talk.

Miss HARGRAVE. I am Vivian Hargrave, Department of Children and Family Services.

Miss GALLAGHER. Ursula Gallagher. I am from the Children's Bureau, Office of Child Development, Department of Health, Education, and Welfare. I will be testifying as a private individual.

Miss SCHWARTZ. Elaine Schwartz, Illinois Department of Children and Family Services. I am testifying for Illinois.

Ms. SMITH. I am Ms. Jeanine Smith from the Illinois Department of Children and Family Services.

Mr. MAZZOLI. Without standing on protocol, Miss Gallagher, you are with HEW. The three of you are with Illinois. Maybe we could start with you testifying today as a private individual, and then to the ladies with the State of Illinois.

Miss Gallagher, your prepared statement will be accepted in the record at this point.

[The prepared statement of Miss Gallagher follows:]

PREPARED STATEMENT OF URSULA M. GALLAGHER

Mr. Chairman, my name is Ursula M. Gallagher. While I am Specialist on Adoptions and Services to Unmarried Parents, in the Children's Bureau, Office of Child Development, Department of Health, Education, and Welfare, I am testifying today in a private capacity and the views that I will express do not necessarily represent the views of the Office of Child Development or of the Department of Health, Education, and Welfare.

Already, 26 States¹ have passed subsidized adoption legislation to enable the adoption of certain children for whom there are not adoptive homes otherwise. Additional States are considering such legislation.

Many people wish to adopt babies or problem-free children, but fewer people are interested in adopting children with special needs—that is, children who are older, physically or emotionally handicapped, or minority races, and family groups of children. Subsidized adoption enables some of these children to be adopted who otherwise would have been denied families of their own. Also, there are other children in foster homes who would and should be adopted by foster parents except that the foster parents cannot afford the added expense if the foster care payment stops.

A prearranged plan for providing subsidy following adoption is a means of ensuring adoption for some of these children. Subsidized adoption, however, does not take the place of adoption without subsidy, but does provide for an additional reservoir of approved adoptive families that will offer security to children who need a permanent home. In addition, it enables certain foster parents to adopt when they have both the interest and qualifications necessary to become adoptive parents but are unable to assume full financial responsibility for a larger family. Subsidy should be made available for suitable families only if extended efforts to recruit a sufficient number of homes for the children needing adoption have been unsuccessful.

There are a number of children in foster care for whom a return to their biological parents is impossible, even after efforts have been made to help them reassume responsibility for their children. Thus, children for whom subsidized adoption is considered should be those who are legally free through judicial termination of parental rights and responsibilities or through relinquishment to a licensed or authorized social agency.

Subsidized adoption should be available only when there is a special need and then in order to enable a qualified family to adopt a child. Such a family may be without sufficient income to assume either support for a child until he reaches his majority or an income sufficient to care for legal, medical, psychological, educational, or other special needs. Subsidies to cover such needs may fall into three categories: Special services subsidies, time-limited subsidies, and long-term subsidies.

Special services subsidies can be for the child or family. Examples are court costs, attorney fees, or payment of medical expenses for the adopted child for needed operations such as cleft palate, heart surgery, or skin grafting for burns. Subsidy agreements should provide for necessary costs for treatment of specific medical problems existing prior to the adoption, unless there are other resources in the community which can offer the same treatment.

¹ California, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Vermont, and Washington.

A time-limited subsidy would provide an amount of money for a specified limited time, to help a family integrate into their budget the expenses for the care of the new child. In the case of adoption by foster parents the subsidy will help in the transition between receiving foster care payments and adjusting to the discontinuation of such payments.

A long-term subsidy may be provided when a family has a limited, fixed income that is insufficient to provide for total care of an additional child over the years.

The majority of prospective adoptive parents who might need a subsidy in order to adopt a child are already foster parents. Prearranged subsidy after adoption should not exceed the amount of the foster care reimbursement. When an adoptive family has received subsidy and later should move from the State or jurisdiction providing subsidy, such subsidy should be continued and the original agreement remain in force.

It would be important for the agency to know the financial circumstances of the foster parents in order jointly to determine the need for subsidy and the type and amount required. There should be no definite maximum income of the family to establish eligibility for a subsidy for a given child, but rather it should be determined on an individual basis. It should not be necessary for the family to change its standard of living in order to add to their family by adoption. One must keep in mind that the reason for considering an adoption subsidy is to enable a child to be adopted.

While voluntary agencies have occasionally subsidized adoptive parents from their own budgets, the concept of public funds for subsidized adoption is relatively new. The first legislation² was passed only 5½ years ago. It is important, therefore, that the public understand subsidized adoption as a way of enabling additional children with special needs to be adopted. For implementation of any subsidized legislation or guidelines, it is also necessary that each State develop in-services training programs for staffs of social agencies.

Attainment of adoption for children of special needs—made possible through provision of subsidy—provides social benefits that cannot be measured in terms of financial costs. A program of subsidized adoptions could, in the long run, represent a considerable saving in community money now being expended in efforts to repair the damage children sustain when deprived of permanent family ties.³ In addition to such benefits to the child and the community, a subsidized adoption program can result in savings to taxpayers. Foster care payments are terminated in special-service or time-limited situations, and administrative costs are reduced. Examples of economic benefits of subsidized adoption programs follow:

In New York State, subsidized adoption for 302 children adopted between September 1, 1968 and June 30, 1970 represented a potential reduction in public expenditures of \$2,500,000.⁴

The second annual report to the California legislature in July 1970 by the Department of Social Welfare indicates an estimated savings of over \$4 million as a result of subsidized adoption for 424 children who would otherwise be in long-term foster care.

In an April 1, 1970 report to the Illinois General Assembly, the Director of the Department of Children and Family Services stated that an examination of 45 subsidized adoptions showed a conservative projection of anticipated savings to the State of over \$292,000 in boarding care alone.

A number of the 26 States passed subsidized adoption only recently and some are in the process of implementation. Some have included provisions that are restrictive, thereby limiting their potential to include children who should be adopted. However, all the States see the passage of such legislation as advantageous to certain children while at the same time representing savings in dollars.

In the District of Columbia there are children who, without the prospect of subsidized adoption and constructive implementation, would grow up without the permanent stability and security of belonging to a family legally and psychologically.

In closing, I would like to quote from a publication of the Child Care Association of Illinois:⁵

² New York State, September 1, 1968.

³ Subsidized Adoption: A Call To Action. Child Care Association of Illinois, 2101 West Lawrence Avenue, Springfield, Illinois, 62704. 60¢. 1968.

⁴ Speech, September 1, 1970, by Peter J. Kasius, New York State Department of Social Services.

⁵ Subsidized Adoption: A Call To Action. Child Care Association of Illinois, 2101 West Lawrence Avenue, Springfield, Illinois, 62704. 60¢. 1968.

"We believe . . . that a child who is legally free for adoption has a right to have adoptive parents who will provide a home in which he can enjoy parental love, security, and an opportunity to develop mentally, educationally, and physically. He should not be deprived because of lack of economic resources in his own right or on the part of potential adoptive parents otherwise qualified to be good parents to him and eager to have him as their legally adopted child."

**STATEMENT OF URSULA M. GALLAGHER, SPECIALIST ON ADOPTION,
CHILDREN'S BUREAU, DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE**

Miss GALLAGHER. Already 26 States have passed subsidized adoption legislation to enable the adoption of certain children for whom there are not adoptive homes otherwise. Additional States are considering such legislation.

BENEFITS OF SUBSIDY

Many people wish to adopt babies or problem-free children, but fewer people are interested in adopting children with special needs, that is, children who are older, physically or emotionally handicapped, of minority races, and family groups of children. Subsidized adoption enables some of these children to be adopted who otherwise would have been denied families of their own. Also, there are other children in foster homes who would and should be adopted by foster parents except that the foster parents cannot afford the added expenses if the foster care payment stops.

I might add here, as was brought out in the previous testimony, that the foster care amounts are meager indeed. That is another area.

A prearranged plan for providing subsidy following adoption is a means of insuring adoption for some of these children. Subsidized adoption, however, does not take the place of adoption without subsidy, but does provide for an additional reservoir of approved adoptive families that will offer security to children who need a permanent home. In addition, it enables certain foster parents to adopt when they have both the interest and qualifications necessary to become adoptive parents but are unable to assume full financial responsibility for a larger family. Subsidy should be made available for suitable families only if extended efforts, while there are ongoing efforts made to recruit other additional homes. In other words, it does not take the place of the usual efforts to locate homes where subsidy would not be needed.

There are a number of children in foster care for whom a return to their biological parents is impossible, even after efforts have been made to help them reassume responsibility for their children. Thus, children for whom subsidized adoption is considered should be those who are legally free through judicial termination of parental rights and responsibilities or through relinquishment to a licensed or authorized social agency.

Of course, there are some children—and you brought this out, Mr. Mazzoli—for whom there has not been termination of parental rights, so this would be a first step. So we are considering subsidy after the fact that the parents' rights have been terminated.

NEED FOR SUBSIDIES

Subsidized adoption should be available only when there is a special need and then in order to enable a qualified family to adopt a child.

Such family may be without sufficient income to assume either support for a child until he reaches his majority or an income sufficient to care for legal, medical, psychological, educational, or other special needs. Subsidies to cover such needs may fall into three categories: Special services subsidies, time-limited subsidies, and long-term subsidies, but always to enable that adoption will take place.

Special services subsidies can be for the child or family. Examples are court costs, attorney fees, or payment of medical expenses for the adopted child for needed operations such as cleft palate, heart surgery, or skin grafting for burns. Subsidy agreements should provide for necessary costs for treatment of specific medical problems existing prior to the adoption unless there are other resources in the community which can offer the same treatment.

A time limited subsidy would provide an amount of money for a specified limited time. The purpose could well be to help the family integrate the child into their budget, and of course in the case of foster parents, it might indeed be a way of providing a bridge between the time the adoption occurs and when the payments for foster care are discontinued.

A long-term subsidy may be provided when a family has a limited, fixed income that is insufficient to provide for total care of an additional child over the years.

The majority of prospective adoptive parents who might need a subsidy in order to adopt a child are already foster parents.

Particularly in the beginning when legislation is first enacted, I would say that prearranged subsidy as far as the amount is concerned should not exceed the amount of foster care reimbursement, even though I think foster care reimbursement must and should be raised. That is another issue, as I said before.

Mr. MAZZOLI. You say it should not exceed what foster parents and foster homes presently get.

Miss GALLAGHER. That is correct.

Mr. MAZZOLI. How do you rank this with AFDC, that type of payment?

Miss GALLAGHER. I have no question that the AFDC payment is too low also, and I think also foster payments are low, and I think many foster parents, I think most have to dig into their own pockets to make a go of it, with the cost of living as it is today.

Mr. MAZZOLI. Is there any relationship between the AFDC payments and foster home payments?

Miss GALLAGHER. The AFDC payment is generally less than the foster home payment.

Mr. MAZZOLI. Is that true in Illinois?

Miss SCHWARTZ. Yes.

SUBSIDY DETERMINATIONS

Miss GALLAGHER. I think that if a family after subsidy were provided, should move to another jurisdiction, I have no question that the subsidy should remain in force according to the original agreement.

I think it would be important in considering subsidy to know the income of the family to determine not only the need but the amount that would be required, and I do not think that this should be a definite income level for the family, but rather it should be determined on an

individual basis, and it should not be necessary for the family to change their standard of living in order to adopt the child.

We have in mind the fact that our whole purpose of subsidized adoption is to enable a child to be adopted.

Now, while voluntary agencies have had some little experience with providing subsidies, not too many because their budgets do not permit a great deal of this. Still, the concept of public funds for subsidized adoption is relatively new. New York State 5½ years ago enacted such legislation and that was the first.

So, I think the public needs to know what this is all about because there are some misconceptions about it, paying people to adopt and that kind of thing.

Mr. MAZZOLI. I was going to ask you that very question because I can just envision some of the people who just naturally oppose things in the area of public assistance or welfare or family matters saying that all you are doing is running a high class meat market here. You are selling kids. Simply what you are doing is setting them up, putting them on the block and having people bid for them.

What is your answer to that?

Have you been confronted with that and had to argue somebody down or reason with them?

Miss GALLAGHER. I do not know if I have gotten into arguments in that respect. I think there are several points to be considered. One is that you still require qualified families to adopt. You are not just going out on the street corner saying anybody that wants to adopt a child come on in. Here is money. The qualified family with the same kind of expectations as for any adoption without subsidy, that would be the first point.

The second point is that the parents are already out of the picture. The child needs permanent care, and adoption would be the best plan, and this subsidy arrangement enables the child to have this kind of security that he needs.

Mr. MAZZOLI. It is not a slave market of any kind, but what it simply amounts to is that you are making it financially possible for those that are desirous of adopting and who would otherwise qualify anyway, with the exception of a financial failure or need; and you are marrying these two objectives, one, a child who needs somebody, who needs them, and those that have the love.

Miss GALLAGHER. But lack the financial need, but have everything else that you need.

I think then in reference to interpretation of the public, I think there would have to be this focus on the enabling part, that it is for the child.

Then there would have to be inservice training for staff with a new type of program that would require this, and I think some of the points Mr. Yeldell made about needing more money initially would apply here, too, in getting the program rolling and in having your inservice training.

I might add up the benefits for a child through subsidy. There are social benefits, of course. I think you outlined that so well in your original statement. The social benefits that you cannot measure in terms of financial cost, and a program of subsidized adoption. I think this is another point, could in the long run represent a considerable

saving in community money now being expended in efforts to repair damage to children because they do not have permanent homes.

I think this is an area that we sometimes forget.

Mr. MAZZOLI. In addition to the savings that would result from the lesser amount of money, perhaps, involved in the day-to-day support, then you have the less money that would be involved in trying to repair the terrible damage that has been wreaked over the years, lacking permanent, substantial, stable homes.

Miss GALLAGHER. Right.

Then, of course, there is a savings to taxpayers that would indeed be felt in due time because of time-limited subsidies and because the administrative costs would be reduced.

STATES' EXPERIENCE

I had a few examples of projected savings that several of the States have made, but I will not go into it, but New York indicated it.

Mr. MAZZOLI. All of your statements will be made part of the record.

Miss GALLAGHER. California, Illinois—you will hear more about the Illinois situation.

A number of the 26 States that did pass this legislation, they did it only recently, and actually some of them are just in the throes of implementing them; and issues such as eligibility for medicaid and the income tax matter are under consideration in a number of these States, with dialogues going on between title XIX people and the Welfare Department. I understand, in a few instances, at least, where there has been some agreement, there has not been a problem, and the child has not lost out.

Mr. MAZZOLI. I was just going to say, is that the trend?

Miss GALLAGHER. I cannot say honestly because I have not really evaluated this across the board in relation to the 26 States, but I do know that careful consideration is being given with the hope, then, that it would end up that the child is not the loser, you see, in the long run. And Maryland, I do know, Mr. Gude, that there has been no question about it. There are other restrictive issues or policies in the Maryland legislation and guidelines, but one that, I think, is indeed a plus factor is that there is no question of but the child is eligible after subsidy has been granted for medicaid.

There is one thing that the States are in agreement about. That is that eventually there will be savings in tax dollars, even those that have not worked out their guidelines and so on. They feel this is true. In the District of Columbia I am sure that there are children that without the prospect of subsidized adoption and constructive implementation—and I will underline that—would grow up without the permanent stability and security of belonging to a family, legally and psychologically.

And I found a quote that I like very much. It is included in the Illinois publication, *Subsidized Adoption: A Call to Action*, and the Child Care Association of Illinois prepared this.

We believe that a child who is legally free for adoption has a right to have adoptive parents who will provide a home in which he can enjoy parental love, security and opportunity to develop mentally, educationally and physically. He should not be deprived because of lack of economic resources in his own right or on the part of potential adoptive parents otherwise qualified to be good parents to him, and eager to have him as their legally adopted child.

Mr. MAZZOLI. Thank you, Miss Gallagher. We do appreciate it. Ladies, Miss Hargrave, Miss Schwartz, and Ms. Smith, maybe we could start in that fashion.

Your prepared statements will be accepted in the record at this point.

[The prepared statements of Miss Hargrave, Miss Schwartz, and Ms. Smith follow:]

PREPARED STATEMENTS PRESENTED BY: MS. ELAINE J. SCHWARTZ, ASCN, COORDINATOR—ADOPTION SERVICES DEPARTMENT OF CHILDREN AND FAMILY SERVICES, SPRINGFIELD, ILL.

We are very pleased to have the opportunity to support subsidized adoption legislation for the District of Columbia.

In Illinois we have found subsidy to be extremely helpful in providing permanent families for children who would otherwise have to live out their childhood in foster homes or institutions.

Legislation enabling the Illinois Department of Children and Family Services to provide subsidy was signed on October 6, 1969—the first subsidy was approved on December 19, 1969. In the 44 months since that first case 539 subsidies have been approved—413 adoptions have been legally consummated.

The major portion of subsidies has been for the child to be adopted by his foster family: of the 539 children all but 22 or 4% have been or will be adopted by their foster parents: Currently, the 539 children in Illinois who profit from subsidy can be classified as:

Age	Number	Race	Number	Handicapped
Under 2.....	41	Black.....	232	154
2 to 6.....	203	White.....	295	
6 and over.....	295	Other.....	12	144
Total.....	539		539	

¹ Single parent adoptions.

Statistics tend to be rather cold—so I'd like to tell you about 2 actual cases:

This is a family story . . . the *Harris*s have been foster parents for many years. When subsidy became available in Illinois, there were three foster children in the home . . . *Bobby*, 2½ who had been placed here at 4 days of age; *Judy*, 3 years old, had only been in the family 4 months; and *Lora*, a sickly 5 month old baby had been with the *Harris*s since she was 6 days old. Mr. and Mrs. *Harris*, a Black couple, are not young . . . 48 and 52 years old. They have already raised a family . . . but their love for the children was so great and they were so concerned that no permanent homes were available, that they wanted to adopt. Their income, adequate for them, could not be stretched to include the children. As soon as subsidy became a reality the worker and the *Harris*s discussed the new program, completed the necessary papers and in June, 1970, *Bobby* was adopted with a subsidy. As soon as the adoption was completed, the *Harris*s discussed adopting *Judy* . . . then four years old. In November, 1971, *Judy* became a *Harris*. Now for *Lora* . . . her health problem has been diagnosed as sickle-cell anemia and she is subject to various medical problems throughout her life. The family, quite knowledgeable about the disease and very aware of *Lora*'s particular problems, discussed adopting her with their worker. They re-evaluated their finances and due to a raise in salary for Mr. *Harris*, they felt they could manage everyday living expenses for *Lora*. However, they would need subsidy for legal fees and medical care related to the sickle-cell anemia. *Lora*'s adoption was completed in May, 1972. Now we have a family of three children . . . siblings by adoption . . . who have grown up together and will remain together because of subsidy.

By the way, there are also dollar savings: For these 3 children we save \$120 per month . . . \$1440 per year . . . \$14,440 in the next ten years . . . and that's in board payments alone!

Mary, is a child who has had many physical difficulties . . . but fortunately, she has had her foster family since she was 3 months old. At birth, *Mary* was

diagnosed as Hydrocephalic and was kept in the hospital for three months for treatment and placement of a shunt. Her mother, a young unmarried girl, could not care for her and she was placed in the Andrews foster home. Through numerous hospitalizations and additional problems . . . hearing loss, strabismus of the left eye which needed surgery, mandatory biannual neurological examinations . . . the Andrews and Mary grew into a family. Last year, because of subsidy, Mary at age five, became an Andrews.

For Mary, there are also savings: Even with special day care fees and an on-going monthly subsidy, there will be a savings of \$16,000 in board payments in the next twelve years.

Subsidy, we have found, is one of those rare instances when serving the best interests of children and the savings of public dollars can be accomplished simultaneously. The savings in administrative costs such as on-going casework service is substantial. Most important the children have families of their own—emotionally and legally! We have a slogan in Illinois to remind us of what happens when children do not have families—"A Lonely Childhood Lasts a Lifetime"—I do hope that many children in the District of Columbia, through subsidy, will be spared that lonely childhood.

STATEMENTS OF VIVIAN HARGRAVE, ELAINE SCHWARTZ, AND JEANINE SMITH, REPRESENTING THE ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

MISS HARGRAVE. I am extremely pleased to offer strong support for the District of Columbia subsidized adoption legislation. From my experience in the use of subsidies in Illinois, I feel that subsidized adoption has made a reality adoption for children who otherwise would have had to wait for an indefinite period of time.

With subsidy the child with medical problems, the child who has been abused by his own parents, school-aged children, children who are members of a large family group, have been able to receive the benefits of a permanent family through subsidy. I think one of the values of subsidy is that it makes it possible to make a permanent claim for a child today and not have the child continue to wait and continue to experience the uncertainties of not knowing whether or not he will have a family.

I think the other advantage of subsidy is that it has demonstrated what people can do in terms of making commitments to children with various kinds of handicaps, because the children become permanent members of these families. The families are able to take care of the children and subsidy makes it possible to do this today.

I want to underscore the urgency of planning for children as soon as possible, because I think these are children who have waited months and years much too long for their permanent family.

MR. MAZZOLI. Thank you very much.

MISS SCHWARTZ?

MISS SCHWARTZ. I, too, am very happy to be here and strongly support subsidized adoption legislation for the District of Columbia.

ILLINOIS EXPERIENCE

We have found subsidy to be extremely helpful, and I would like to give you very brief statistics on where we are today.

MR. MAZZOLI. We would like to hear those very much.

MISS SCHWARTZ. You know our legislation was signed on October 6, 1969. Our first subsidy was approved on December 19, 1969, and as of

yesterday we have 539 approved subsidies, and of that number, 413 have been legally consummated.

Of the 539, only 41 are under the age of 2. There are 203 between the ages of 2 and 6, and 295 are over 6 years of age.

Mr. MAZZOLI. Is that the most troublesome age of all, the over-sixes?

Miss SCHWARTZ. Yes.

Mr. MAZZOLI. Is that generally agreed throughout the profession?

Miss GALLAGHER. Yes.

Miss SCHWARTZ. It is hard to find families for them. Most of these children, by the way, all but 22 of these children, 4 percent were adopted by nonfoster parents. So these children have been in their foster homes and have grown up in their foster homes.

Out of the 22, I think, the 22 that were adopted by other parents, they were handicapped children, and we are making special efforts to find homes.

As far as the race of the children, 232 of the 539 are black, 295 are white, and 12 are other, whatever other is.

Mr. MAZZOLI. You say that 413 were consummated out of 539. The ones that were not consummated, you mean those are still in the interlocutory stage?

Miss SCHWARTZ. Yes. We have to approve the subsidy before the adoption is consummated.

Mr. MAZZOLI. You are giving statistics on the 413.

Miss SCHWARTZ. I am giving you statistics on the 539. I have not broken it down the other way.

Mr. MAZZOLI. There are essentially a few over 100 in still less than permanent situations.

Miss SCHWARTZ. The agreements have been made with the adoptive parents, the prospective adoptive parents. We have signed the agreement. They have signed the agreement. The legal consummation has not yet been made.

Mr. MAZZOLI. That is pro forma basically, it is a routine matter of exhausting a certain amount of time and filling out the right papers?

Miss SCHWARTZ. Right. Sometimes having an attorney that goes on the case on a full court docket.

Mr. MAZZOLI. Using the 439-person statistical pattern, that would be pretty reliable for this 539 group, even though something around 100 have not been finalized.

Miss SCHWARTZ. Yes. We have only had about 5 or 7 out of the 539 cancel for one reason or another, once for a death in the family before consummation.

Mr. MAZZOLI. Only five?

Miss SCHWARTZ. I think it is five or seven. I am sorry, I do not have that figure.

Mr. MAZZOLI. That sounds like a very good figure.

Miss SCHWARTZ. I have noticed that staff is very upset. I think they have done such a magnificent job in working with the families and helping them into the subsidy role that we have to expect a few risks and a few failures because we are working with much more difficult types of kids, and families.

By the way, the other group I notice, you have single parent, and 44 of our adoptions have been placed in single parents of this 539, and 154 of these children are handicapped.

Mr. GUDE. 154?

Miss SCHWARTZ. Yes.

That means that is a diagnosable handicap. It does not mean that they just have a little thing.

Mr. MAZZOLI. Something that you could see?

Miss SCHWARTZ. Well, we have a doctor's report and a psychiatrist's report, or a psychologist's report.

Mr. MAZZOLI. That is very interesting.

Miss SCHWARTZ. These are the kinds of children, in my written testimony there are two examples, tells about the kinds of families. Truthfully, we found that subsidy is one of those very rare things where you serve the best interests of the child and you do save money simultaneously, so it is very different.

Mr. MAZZOLI. You say you save money.

Miss SCHWARTZ. We save money. Our bill says it must be less than the usual cost of foster care. In many cases it is \$1 less. It can be 50 cents less, or a penny less. In many cases it may just be the legal fees.

We feel that a large amount of our saving is the casework time, and I do agree that the first year or two has to have start-out money as you work with staff, as you work with the families. The savings that will occur is great.

Mr. MAZZOLI. You keep it less than the money that would be provided for foster homes.

Miss SCHWARTZ. For the board rate only.

Maybe I had better explain.

Mr. MAZZOLI. I was wondering why you do that. It is a conscious effort to keep it lower?

Is that a political decision?

Miss SCHWARTZ. It was a good way to have our legislation passed. It says it must be less than the board rate. However, with the legal costs, the medical costs or any other special services, it is the regular cost of care. It is only the day-to-day payment to the foster, now adoptive parent.

Mr. MAZZOLI. That could be even a few cents less, just to satisfy that requirement.

Miss SCHWARTZ. Right.

Mr. MAZZOLI. The other costs beyond that legal fee, medical fees? I assume you pay medical bills as they come up?

Miss SCHWARTZ. Right.

Mr. MAZZOLI. Is that routine medical?

Miss SCHWARTZ. No.

Mr. MAZZOLI. Special medical?

Miss SCHWARTZ. Special medical, anything that has to do with what the child cannot have covered by its insurance, or the family cannot pick up as regular health care. It must be one of the diagnosed things the child has.

MEDICAID

Mr. MAZZOLI. Have you been one State that has talked about this medicaid problem and maybe income tax problems?

Miss SCHWARTZ. Yes.

Mr. MAZZOLI. Have you determined anything?

Miss SCHWARTZ. We are still in a state of flux. We advise our adoptive parents to talk to their local Internal Revenue Service. We are waiting for something from Washington for overall. On the medical care, we hope that part of what they will use their board money for will be medical insurance. If the family has been eligible for medicaid, then the child becomes eligible. He does not carry his eligibility from us.

Mr. MAZZOLI. If the child is eligible, does he keep his eligibility?

Miss SCHWARTZ. No.

In Illinois, you know, we have two separate departments. We are not one department. Public aid is given by the Department of Public Aid. The Department of Children and Family Services is dependent and neglected children. It is different in funding and in every way, so it would not be comparable to other States.

We have a slogan in Illinois. I would like to share it with you. We are always out recruiting.

Mr. MAZZOLI. Miss Gallagher used your quotation so you must be pretty good at phrasemaking.

Miss SCHWARTZ. This one is our public information. Our slogan this year is: "A lonely child can last a lifetime."

I hope that many children in the District of Columbia through subsidy will be spared that lonely child.

Mr. MAZZOLI. Thank you very much. We certainly appreciate it.

Mr. Gude?

Mr. GUDE. Miss Schwartz, do you think you could in any way break down the subsidies or percentage of the subsidies on the basis that Miss Gallagher has. She had one, special services, two, time limited, and three, long term.

Miss SCHWARTZ. I wish I had my report book because I do keep it there. I do not keep it as part of my statistics because it becomes very involved.

We have about, I would say, 50 or 60 cases that are one time only, the legal cost only. We have another—I know of one case, for instance, where we have paid nothing in subsidy and will not. This is where a child with many neurological handicaps was adopted by a family that had very good insurance, but it would not go into effect until 30 days after the adoption was consummated, so we had a 30-day subsidy for that family. We paid not 1 cent, but he is counted among these 539.

I think the original information that was sent in in June, we did give a savings. What Miss Gallagher said about the three types of subsidy, we do use. These are our ways of doing it, but I do not have a breakdown to give you. I would be glad to pull it together and send it to you, if you would like.

Mr. GUDE. Do you recall what the startup cost was?

You mentioned the initial appropriation.

Miss SCHWARTZ. We were very fortunate in that a number of our staff had worked very diligently to get subsidy legislation passed, so we did not have to convince a large number. The region and the district that Miss Smith comes from was one of our leaders. The first year they went all out, and they have continued to do this. I will let her tell about that.

In Chicago Miss Hargrave did a great deal of work with staff there, and now has a Federal project, and we are still helping people under-

stand and know that we are not selling children. In fact, we are giving you the money. I just do not know how to put it.

It would provide money. We are not giving premiums. Maybe that is the best way to put it. The money goes with the child so that the family who wants to adopt a child who does not need it, even though they would have everything else, if there is not a child that needs that family, we would not subsidize. In other words, a wonderful, great, tremendous family that does not have the money to adopt a child but would like a newborn infant, there is no way. We do not have newborn healthy infants that need subsidy because we have a large number of similar families who do not need subsidy.

So it is with the child, not just the family, but they have to mesh, as you see.

Mr. MAZZOLI. Miss Hargrave, have you had experience in following any of these children through their experience with their adoptive parents?

Miss HARGRAVE. Yes; I have. In fact we now have some of the subsidized adoptive parents working with us on an advisory committee.

Mr. MAZZOLI. Really?

Miss HARGRAVE. So we are in contact with them. We know that they are continuing to do well, which is encouraging.

One of the points that was made in the meeting early this week about selling children was you cannot buy love for \$65 a month. The primary consideration has to be to take care of the child. The money only helps.

Mr. MAZZOLI. That primary consideration is illustrated in your professional opinion by what you have seen as the years have gone on since 1969. You have seen that to be demonstrated in these families and with these children.

Miss HARGRAVE. That is right.

Mr. MAZZOLI. Miss Smith, you were mentioned earlier by Miss Schwartz, about the searches you make and the aggressive efforts you put forth. Perhaps you could tell the committee a little bit about that.

Miss SMITH. My experience is more on the experimental level in implementing this program. I have used our subsidized adoptive parents whose adoptions are finalized to help us recruit new families and to make subsidized adoption known to the community.

When we were talking earlier about the concept of selling children, our experience has been the reverse in terms of making subsidized adoption very clear to the community in terms that it is the child's right to have this if the family needs it. Many people in our community have equated subsidized adoption with public assistance, and we have had to dispel this myth in the community. Now that we have had television programs, newspaper articles, speaking to community groups, bringing with us our adoptive parents, because I think they are the people who have done it, and for people contemplating adoption, especially those that might need subsidy, it is a great value to talk with somebody who has gone through the same experience.

SUBSIDY ELIGIBILITY

Mr. MAZZOLI. Do you have guidelines for income to determine what family would be one which would be otherwise suitable except for financial need?

Miss SMITH. No. It is on a strictly individualized basis.

Mr. MAZZOLI. How do you determine that?

Do you measure that family income and expenses against some bench marks to determine whether or not that family is a family that is in need, or in your recruitment do you primarily try to locate a family who would be interested in adopting a hard to place child and then give the further check over to somebody else, the further investigation to somebody else?

Miss SMITH. We do the adoptive home studies also. We are trying in our recruitment material to say something like we can help with expenses, this sort of thing. When the family comes in we talk to them about the subsidized adoption program being available if the family needs it, and we will talk to them on an individualized basis.

We usually have a copy of their income tax return and then they fill out a form in which they estimate what the monthly expenditures are, and from that we can judge. Many families who might have high incomes, for instance, or middle incomes which are slowly dwindling because the rapid high costs of living have tremendous medical expenses of members of their family. They may have two to three children in college at the present time, where even though that initially you might think they have a middle income and could handle the child, when you really look at their family expenditures, you can readily see that they would need some financial help to absorb another child.

Mr. MAZZOLI. Do you ever make the subsequent investigations, the yearly check or biennial check or however you do check to see whether or not subsidy is still warranted?

Miss SMITH. Yes.

Mr. MAZZOLI. Does that subsequent check take the same form as the first one, copy of the income tax return, a listing of the children who are still minors?

Miss SCHWARTZ. The yearly evaluation, we send out a letter that they must reapply for subsidy, sign the reapplication form saying they still need it, and they send a copy of their 1040.

Mr. MAZZOLI. Using the tax return plus their application for additional subsidy. You make your judgment from that standpoint?

Miss SCHWARTZ. Yes. The application does not include all the things we asked for initially because we want them to look at their budget, too, and help decide. They know what the outside limit is. It is a mutual type thing.

Mr. MAZZOLI. Your role is not to bounce people off that list and not to get children off it. Basically what we are saying is, if you once get on, unless some remarkable set of events occur, you are pretty much going to have that child in that house with subsidy right through to age 18.

Miss SCHWARTZ. Five years or three years.

Mr. MAZZOLI. You have three formulas, limited amount, a special need. Then you have the indefinite.

Miss SCHWARTZ. Until they are 18.

Mr. MAZZOLI. Miss Hargrave?

Miss HARGRAVE. We feel it is important to assess with the family what they can provide for this child so they can make long-range plans. The other thing we feel is important, we trust them with the child. After our assessment we do not feel that we have to stay around

and control how they spend the money, because they have already demonstrated their capacity to be responsible parents.

Miss SCHWARTZ. We do not pay the vendor for the medical or legal. We pay the family, and they pay it. This is their child, their legal child. If they do not pay it, they are legally responsible for the bill. After all, it is their child. We have given them the money.

Mr. MAZZOLI. You give them the money and expect that they, their sense of responsibility is such that they will pay, and it is more in keeping with the usual way that a person pays his bill, not to let somebody else pay it, but to pay it themselves.

Miss SCHWARTZ. Subsidy comes after the adoption is consummated, legally completed. That is their child. If they do not want to talk to us anymore, or they do not want the money, that is still their kid.

Miss GALLAGHER. May I make a point on the maximum income of a family to be eligible, there is not any maximum income in Illinois nor minimum, but again you would be evaluated individually. A few States have set a maximum amount of income and it ends up really limiting adoption for some children who really should be adopted because of the very thing that Miss Smith has said. There are different expenses, different needs within a family, and so on, and we do feel that a family should not have to completely change its standard of living.

Mr. MAZZOLI. Under this legislation, were it to be enacted, we would in effect allow the District of Columbia to set its own rules. This information you give us is very helpful because they will read this record, obviously, and find out what other States who have experience with this have done, and it is your feeling that there should be neither any floor nor ceiling as to income, but it should be a decision made by those on the scene with the idea being that the devotion and dedication of the bill is to place children; and to thwart that by unnecessary strictures on earnings and other types of nitpicking details may very well destroy the program even though it may be on the books.

Miss SCHWARTZ. I would like to tell you about one case. It was a hemophiliac child that was adopted by parents who had been his foster parents because they had hemophiliac children. Well, the costs of running back and forth to the hospital, I think, it was a middle-high income family, but they could not possibly have adopted this child because he would not be covered medically without subsidy. That is the kind of child that is sitting around forever.

Mr. MAZZOLI. Ladies, on behalf of the committee, I would like to thank you for your appearance here today and your helpful testimony. It certainly has given us a good total on this whole idea.

We thank you very much.

Ladies and gentlemen, under the rules of the House, there is a need that there be at least two members in order to conduct hearings. We will recess, because of prior commitments on Mr. Gude's part—and I must confess, this is a service on his part above and beyond duty to be on board today—he has a previous appointment.

So, unless there is some real hardship that would be produced, we would ask your indulgence for a recess for lunch until 12:45.

Would there be anybody that is unable to come or could not join us?

Miss Riley, would you have an impossible task in coming back and joining us?

Miss RILEY. Not at all.

Mr. MAZZOLI. We hate to do this. Then when the Congressman and I reconvene at a quarter to 1, we will be able to hear from you.

Mrs. GRAYSON. I am Mrs. Grayson and I am the president of the Foster Parents Association. We do not have any babysitters at our home because we cannot afford that, but I would like for these foster parents to be able to stay so you can see that they are supporting you, and I will be here to testify. Then we will have to go home.

Mr. MAZZOLI. Can you stay with us?

Mrs. GRAYSON. I will stay with you, but I would like to have the foster parents stand because they have to go home.

These are the traditional foster parents, some of them. We are just here to let you know that we are in support. They are here in support of the bill, and I want to say that I appreciate you all coming. I am sorry you cannot stay to hear the speeches.

Mr. MAZZOLI. We do apologize. If any of the ladies could come back, or if they wish to supply their own statements, a letter or anything, we will certainly make it a part of the record. Particularly we would be interested in any of you ladies who would be candidates for adoption under this law, if it were on the books. That particularly would interest us because the testimony has been that about over 90 percent of the Illinois cases found that the foster parents then became the adoptive homes.

If we could generate any ideas along this line from the District of Columbia, it would be very helpful to the committee.

Mrs. WHITFIELD. I just have one question.

I have had my youngsters in my home ever since they were 3 to 6 months old. At this point one is 12 and one of them is 11, one 9, one 7, and one is 4.

Could you adopt children if your husband and you are not together?

Mr. MAZZOLI. I am sure you could.

Mrs. WHITFIELD. I am a licensed foster mother. I assume all responsibility and I take care of the children myself. That is the only question I have.

Mr. MAZZOLI. Mrs. Whitfield, I would say yes.

Mrs. WHITFIELD. My home can be inspected at any time. At this moment, if you would like to go home with me, you can inspect their clothes, where they sleep, what they have, and you would be very free to talk to the children. The children are loved.

Mr. MAZZOLI. I would like to come with you. I wish I could. I am sure I would have a good meal.

Thank you.

[Applause.]

Mr. MAZZOLI. Thank you very much.

The subcommittee will recess until 12:45.

[Whereupon, at 11:50 a.m., the subcommittee was recessed, to reconvene at 12:45 p.m. the same day.]

AFTERNOON SESSION

Mr. MAZZOLI. The committee will come to order.

Our next panel—we appreciate your indulgence—the next panel will be Mr. Jay Chunn, vice president, National Association of Black

Social Workers and the other panelist is Miss Anne Riley, president of the Metropolitan Washington Chapter of the National Association of Social Workers.

If Miss Riley and Mr. Chunn would come forward, we welcome you and look forward to your statements with respect to the bill which is before us on subsidized adoptions. And Miss Riley, if I might ask your further indulgence, Mr. Chunn is working under quite a time problem. If he could go first—

Miss RILEY. That is perfectly all right.

Mr. MAZZOLI. Your prepared statement will be accepted in the record at this point.

[The prepared statement of Mr. Jay Chunn follows:]

PREPARED STATEMENT OF JAY CHUNN, PRESIDENT, NATIONAL ASSOCIATION OF BLACK SOCIAL WORKERS METROPOLITAN WASHINGTON AREA CHAPTER AND NATIONAL VICE PRESIDENT

Mr. Chairman and members of the Subcommittee on Labor, Social Services, and the International Community of the House Committee of the District of Columbia, we are indeed pleased and honored to testify before you today on H.R. 7259. The National Association of Black Social Workers is a national organization with chapters in over seventy-five cities. We see as our mandate working in and on behalf of Black people to improve our collective condition and quality of life, and to improve and put in place more adequate human service delivery systems and agencies to serve the health and welfare needs of our constituency. I am before you today representing our Metropolitan Washington Area Chapter as its President.

In essence, we view H.R. 7259, a bill to provide subsidized adoption primarily in a quite positive way. We have advocated over a long period of time adequate supports for families that might want to adopt but found themselves unable to do so due to financial reasons. Specifically our concerns center on the Black community where, as you know, income parity with the white community still does not exist with Black individuals and families earning much less than their non-black counterparts. In fact, the masses of Black people in this country we could say are in fact low income people and families in spite of an expanding Black middle class.

Our concerns, therefore, as to the inability of many Black families in the District of Columbia to adopt and care for a child adequately, financially given the above realities as to income, we feel are well grounded on fact. We, therefore, endorse strongly the principle and practice of subsidized adoption both as a valid way of providing maintenance and special care for adoptive children and as a stimulate for encouraging low and marginal income families to adopt. Even though we endorse the principle, we feel that the level of the subsidy should be adequate enough to accomplish what is intended to be accomplished. We just do not feel that "the amount expended by the Commissioner for any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner" is adequate enough to stimulate the adoption of all the children in need of homes.

All of us are painfully aware of today's inflation, rising food and housing cost—especially in the District of Columbia—and we contend based on our contacts with foster parents, that the maintenance cost of care of a child in foster care is much higher than the Department of Human Resources currently pays for the care of foster children. The bill seems to be locking in the subsidy level to the level of unrealistic foster care subsidy currently granted.

We recommend that the subsidy level of payment for maintenance cost be set by a cost analysis basis that reflects the actual cost of care. This can be done by university and/or government based social scientist and economist not affiliated with the Department of Human Resources. The figure set then should be based on age, cost for food, clothing, and other reality needs for children. If we are not careful here we can compromise the principle that this bill supports by tying it to an inadequate grant level.

We support strongly the provision of medical cost, dental, surgical expenses, psychiatric and psychological expenses where needed in addition to maintenance

costs. The bill should clearly spell out that these provisions for care at cost shall be assumed by the Commissioner in every family receiving a subsidy. In addition, adoptive families from low and marginal income circumstances that refuse to accept maintenance payments should have full range of medical services available to them also on an ongoing basis as an inducement to adopt and as a protection against catastrophic illness of the child.

We, further, strongly indorse the section of the bill that calls for placement of adoptable children in homes of persons of "like faith" with the parents of such children. In addition, we recommend that this section be augmented by also saying and of the same racial origin of their parents as well. In effect, we are saying racial identity is just as crucial as religious identity in the full development of the child and should be protected by policy where possible. We feel quite strongly about this due to our recognition that Black children need the emotional support of Black adults and the Black community in order to learn coping and survival skills that are unique to Black people. This is also needed to insure optimal personality and identity formation along cognitive lines of development. This point of view has long been advocated by our organization and is gaining increasing acceptance across the country. For example, in June Dr. Jerome Miller, State Director of the Illinois Department of Children and Family Services through an administrative decree declared that in Illinois all efforts would be made to place Black children with Black families and orders to that effect have been issued to public agencies in the State of Illinois.

In closing, we strongly indorse the principles as outlined in the bill. We recommend the changes herein discussed for your deliberation, consideration, and inclusion as a part of H.R. 7259. We thank you for the opportunity to appear before you today and stand ready to provide any other input into your deliberation that may prove helpful and beneficial for the children of the District of Columbia. We have requested information as to the experiences of the approximately twenty states around the country from our chapters located within those states. When this information is received, we would like to share our findings with the committee.

Thank you Mr. Chairman.

**STATEMENT OF JAY CHUNN, PRESIDENT, NATIONAL ASSOCIATION
OF BLACK SOCIAL WORKERS, METROPOLITAN WASHINGTON
AREA CHAPTER, AND NATIONAL VICE PRESIDENT**

Mr. CHUNN. Thank you, Mr. Chairman.

First of all, we are indeed happy to be invited here to testify on what we see as a very vital piece of legislation for the children in the District of Columbia. Our organization, by the way, sees as its mandate working in and on behalf of the black community and the black people to improve our collective conditions, as well as the quality of life for the black families and black children.

I am here today primarily representing the Washington chapter of our organization, which I serve as president, and I serve as national vice president.

In essence, we view H.R. 7259, a bill to provide subsidized adoption, primarily in a quite positive way. We support this piece of legislation in principle; however, there are a few things that we would like to point out that we feel can strengthen the legislation.

We have advocated over a long period of time adequate support for families that might want to adopt but found themselves unable to do so due to financial reasons. Specifically, our concerns center on the black community where, as you know, income parity with the white community still does not exist with black individuals and families earning much less than their nonblack counterparts. Nationally, for example, there are 7.4 million blacks below the official poverty level for 1971 in the United States. This figure represents approximately 32 percent of the country's population of blacks. In contrast, 10 per-

cent of all whites in America are below poverty level. Thus, blacks are overrepresented in the ranks of the poor because we comprise approximately 11 percent of all persons populated in this country.

Therefore, I think this type of statistic points out the lack of adequate income base or lack of comparable income base within the broader community. Therefore, we view the subsidization issue with relation to adoption as being vital in order to help to create the more adequate base for support for a child coming in to a family on an adoption basis.

Our concerns, therefore, as to the inability of many black families in the District of Columbia to adopt and care for a child adequately, financially given the above realities as to income, we feel are well grounded on fact. We therefore endorse strongly the principle and practice of subsidized adoption both as a valid way of providing maintenance and special care for adoptive children and as a stimulant for encouraging low-income families and marginal-income families to adopt.

AMENDMENTS PROPOSED

Even though we endorse the principle, we feel that the level of subsidy should be adequate enough to accomplish what is intended to be accomplished. We just do not feel that "the amount expended by the Commissioner for any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner" is adequate enough to stimulate the adoption of all the children in need of homes.

Also, let me point out that Mr. Yeldell, when he was here earlier pointed to a figure of approximately between 2,500 and 2,900 children in the District, and approximately 10 percent of those children perhaps coming under the aegis of this type of legislation. I would like to point to another group of children that we are aware of in the black community for example that are informally adopted. There are large numbers of children that are in family arrangements on an informal basis who are never counted in the DHR departmental statistics, that are taken in on an informal basis, not primarily by relatives but by friends, associates that live in a particular neighborhood or particular geographic or geophysical area of a community.

Our concern, too, is providing these youngsters with the opportunity to be adopted. One of the problems that the family that takes these youngsters in has is the fact that, No. 1, they are not aware of supports that are available through the Departments of Welfare or DHR or are they encouraged to adopt the children formally because they already have low-income status or because of their status of being black outside the system.

Therefore, I am saying then that the subsidized adoption legislation should point to some type of mechanism to encourage families in low-income communities that have taken children in on an informal basis, or children from out of State, from their original place of residence, to somehow legalize the status of these youngsters to provide them the protections that all the youngsters have.

Mr. MAZZOLI. Are some of these children, though, Mr. Chunn, still in the legal custody of their parents or a parent? Are you advocating an easier termination of parental rights?

Mr. CHUNN. Not primarily. Some are still in the legal custody of their parents as far as legal means are concerned, but as far as a relationship between the parent that is taking care of the child and its own parent, there has been a relinquishment of rights.

I am saying with departmental intervention, they could be able to straighten out the legal question from the standpoint of is there remedy to relinquish legal rights of this child so the child can receive all the benefits of the community he is living in?

I think this type of assistance would be helpful to these families.

Mr. MAZZOLI. Is that a different problem, in a way, than what we are having today or what we are studying today? It is related, but is it not distinct in that we are talking here about those children whose rights, parental rights in those children have been terminated or there has been some kind of a relinquishment procedure. What we are now trying to say, these children, the 300 or 400 in the District that are very hard to place, we are trying to make their placement more easy.

I wonder if we do not have a separate problem with respect to those children that have informal relationships with neighbors or friends because of their parents' failure, if this would not maybe muddy up the waters here too much if we tried to accomplish the settlement of their problem as well as these hard to place children.

Mr. CHUNN. The attempt is not to provide a settlement of the problem in this type of hearing, but to point out that a subsidized adoption legislation or a bill of this type, since the families that these children are in have to assume primarily the total cost of their support, if they are aware of an adoption subsidy or some type of support, then they might be encouraged to provide these children with the legal protection that an adopted child would have, as a stimulus.

Mr. GUDE. If the gentleman would yield to that point.

I think what Mr. Mazzoli is trying to say, do these children that you are speaking of meet the definition in the bill of being hard to place?

Mr. CHUNN. Yes; to the extent that they have been taken in by a family or other people in the community.

In other words, as part of practice in that community, only to surface in cases of dire need, in many cases, children that will go into foster placements or any formal arrangements. There is just as large an informal arrangement, that's what I'm getting to, as there is a formal arrangement.

The informal arrangement often exists because of a lack of knowledge and awareness of what resources might be available given a subsidy of some type.

CHILD WITH SPECIAL NEEDS

Mr. GUDE. I think the point I was trying to make, on page 4 of the bill, the term "child with special needs" includes any child who is difficult to place in adoption because of age, race, ethnic background, physical or mental condition or membership in a sibling group which should be placed together.

Mr. CHUNN. You are saying any person or party knowing of such child could identify to the Commissioner and receive the same services. Another reality that we face in relation to that is that we have taken a sample of some of our chapters in those 24 States that you mentioned where there is some form of subsidized adoption.

One of the problems of the low-income community is that often they are not aware of the subsidy and the service that exists. Maybe it is a lack of interpretation on the part of the departments of welfare, maybe it's unwillingness to magnify the problem to a certain extent. I noticed when I analyzed this piece of legislation that there is hardly any provision for publicity of the fact of the problems of children without homes. There's a provision here for the Department or the Commissioner notifying the parent in cases where the child becomes available so the foster parents should be notified that the child is available for adoption.

We would like to see some provision built in to this process in your mark-up session, especially around making it mandatory for the Commissioner on at least an annual basis to have a month or 2-month campaign to publicize the need for homes and need for people coming forward and the services available.

Mr. MAZZOLI. Miss Riley had a comment at this point; we would like to hear for just a second.

Miss RILEY. I think what Mr. Chunn might be referring to is what we refer to as the area of independent adoptions. These people have already assumed the financial responsibilities of the child, sometimes having an informal agreement with the natural parent to contribute something. Generally, they have assumed all financial responsibilities.

DISSEMINATING INFORMATION

The point that he is making is a very good point, because most of the people that very informally have these children do not know that they could adopt these children, therefore giving them inheritance rights, social security benefits and such things. So it's a problem of communicating to the community that through legal aid, if they are too financially unable to get the usual legal services, they can independently adopt; there would be no subsidy.

I do not think, I am not sure it is connected with this particular bill, but there is a lack of communication with the community of this facility being available.

Mr. MAZZOLI. On page 8 of the bill, the bill provides, starting at line 18, some words which perhaps the committee will want to change or strengthen.

It says:

The Commissioner shall disseminate information to prospective adoptive families as to the availability of adoptable children and the existence of aid to adoptive families under this section.

While the committee may agree at some point to reemphasize the dissemination of information, the author of the bill has anticipated the need to produce a movement out of information to advise these informal, independent adoptions as well as in a more formal setting of the fact that where you have the kind of children that are defined here, then you have an opportunity to assist in the financial arrangements leading to adoption.

Mr. CHUNN. We are going on case records and case history. This is the same type of wording that is in State laws around the country about public information, about adoption.

Mr. MAZZOLI. You are saying it is not sufficient?

Mr. CHUNN. It is not sufficient. Low income communities are not approached nor saturated with information, and I hope that this is something that you could head off in relation to this type of legislation.

Mr. MAZZOLI. Chances are we would have to go by way of report language. The idea is to let the District of Columbia sort of steer its own ship, and by making its own determination. We could certainly indicate in the committee report that our feeling is that a good job of selling is going to have to be done. I think that would be something feasible.

MAINTENANCE PAYMENTS

Mr. CHUNN. Let me speak for 1 second on the level of payment or maintenance cost.

We feel basically that tying in the subsidy level with the present level of foster care is perhaps a very dangerous thing to do based on what you are trying to accomplish, what we hope to accomplish in stimulating adoption in low income minority and marginal income communities.

For example, in working with foster parents—Mrs. Grayson is here from the Foster Parents Association and will testify in a little while—it seems to us that examining the grants, the money they are receiving for foster care is inadequate to really meet the maintenance costs and requirements of the children that they have responsibility for.

We are recommending, therefore, that you come up with a formula that will be set on a cost analysis basis and that that formula might be set by a panel that is represented by both social scientists and economists, not only the Department of Human Resources, but the foster parents involved in caring for the children. That way we feel you would get an adequate maintenance figure which would, perhaps, provide the type of income support for, under which we would like to base support to the family.

We feel that this is very, very crucial. We are aware, of course, that there are money problems all over government. But we feel that having the will, we might be able to locate the resources for that.

I strongly support the provision of medical cost, dental, surgical expenses, psychiatric and psychological expenses where needed in addition to the maintenance costs as we recommended in the provision. Also, we view this as vital to the needs of children with special problems or handicaps or the like. The bill should clearly spell out that these provisions for care and cost shall be assumed by the Commissioner in every family receiving a subsidy. I think the bill now reads "may be received." It could be more strongly worded, "shall be assumed by the Commissioner.

In addition, adoptive families from low and marginal income circumstances that refuse to accept maintenance payments should have full range of medical services available to them also on an ongoing basis as an inducement to adopt and as a protection against catastrophic illness of the child. In other words, what I'm saying, some families will say, we do not need the subsidy; we are proud, we have taken care of the child thus far; we will adopt the child and will take care of it thereafter.

Therefore, from the interpretation of what is written, it appears as if the maintenance and the medical eligibility is tied in together. We are recommending that those be separated so a family might have an option, that does not want to receive the maintenance for whatever reason, but still have the right to receive medical and psychological services, et cetera, in cases of real need.

RELIGIOUS AND RACIAL FACTORS

We strongly endorse the section of the bill that calls for placement of adoptable children in homes of persons of "like faith" with the parents of such children. In addition, we recommend that this section be augmented by also saying, and of the same racial origin of their parents as well.

I recognize that in your legislation as proposed thus far that you are talking about temporary placements of children, either in homes or institutions, and you are establishing faith or religion as one criteria for that placement. We are advocating also the establishment of a criteria of race. Our intentions are good in relation to the fact that we are aware that foster care, temporary care arrangements should be temporary, but we do know, from the Division of Child Welfare studies and other Government statistics that the average length of foster care in this country is approximately 4 years, so even in situations where you think it is temporary, they end up being more long term. In effect, we are saying that racial identity is just as crucial as religious identity in the full development of the child and should be protected by the public policy where possible. We feel quite strongly about this due to our recognition that black children need the emotional support of black adults and the black community in order to learn coping and survival skills as they relate to black people.

This is also needed to insure optimal personality and identity formation along cognitive lines of development. This point of view has long been advocated by our organization and is gaining increasing acceptance across the country. For example, in June, Dr. Jerome Miller, State director of the Illinois Department of Children and Family Services through an administrative decree declared that in Illinois all efforts should be made to place black children with black families and orders to that effect have been issued to the State agencies in Illinois.

In closing, we strongly endorse the principles as outlined in this bill. We recommend the changes herein discussed for your deliberation, consideration, and inclusion as a part of H.R. 7259. We thank you for the opportunity to appear before you today and stand ready to provide any other input that you might require.

Incidentally, we have asked all of our chapters located in the 24 States where there is currently a subsidy to respond to their experiences and the experiences of the communities to those pieces of legislation. We should be getting those reports in in the next couple of weeks. We will make those findings available to this committee as well.

Mr. MAZZOLI. Mr. Chunn, we thank you very much.

Would you have a few moments at this time to answer questions?

Mr. CHUNN. Yes.

MAINTENANCE PAYMENTS

Mr. MAZZOLI. If I understood you correctly, sir, you encourage the higher level of payment for these children and this procedure than is now being paid to foster homes. Is that correct?

Mr. CHUNN. Yes.

Mr. MAZZOLI. Is it your anticipation that the levels would then come up to the higher level at some point or that there should be a differential between the two procedures?

Mr. CHUNN. Our fears were around the fact that if you give credibility to what we consider an adequate level of foster care payment through this legislation, then the chances of the foster care level increasing might be jeopardized. Therefore, we are recommending and advocating that we establish the cost of care for x child for x period of time at x age based on costs that are determined by social scientists, economists, and by foster parents.

I think we will find that that is significantly higher than the amount that foster parents are currently receiving.

Mr. MAZZOLI. I would assume that it would be higher. I think that if we set down the rates for anything we are going to have a difference between—those who are on public welfare, we have on AFDC and elsewhere there's a strong body of thought that says these payments are too low; there's a strong body of thought that says these payments are too high; there's a strong body of thought there ought not to be a payment in the first place.

So you have this tension, which is really what Government is all about; and I'm confident that we do have that, but again this is the place, it seems to me the real point is to say that the payment to a foster care home taking care of what we would call the normal infant, the normal child, is just too low. Accordingly, not to say we are hitching these two concepts together, you go up with one, we go up with the other, as a political matter, that is a very tough thing to sell. As a national matter, they are really not related.

If you are giving to an adoptive family a subsidy which by calculation should pay for that child's board and then with special payments for special increments of cost, really, that is as far as the idea of subsidy goes.

Mr. CHUNN. It is the time to be fair. For example, in AFDC payments, a lot of communities around the country are paying for anywhere from 50 percent to 70 percent of need. I know that sets a lot of precedents, but if we go into advocating subsidized adoption but then compounding the same kind of hypocrisy and mistakes that we've made in welfare payments for children. It would be really criminal to do so. We should get away from that. We spend money for everything else in this country, but not for children.

Mr. MAZZOLI. Would you envision a high payment for adoptive families by way of subsidy would encourage a woman to give up a child, a natural mother to give up a child simply because there might be money in one of these informal arrangements in a neighborhood? Do you think we have any problem there at all, in breaking up of a family that might hack it, given time?

Mr. CHUNN. I really don't think so. What I'm saying, not a high payment, but an equitable payment based on actual costs for care.

Of course, the cost for care for a 17- or 16-year-old or an older child that we are advocating through this kind of legislation, the difficult-to-place child, the cost for care is going to be higher than for the infant or a child of 1 or 2 years.

I am talking about a payment that would provide a low or marginal income family an adequate level to provide for the care of that youngster, rather than just a way of keeping the bread on the table and a pair of tennis shoes on. We're talking about a level of adequacy.

SUBSIDY PITFALLS

Mr. MAZZOLI. Let me pose this question to you, and I'd like for you to answer because I'm sure that Congressman Gude and I are going to have this on the Floor at some point, if this bill makes it to the floor, that is, why, for instance, if you have the parents, if you are going to provide a payment which is called a subsidy to help the hard-to-place and don't provide a subsidy for other children, what is going to keep the social workers from trying to place as many children as possible into the adoptive situation. Accordingly, it may provide an inducement for them to be something less than careful in their scrutiny of potential adoptive homes, and you might say selection basis for the placement of these children.

What, for instance, is going to keep the social worker from trying to move a lot of kids, simply, because this would provide subsidies for the adoptive parents and move a child off the public ward, because then you would really take the child away from the custody of the District of Columbia, for instance, and put that child in the custody of a parent.

Is there anything that you would like to answer to that question?

Mr. CHUNN. You are anticipating something I do not think will occur.

The social worker, for example, is committed and obligated professionally and morally to do to the best of his talents and abilities for each child within his jurisdiction or case-load, or what have you.

If it is determined that the child is open for adoption, the child needs a home and that there is a subsidy arrangement available, I would think primarily the motivation providing the home for the child. The subsidy would only be a wherewithal or a way in which perhaps a suitable family could be found and not be biased due to the lack of income.

I don't think that workers will work any harder or any faster.

Mr. MAZZOLI. That is the answer that I would have hoped you would have given. Your standards will not be lowered at all simply because there is an availability of a subsidy. You would still be very careful about placing these children.

Mr. CHUNN. Yes.

Mr. MAZZOLI. Mr. Gude?

Mr. GUDE. I certainly appreciate your being able to stay, Mr. Chunn, because your testimony has certainly been most helpful.

RACE AND RELIGIOUS FACTORS

You raised a question on page 3 of adding language to provide for placement as near as possible in the same race and I was wondering,

you mentioned a survey that you were doing and the information you were getting from other States.

Are you aware, or is your survey going to cover the question to which this is addressed in the legislation in the other States that have adopted, or are adopting, adoptive procedures?

Mr. CHUNN. Yes, we have covered that, as well as administrative practice, because most State laws that relate to adoptions are very loosely worded and so much discretion is left to the Department of Public Welfare, whatever it's called, DHR, Public Welfare, or whatever. Like in Illinois, like I quoted, the State welfare director has decreed administratively that black children should be placed with black families where possible, that this should be the practice of the Department of Public Welfare in that State.

So we will be gathering then data from the locations and see what practices are going on.

You may be aware, for example, that our organization for a couple of years has advocated very strongly the placement of black children with black families, and we feel this is justified on the types of demands on black youngsters and the type of a racial society, in terms of survival. If, in fact, faith or religion is a very crucial factor in relation to the development of the child, his psyche, his personality, as you point out here, also the same is race for that family, in that community, we feel is just as important.

Mr. GUDE. Your survey does cover this in other States? You say, in the case of Illinois, it is not part of the law, but has been administratively decreed?

Mr. CHUNN. Yes.

Mr. GUDE. I see Mrs. Schwartz in the back row nodding in agreement.

Again, thank you, Mr. Chunn.

Mr. MAZZOLI. Mr. Chunn, I have one question.

Would you not believe that if we provided a subsidy for parents that wish to adopt a hard to place child that this would not assist black families in adopting children?

If we accept the premise—and I guess it's not salable statistically—that the average black family earns less than the average white family, would not a subsidy, by its very statistic be weighted in favor of helping the black families adopt?

Mr. CHUNN. Yes. That's why we endorse the legislation. We are saying that we are stimulating it.

Mr. MAZZOLI. I got the impression a moment ago when you were talking to the Congressman that there might be something about black families adopting black children, I got the impression that maybe—

Mr. CHUNN. That was related to the Congressman and myself. That was to page 3, where you advocate, lines 7 through 10 or so, the inclusion of religious faith in the placing of children in temporary care facilities. We are advocating adding race in relation to that.

In other words, if communities were to maintain the practice of transracial placement, then if the subsidy were granted and the placement family were to adopt based on this subsidy, the Commission should identify foster parents, you would set up a situation for more transracial adoptions which we, as an organization, oppose. If you want to follow that line of reasoning out.

Mr. MAZZOLI. Thank you very much. I appreciate your coming, Mr. Chunn.

Miss Riley?

Your prepared statement will be accepted in the record at this point. [The prepared statement of Miss E. Anne Riley follows:]

PREPARED STATEMENT OF E. ANNE RILEY, N.S.W., PRESIDENT, METROPOLITAN WASHINGTON CHAPTER, NATIONAL ASSOCIATION OF SOCIAL WORKERS

On behalf of our Chapter, which comprises over 1,900 Social Workers working in both private and public agencies in this area, I would like to express our appreciation to this Committee for inviting us to participate in this important matter. In addition, we would like to congratulate Representative Gude and the Community Task Force for Systems Change for making this hearing possible.

The enactment of enabling machinery to provide for subsidized adoptions in Washington, D.C., is long overdue yet we must guard against any confusion, mis-administration or misinterpretation of the intent of this Bill. We of NASW are wholeheartedly in favor of the concept of subsidized adoption and can support this legislation. In fact, a survey conducted in five large cities resulted in views running ten to one in favor of subsidized adoptions.

Subsidized adoption has been defined as a way to help or stimulate an eligible or qualified family to adopt foster children. It might be looked at as a way to improve the likelihood of a child without a permanent home to be matched up with permanent parents and parents who hitherto have been deprived of that opportunity merely because of their financial circumstances. The emphasis should, nevertheless, be on the child not on the prospective adoptive parents.

In the District of Columbia, we are talking, on the whole, about Black children and black adoptive parents. Historically, formal adoption agencies have not dealt with non-whites on an equal basis. Blacks have had to develop their own network for the informal adoption of children or absorb them through the kinship bonds of the Black extended family. Unfortunately, these methods have not taken care of all such children. Also, such arrangements have failed to give legal status to these relationships sometimes causing the children to be ineligible for Social Security and inheritance rights. Many in the Metropolitan Area feel adoptive placement should be with parents of like cultures to help the child with his own identity, already complicated by adoption.

Of course, whenever possible the best place for a child is usually to remain in his own home or in the home of relatives.

According to Dr. John Bowlby, the well-known psychiatrist who wrote "Child Care and the Growth of Love," the child's own home or an adoptive home must be used to the full before other substitute homes are considered. He also says, and we agree, " * * * one of the greatest dangers attending the removal of children from their homes (is) that of the children being left in temporary care for an indefinite period." This is a "period of uncertainty and indecision during which his misery and sense of insecurity lead him either to shut himself in a shell or to become actively troublesome." He further points out, " * * * neither foster homes nor institutions can provide children with the security and affection which they need; for the child they (foster homes) always have a make-shift quality."

In contrast, in an adoptive home, a child gains a sense of belonging and a permanent home that provides stability and security as well as the legal use of the adoptive family name and a new birth certification. The child is no longer constantly reminded of his foster status as he is when a succession of case-workers visit him.

In adoption, child and parent can each make a commitment to the other. Where they were previously in a foster family relationship the attachment that has already developed stabilizes and deepens. Again, through this new legal status the child is then eligible for Social Security benefits and inheritance rights. At the same time we recognize on the negative side, they usually lose the right to carry their birth name and may lose their siblings.

A major, concrete benefit to the community of subsidized adoption is that of cost effectiveness. Adoption removes the need for replacements, benefiting both child and agency. Adoption reduces the caseload, as supervision of foster family

and child is no longer required, though the adoptive family can receive services as they request them.

One problem in making subsidized adoption applicable only to children with special needs is that the low income adoptive parents are forced to accept only those children with "special needs." This discriminates against the poor who thus do not have access to "normal infants" at the earliest possible moment as do the more financially adequate parents. Although we are concerned here with the needs of the child first and foremost, the rights of the adoptive parents should also be considered. There is also the question of whether recipients of public assistance are at all eligible for this subsidization. In the past, recipients have not been eligible for foster parenthood, the people who will benefit from this bill.

I would like to make some specific comments on this Bill for the purpose of suggesting considered changes that might strengthen H.R. 7259.

On page 3, delete line 5 through line 13, beginning with the word "and." We feel this should be omitted as the trend is away from requirements in legislation for religious matching of younger children. The religion of an older child must be considered but, as in many cases, the best home for a child may not meet this criteria; it is an unnecessary encumbrance even though this Bill stipulates that the "Commissioner shall set forth the reason for such action in the records of the case."

On page 3, line 18, insert after "as needed" "as agreed upon prior to the adoption." This will be consistent with the intent of the Bill not to be retroactive.

On page 4, line 7, the word "legally" should be inserted before the word "available"; this should be consistently done throughout the Bill for clarification as some judges push for relinquishment after only a couple of months have elapsed.

On page 4, line 13, the word "tentative" should be deleted and the word before it changed to "an" because the effective date of subsidy would be in the agreement. This should be changed throughout the Bill.

On page 4, line 16 and 17, delete the words "Any person, public agency or licensed child-placing agency" and insert "Any childplacing agency, as defined in Public Law 292." The language is inconsistent with the rest of the adoption law.

On page 5, line 14, we are unclear as to the relevance of the term "institutional care" as it seems confusing and perhaps unnecessary.

It is suggested on Page 5, line 20, after the work "study" the words "not to exceed three months" be inserted. This will insure these children, who have often been in foster care an excessive amount of time, not be subjected to delay unless the court is petitioned for a continuance. As Dr. Bowlby points out, "The older the child the less suitable is he for a foster home." This is also true for adoptive homes.

On page 6, line 6, should be added the phrase, "including the waiver of court costs."

On page 6, line 9, what guarantee do we have that the Commissioner will not use the word "may" to fail to include all medical costs, etc. that a child needs? Also we hope medicaid will not be tied to this Bill as that has been a problem, we understand, in the State of Maryland.

On page 6, line 12, the comma (punctuation) should be omitted, and on line 13, the comma should be changed to a semi-colon so as to separate the two types of subsidy. On line 16, the comma after the word "time" should also be changed to a semi-colon.

On page 8, line 9, through 10, in the interest of the issue of confidentiality, the annual progress report open to public inspection should not include the names of the child or adoptive family and should be limited to statistics and other non-identifying data.

On page 10, line 21, omit the word "education" as the subsidy extends only to the age 18, thereby making advanced vocational or college studies unlikely only clouding the issue.

Finally, we feel this is an excellent Bill. Our hope is that, if passed, we will not see the resistance for implementation from the agencies and staff responsible. In some of the states which have enacted this legislation, resistance has been reported. We assume whatever funding is necessary for its implementation will be forthcoming from the future District budgets.

Lastly, we want to thank you for giving us this opportunity to present our views on H.R. 7259. Adequate adoption regulations can help to insure necessary parental care and decrease the number of children who become emotionally unstable and therefore experience difficulties in societal adjustments.

STATEMENT OF E. ANNE RILEY, PRESIDENT, METROPOLITAN
WASHINGTON CHAPTER NATIONAL ASSOCIATION OF SOCIAL
WORKERS

Miss RILEY. Mr. Chairman, on behalf of our chapter, the Metropolitan Washington Chapter of the National Association of Social Workers, we do comprise over 1,900 social workers working in both private and public agencies in this area, I would like to express our appreciation to this committee for inviting us to participate in this important matter. In addition, we would like to congratulate Representative Gude and the community task force for systems change for making this hearing possible.

The enactment of enabling machinery to provide for subsidized adoptions in Washington, D.C., is long overdue yet we must guard against any confusion, misadministration or misinterpretation of the intent of this bill. Nevertheless, we of NASW are wholeheartedly in favor of the concept of subsidized adoption and can support this legislation. In fact, a survey conducted in five large cities resulted in views running 10 to 1 in favor of subsidized adoptions.

Subsidized adoption has been defined as a way to help or stimulate an eligible or qualified family to adopt foster children. It might be looked at as a way to improve the likelihood of a child without a permanent home to be matched up with permanent parents and parents who hitherto have been deprived of that opportunity merely because of their financial circumstances. The emphasis should, nevertheless, be on the child, not on the prospective adoptive parents.

DISTRICT'S ADOPTIONS

In the District of Columbia, we are talking, on the whole, about black children and black adoptive parents. Historically, formal adoption agencies have not dealt with nonwhites on an equal basis. Blacks have had to develop their own network for the informal adoption of children or absorb them through the kinship bonds of the black extended family. Unfortunately, these methods have not taken care of all such children. Also, such arrangements have failed to give legal status to these relationships sometimes causing the children to be ineligible for social security and inheritance rights. Many in the Metropolitan Area feel adoptive placement should be with parents of like cultures to help the child with his own identity already complicated by adoption.

Of course, whenever possible the best place for a child is usually to remain in his own home or in the home of relatives.

According to Dr. John Bowlby, the well-known psychiatrist who wrote "Child Care and the Growth of Love," the child's own home or an adoptive home must be used to the full before other substitute homes are considered. He also says, and we agree:

One of the greatest dangers attending the removal of children from their homes is that of the children being left in temporary care for an indefinite period. This is a period of uncertainty and indecision during which his misery and sense of insecurity lead him either to shut himself in a shell or to become actively troublesome.

He further points out:

Neither foster homes nor institutions can provide children with the security and affection which they need; for the child, foster homes always have a make-shift quality.

In contrast, in an adoptive home, a child gains a sense of belonging and a permanent home that provides stability and security as well as the legal use of the adoptive family name and a new birth certification. The child is no longer constantly reminded of his foster status as he is when a succession of caseworkers visit him.

In adoption, child and parent can each make a commitment to the other. Where they were previously in a foster family relationship, the attachment that has already developed stabilizes and deepens. Again, through this new legal status, the child is then eligible for social security benefits and inheritance rights. At the same time we recognize on the negative side, they usually lose the right to carry their birth name and may lose their siblings.

SUBSIDY BENEFITS

A major, concrete benefit to the community of subsidized adoption is that of cost effectiveness. Adoption removes the need for replacements, benefiting both child and agency. Adoption reduces the case-load, as supervision of foster family and child is no longer required, though the adoptive family can receive services as they request them.

One problem in making subsidized adoption applicable only to children with special needs is that the low income adoptive parents are forced to accept only those children with "special needs." This discriminates against the poor who thus do not have access to "normal infants" at the earliest possible moment as do the more financially adequate parents. Although we are concerned here with the needs of the child first and foremost, the rights of the adoptive parents should also be considered. There is also the question of whether recipients of public assistance are at all eligible for this subsidization. In the past, recipients have not been eligible for foster parenthood, the people who will benefit from this bill.

AMENDMENTS PROPOSED

I would like to make some specific comments on this bill for the purpose of suggesting considered changes that might strengthen H.R. 7259.

On page 3, delete line 5 through line 13, beginning with the word "and." We feel that this should be omitted as the trend is away from requirements in legislation for religious matching of younger children. The religion of an older child must be considered but, as in many cases, the best home for a child may not meet this criterion; it is an unnecessary encumbrance even though this bill stipulates that the "Commissioner shall set forth the reasons for such action in the records of the case."

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Finally, we feel this is an excellent bill. Our hope is that, if passed, we will not see the resistance for implementation from the agencies and staff responsible. In some of the States which have enacted this legislation, resistance has been reported. We assume whatever funding is necessary for its implementation will be forthcoming from the future District budgets.

We are also concerned with related problems, such as relinquishment that will be needed to be addressed in the near future in some sort of separate regulations.

Lastly, we want to thank you very much for giving us this opportunity to present our views on H.R. 7259. Adequate adoption regulations can help to insure necessary parental care and decrease the number of children who become emotionally unstable and therefore experience difficulties in societal adjustments.

Mr. MAZZOLI. Miss Riley, we want to thank you on behalf of the committee for your very excellent testimony today and for being patient for being with us here through the afternoon.

RACE AND RELIGIOUS FACTORS

There would appear to be some little change in thinking with respect to you and to Mr. Chunn on setting up standards and criteria. Mr. Chunn would add to the religion section that part about race and others; you would delete the religion section, which I might say is also the recommendation of the city government.

Is it your feeling that there is enough in the state of the art, the professional stance itself, to take care of the trend which would be to place blacks with blacks, whites with whites, and so forth and to overlook religion as to not being an important factor really cause us to believe that there is no need to put any regulations in the law?

MISS RILEY. I think that those probably should be administrative issues handled by the Department. Now, how that comes about is not, of course, a direct concern, I suppose, of this particular committee. I do feel strongly—personally, I agree with Mr. Chunn in what he is saying about transracial adoptions not being in the best interests normally of the child, but I do not feel that perhaps it should be in this legislation unless it were worded in such a way that there are some very special and exceptional instances where this could come about, and I could give you examples, but I do not think you want to take the time.

MR. GUDE. You get a polarization on this issue. We have a growing interest nationally in ethnic cultures, folk cultures, we just had a folklore festival all around the Mall and legislation in Congress to try to get people to preserve their identity and their roots in their past and recognize their racial origins.

A possible compromise, rather than—maybe we can say take into consideration on the decision.

MR. CHUNN. I don't know if that's a compromise or not.

MR. GUDE. I am just thinking out loud. I know there are some other witnesses here, evidently, that have some strong feelings in this regard. I will be interested in hearing what they will have to say.

MR. CHUNN. Evidently, the committee thought in drafting their legislation that some response should be made to putting a child in a setting where he would be with like people, like coloring, or like religion in relation to this. And basically, we can look at America as a sort of a melting pot mentality that has never really happened. We do have a society that is based on cultural lines and cultural considerations.

Our organization believes very strongly in cultural plurality and the parallel development of people. We are not advocating separatism, separation, but we do feel in relation to raising children, especially, that they need an anchor; they need a religious anchor and they need an anchor around their own racial identity as to who they are. They have to learn, in a racial society as we have, how to cope racism, deprivation, and how to cope with oppression. We have to give them some protection.

CHILD AVAILABILITY

MR. GUDE. It would seem to me offhand that the children that we are dealing with here have handicaps to start out with of varying

degrees, and being placed in the same racial group and same religious group, if they are along in years, which is provided in the bill, is going to give them one more chance for success, because they already have handicaps to start out with.

Mr. CHUNN. Let me challenge that handicap statement. If you look at the number of children that are available through DHR at this point in time, say over age 5, that are available for adoption from the standpoint of having religious rights of the natural parents, and so on, you will probably find between 125 and 130.

As I understand from the grapevine, the number of infants that are available are decreasing. The number of older children that are available is sort of going through a slight increase. If you want to look at the age as a handicap, we might, based on the fact that we know from studies that the older child becomes a harder-to-place child, you might need, though, to look at those 125-some-odd children to see what types of handicaps they have. Are they physical? Are they mental, emotional, or what, instead of just looking at it as sort of a great catchall.

I do not look at, say, for instance, a black child growing up in a black family that was placed there through adoption as compounding a handicap. I see it as, perhaps, giving some support for a strength, because it is within this culture—and within that culture and the strength of it—to allow that child survive a wider world that is negative and hostile to its being. What I am saying is that there is strength there, rather than a handicapping condition, you see.

FOSTER HOMES

Mr. MAZZOLI. I have one question, Miss Riley. You quoted, with some approbation, on page 2, from Dr. Goldie's book on "Child Care and Growth of Love." You say that for the children, they—meaning foster homes—always have a makeshift quality.

What I am concerned about is the fact—if we understood the testimony up to this point—is that a great many foster parents, foster homes, are going to be adoptive parents and adoptive homes if this subsidy were to be adopted. If that is the case, does what is a makeshift arrangement and a makeshift quality to the point of adoption become something else by the act of adoption, or is there, in your opinion, going to have to be a different kind of home, a different kind of parent, to look for?

Miss RILEY. I think, by and large, the mere psychological knowledge that that child is now forever theirs makes a big difference. Certainly, there would be some foster parents—the majority of our foster parents are excellent parents—there will be some who will probably apply for this kind of subsidy who will not be considered, perhaps, the best family for that child. By and large, they will be. So there would be possibilities where that family would be turned down.

Unfortunately, not all of our foster homes are as good as we would foster home environment—and granted, that cannot be a 100-percent good. And certainly, our natural families are not always what they should be.

I think the mere psychological knowledge—I saw it working in the independent adoptions—when the child finally knows he is definitely theirs will make the big difference.

Mr. MAZZOLI. I would hope so, because I feel, from what little I know about the subject, that where a child happens to be in a loving foster home environment—and granted, that cannot be a 100-percent statistic because there is no way to assure perfection on Earth. But where a child is in that situation, and notwithstanding its impermanence and notwithstanding the fact that there is need for money from some governmental unit in order to provide the support to these parents, to these foster parents—I am led to believe that many of them are so excited and so tremendously useful to the child that the later breaking apart of that is one of the great traumas of the child's life, where they have to be moved, and sometimes moved more often than once.

It is a trauma to the parents; it is a trauma to the child, because they have already fed that wedding of love and need that we talked about earlier that caused the flowering of the child. So I would like to believe that where the foster home arrangement is makeshift only insofar as its permanence is concerned, the fact that that child may not stay there and that parent may not be the parent for the foreseeable future.

But once you translate that impermanence and transform it into permanence, even with the same amount of money or maybe even less—a few cents less, to get the politics behind us—you then make that into a very suitable and quite a useful environment for that child.

I just thought I would ask about that word, "makeshift," because I find that—

Miss RILEY. That refers only to the insecure, temporary arrangement. Even when you understand it to be a so-called permanent foster home, there is nothing permanent. If that mother were to die, her husband perhaps would not, under that arrangement, be allowed to continue. But under adoption, they would continue as any normal family would.

Mr. CHUNN. There is a horror, Congressman, of the fact that it might be disrupted at any point. The Department could decree that this child moves, or some other source could decree that this child moves. There is a horror of the fact that there is hardly any control on the part of the parent as to what is good for that child, as a sort of very nebulous and valuable experience that they get more and more involved and attached to the child, and vice versa. There is the uncertainty of it all. Plus there are emergency homes, other type of care arrangements, too, that are very short in duration.

Mr. MAZZOLI. I want the record to reflect the fact that what you are challenging is not the love of the foster parent and not the stability of the home, and not the propriety of granting them as adoptive parents in the future, but just simply the impermanence of the arrangement currently—what makes it a makeshift arrangement and something less than desirable.

Miss RILEY. That is correct.

Mr. MAZZOLI. If his information is correct, many of these very people will be the ones that will make application for a permanent custody of the children and for adoption rights. We would not want the record to indicate that there is any challenge to the foster home or the foster parents as being challenged as sort of a class of makeshift situations.

Thank you very much.

Mr. Gude.

Mr. GUDE. No questions.

Mr. MAZZOLI. We thank you very much for your helpfulness and your courtesy in waiting with us. Thank you.

Our next panel: Mrs. Virgie Shokes and Mr. John Theban, representing Family and Child Services of Washington, D.C.; Miss Ann Wolf, Supervisor of Child Placement, Catholic Charities; and Mrs. Helen Hessler, Director of Adoption Services of the Lutheran Social Services of the National Capital Area.

You have been here through the day, and you have seen how our panels have worked. Perhaps we could let you elect among you whatever procedure you will use as to your statements; then we will have some questioning, as to talking back and forth.

I announced Mrs. Stokes first. Perhaps we could start with you.

If you have statements, they will be made part of the record. Perhaps you would want to summarize them or give the salient points.

Your prepared statement will be accepted into the record at this point.

[The prepared statement of Mrs. Virgie Shokes follows:]

PREPARED STATEMENT OF MRS. VIRGIE SHOKES, FAMILY AND CHILD SERVICES OF WASHINGTON, D.C.

I, Virgie Shokes, speak as a representative of Family and Child Services of Washington, a voluntary social agency which, for years, has been licensed for child placement by the District of Columbia Government. I also speak as a case-worker who has made adoptive placements with subsidy to adopting parents. It has been demonstrated that subsidized adoption has been found useful to children in 24 other states.

We firmly believe that every child should have the opportunity of growing up in a loving, financially and emotionally secure home. Formalized legal adoption is the one method of providing such a home. It should be recognized that there are people with all the qualities of good parents including a desire and willingness to accept children but whose financial condition prevents them from assuming this responsibility. In recognition of this, Family and Child Services, within the sharp limitations of its financing from voluntary funds, has made commitments to adopting parents to aid them in the added cost of supporting another child in their families. I should like to cite several situations in which I have been involved.

In 1969, the agency had, through relinquishment of parental rights, custody of a little boy who had been born with a congenital heart condition. Open-heart surgery was performed early and a plastic band placed around his aorta. The uncertainty of his condition prevented adoptive placement and he remained with his foster parents. His condition also indicated a later operation with only 50 percent chance of survival. In the meantime, the warmest relationships grew between the child and his foster parents. In spite of his medical condition they expressed a desire to adopt the child. However, the cost of the prospective operation would have prevented them from assuming the responsibilities of adoption. The advantage of cementing relationships so profitable to the child was so great, that the agency contracted to meet whatever medical expenses might occur when the second operation was made. With this assurance the family did adopt. It so happens the circumstances of the family changed and when the operation was performed, aid from the agency was not needed.

A second situation involved a four year old boy born with eye defects and slow development. These factors delayed his early placement. At age four, the foster family who had cared for him through these early years began to talk of his future. They, too, could see no course but that he stay with them. This family was of limited means, the husband at the peak of his expected earnings. The agency, therefore, made a commitment to continue board payments throughout the child's minority.

These cases are typical of what we believe to be a majority of subsidized adoptions made in other jurisdictions. Most appear to occur when relationships develop and emotional ties between children and foster parents are strong. In effect, with the support of subsidization, these children will have the security of a permanent family.

I should like to mention two other interesting cases because they represent subsidization on a temporary basis.

An infant girl who was voluntarily relinquished was placed with a foster family who had two boys. Due to lack of adoptive applicants no permanent plan could be made for several years. As time went on close relationships with the foster parents and the other children developed. This family, too, was of limited means. As the little girl grew older the parents moved from their bedroom and slept on the living room sofa in order that the child could have a room of her own. The family had a bedroom built on the house and the agency undertook to continue board payments until a loan which financed this addition was paid off.

Another worker in the agency placed an infant girl with a single woman. This woman worked but wished to spend the first four months after placement at home with her baby. While the adopting mother took a leave of absence from her job so that she and the child could become better acquainted the agency subsidized with board payments.

These cases are typical of others which we are sure exist where similar flexibility in the larger setting of the public agency would allow the security of adoption to children who otherwise face the uncertainties of foster and institutional care. Temporary, special need and long-term aid to good people to further their own willingness to adopt are promised by H.R. 7259. We believe that H.R. 7259 would afford persons willing to adopt, but deterred by circumstances, the opportunity to do so.

We would like to assure ourselves that the language of the legislation covers two other contingencies. We have indicated that experience shows foster parents are the most likely prospects for subsidized adoptive placements. The D.C. Department of Human Resources has many foster parents in nearby Virginia and Maryland caring for wards of the city. The bill doubtless intends that they be given the same consideration as prospective adoptors as are residents of the city, for it allows continuation of payment to adoptors moving outside the District, but we believe that their initial application should be explicitly allowed.

The licensed child placement agencies of this city from time to time, as our experience indicates, have both hard-to-place children and families of limited means who would be prospects for adoption with subsidy. These children will have well established relationships with workers of licensed agencies. Similarly, on the premise that many of the prospective adoptors will be foster parents of long standing, they, too, will have established relationships with agency staff. Their decisions to apply as adoptors will have been taken in consultation with these workers. The relationship should not be lightly broken. This could be ensured if the agencies were authorized to act as agents of the Commissioner in effecting the adoptions; the decision on subsidy, of course, resting with the Commissioner.

H.R. 7259 is a bill which we heartily endorse and we are grateful to Representative Gude for his interest, concern and initiative in introducing it.

STATEMENT OF VIRGIE SHOKES, FAMILY AND CHILD SERVICES OF WASHINGTON, D.C.

Mrs. SHOKES. Thank you very much, Mr. Chairman, for inviting us to participate in this testimony today on bill H.R. 7259.

I will not only speak as a representative of Family and Child Services, a private agency that has been for many years licensed to place children by the District of Columbia government. I would also speak as a caseworker who has worked on both sides of the totem pole, I would say, I have worked with the natural parents as well as adoptive parents where we have placed children and subsidized the placement of those children. It has been demonstrated that subsidized adoption has been found useful to children in at least 26 States, and we are hoping that this will be passed in the District of Columbia.

We firmly believe that every child should have the opportunity of growing up in a loving, financially, and emotionally secure home. It should be recognized that there are people with all the qualities of good parents, including a desire and willingness to accept children, but whose financial condition prevents them from assuming this responsibility.

SUBSIDY NEED

In recognition of this, Family and Child Services, within the sharp limitations of its financing from voluntary funds, has made commitments to adopting parents to aid them in the added cost of supporting another child in their families. I should like to cite several situations in which I have been involved.

In 1969, the agency had, through relinquishment of parental rights, custody of a little boy who had been born with a congenital heart condition. I would like to say, 2 days after his birth, it was indicated that he had a heart condition. It was determined a month later that he had a congenital heart condition, and an operation needed to be performed. This operation was performed at a little over 2 months.

The uncertainty of his condition prevented adoptive placement and he remained with his foster parents. His condition also indicated a later operation with only 50 percent chance of survival. In the meantime, the warmest relationships grew between the child and his foster parents. In spite of his medical condition, they expressed a desire to adopt the child.

However, the cost of the prospective operation would have prevented them from assuming the responsibilities of adoption. The advantage of cementing relationships so profitable to the child was so great that the agency contracted to meet whatever medical expenses might occur when the second operation was made. With this assurance, the family did adopt. It so happens the circumstances of the family changed, and when the operation was performed, aid from the agency was not needed.

I would like to say here that, in this particular situation, his medical and physical condition was guarded throughout the period of time before the first and the second operation. He still needs special care. And this particular family was able to meet the needs, the special needs, of this particular child, and they had already devolved an emotional investment prior to the first operation. And the fact that we were able to subsidize the adoption really helped them to provide a home that we felt was a good home for a child with special needs.

A second situation involved a 4-year-old boy born with eye defects and slow development. These factors delayed his early placement. At age four, the foster family who had cared for him through these early years began to talk of his future. They, too, could see no course but that he stay with them. This family was of limited means, the husband at the peak of his expected earnings. This agency, therefore, made a commitment to continue board payments throughout the child's minority.

These cases are typical of what we believe to be a majority of subsidized adoptions made in other jurisdictions. Most appear to occur when relationships develop and emotional ties between children and foster parents are strong. In effect, with the support of subsidization, these children will have the security of a permanent family.

I should like to mention two other interesting cases, because they represent subsidization on a temporary basis.

An infant girl who was voluntarily relinquished was placed with a foster family who had two boys. This was a normal, healthy infant. Due to lack of adoptive applicants, no permanent plan could be made for several years. As time went on, close relationships with the foster parents and the other children developed. Actually, this little girl really became a part of the family before they were allowed to adopt her.

The family also had limited means. And at one point, they realized that the child was growing older, and because they had a small home with only two rooms, and two boys, the little girl was in their bedroom. They moved out of their bedroom and into the living room and slept on the sofa, so that she would feel that she was actually a member of this family and part of this family.

This family, then, applied to adopt her, and we agreed to subsidize so that they could pay for a room that they had built onto the home. And this will be paid for—the payments will be completed in 1976.

Another worker in the agency placed an infant girl with a single woman. This woman worked but wished to spend the first 4 months after placement at home with her baby. While the adopting mother took a leave of absence from her job so that she and the child could become better acquainted, the agency subsidized the board payments.

These cases are typical of others which we are sure exist where similar flexibility in the larger setting of the public agency would allow the security of adoption to children who otherwise face the uncertainties of foster and institutional care. Temporary, special need and long-term aid to good people to further their own willingness to adopt are promised by H.R. 7259. We believe that H.R. 7259 would afford persons willing to adopt, but deterred by circumstances, the opportunity to do so.

We would like to assure ourselves that the language of the legislation covers two other contingencies. We have indicated that experience shows foster parents are the most likely prospects for subsidized adoptive placements. The D.C. Department of Human Resources has many foster parents in nearby Virginia and Maryland caring for wards of the city. The bill doubtless intends that they be given the same consideration as prospective adoptors who are residents of the city, for it allows continuation of payment to adoptors moving outside the District, but we believe that their initial application should be explicitly allowed.

The licensed child placement agencies of this city from time to time, as our experience indicates, have both hard-to-place children and families of limited means who would be prospects for adoption with subsidy. These children will have well established relationships with workers of licensed agencies.

Similarly, on the premise that many of the prospective adoptors will be foster parents of long standing, they, too, will have established relationships with agency staff. Their decisions to apply as adoptors will have been taken in consultation with these workers. The relationship should not be lightly broken. This could be ensured if the agencies were authorized to act as agents of the Commissioner in ef-

fecting the adoptions; the decision on subsidy, of course, resting with the Commissioner.

H.R. 7259 is a bill which we heartily endorse, and we are grateful to Representative Gude for his interest, concern and initiative in introducing it.

Mr. MAZZOLI. Thank you very much.

Mr. Theban, would you have anything supplementary?

Mr. THEBAN. Mrs. Shokes spoke for the both of us.

Mr. MAZZOLI. We appreciate that.

Miss Wolf.

Your prepared statement will be accepted in the record at this point. [The prepared statement of Miss Ann Wolf follows:]

PREPARED STATEMENT OF MISS ANNE E. WOLF

My agency, Catholic Charities, has a broad children's program of which adoption is a part. We support H.R. 7259 since we believe that subsidized adoption has a part in any good child welfare program since subsidized adoption meets the needs of some children whose needs can be met in no other way. I should like to emphasize that the objective of all subsidized adoption programs must be to meet the needs of children and to provide legal identity for a child who has no natural family and who has formed meaningful, emotional ties with foster parents. I question that subsidized adoption will either materially decrease child welfare rolls or save money for the community. However, if the needs of even a few children are met the value cannot be questioned.

My agency since 1967 has completed eleven subsidized adoptions. These adoptions were in most cases initiated by the boarding parents who recognized that the child had formed strong and permanent ties with them and wished to protect him against the trauma of separating from the only parents he had ever known. In three cases the subsidy has been discontinued at the request of the foster parents as the financial situation of the adopting parents improved. Eight are receiving regular subsidies which are reviewed at intervals. In some cases the reason for the subsidized adoption relates to serious medical problems requiring extended medical expenditures. One child is a congenital dwarf, one has cerebral palsy, several are mildly retarded. In some instances the agency staff, with the help of the psychiatric consultant made the decision that a child, who had been in a foster home for a period of years had formed ties that could not be broken without serious damage to the child.

The picture of adoption for the normal black infant has changed. Homes are available and the necessity of rearing, healthy, normal children, legally free for adoption in foster care no longer exists. For many children the most serious barrier to adoption results from tenuous legal ties to abandoning or hopelessly inadequate parents. To provide legal security for these children, agencies need to assess realistically the potential for natural parents to assume responsibility for the care of their children and to bring facts before the Courts that will enable children to find permanent security with foster parents willing to adopt if financial help is available. At this time I believe that there are children in long time foster care, who could benefit from a subsidized adoption program if the legal barriers could be overcome.

As a representative of a private agency I am happy to see that provision is made in the bill for subsidies for children in the care of private agencies. I am hopeful that in practice licensed child-placing agencies may be permitted to act as agents for the commissioners in regard to children in their care. In most cases in which a subsidized adoption would be recommended by a private agency a meaningful relationship exists between the agency, the child and the foster parent.

Catholic Charities enthusiastically endorses the bill (H.R. 7259) and feels that its passage will open up a resource for children in D.C. that is available to children in many other states.

STATEMENT OF ANN WOLF, SUPERVISOR, CHILD PLACEMENT, CATHOLIC CHARITIES

Miss WOLF. My agency, Catholic Charities, has a broad program of which adoption is a part. We support H.R. 7259 since we believe that

subsidized adoption has a part in any good child welfare program, since subsidized adoption meets the needs of some children whose needs can be met in no other way.

I should like to emphasize that the objective of all subsidized adoption programs must be to meet the needs of children and to provide legal identity for a child who has no natural family and who has formed meaningful emotional ties with foster parents. I question that subsidized adoption will either materially decrease child welfare rolls or save money for the community. However, if the needs of even a few children are met, the value cannot be questioned.

SUBSIDIZED ADOPTIONS

My agency since 1967 has completed 11 subsidized adoptions. These adoptions were, in most cases, initiated by the boarding parents who recognized that the child had formed strong and permanent ties with them and wished to protect him against the trauma of separating from the only parents he had ever known.

In three cases the subsidy has been discontinued at the request of the foster parents as the financial situation of the then adopting parents improved. Eight are receiving regular subsidies which are reviewed at intervals. I might mention here that in no case is the subsidy larger than a regular boarding payment. In a substantial number of cases, it is less. But it is on an individual agreement with the family.

In some cases, the reason for the subsidized adoption relates to serious medical problems requiring extended medical expenditures. One child is a congenital dwarf, one has cerebral palsy, several are mildly retarded. In some instances, the agency staff, with the help of the psychiatric consultant, made the decision that child who had been in a foster home for a period of years had formed ties that could not be broken without serious damage to the child, even though another home might have been available where a subsidy would not have been necessary.

The picture of adoption for the normal black infant has changed. Homes are available and the necessity of rearing healthy, normal children, legally free for adoption, in foster care no longer exists. We have older children in foster care, but young children released to agencies now, their placement does not provide a problem.

For many children, the most serious barrier to adoption results from tenuous legal ties to abandoning or helplessly inadequate parents. To provide legal security for these children, agencies need to assess realistically the potential for natural parents to assume responsibility for the care of their children and to bring facts before the courts that will enable children to find permanent security with foster parents willing to adopt if financial help is available. I realize all the problems that exist. This is a large group of children in foster care who have not been able to be adopted. At this time, I believe that there are children in long-time foster care who could benefit from a subsidized adoption program if the legal barriers could be overcome.

PRIVATE AGENCY CHILDREN

As a representative of a private agency, I am happy to see that provision is made in the bill for subsidies for children in the care of pri-

vate agencies. I am hopeful that in practice licensed child-placing agencies may be permitted to act as agents for the commissioners in regard to children in their care. In most cases in which a subsidized adoption would be recommended by a private agency, a meaningful relationship exists between the agency, the child, and the foster parent.

Mr. MAZZOLI. Miss Wolf, at that point, let me interrupt you, if I might, because Mrs. Shokes mentioned the precise same thing in somewhat different language just a moment ago. That is, you wish to have your private agency to be an agent of the Commissioner in the placement of these children for subsidized adoption.

Does this mean that you do not want the children at any time to be wards of the Commissioner? Or does it mean that you want some other kind of a legal relationship with the Commissioner, short of making the decision on whether or not the subsidy should be granted?

Miss WOLF. Yet me say what could happen, what it is that we are really saying here. Let's assume that either my agency or the other agencies—we have a child, and this child's parents had relinquished that child to us. This child, for any of a number of reasons, had not been able to be placed for adoption at an early age, had been in foster care. We felt that this particular home, in which the child was, was the best home for him, and the foster parents were interested in adopting.

We would have known the child for several years, the foster parents for several years, and would have determined that this was the best place.

Let's assume that we went into court, or we relinquished, and we came up with a situation in which the Department of Human Resources said to us, well, we have five homes that we think would be better for this child. But we are still saying these ties exist.

Mr. MAZZOLI. That is the conflict.

Is that also what you are saying?

Mrs. SHOKES. Yes.

Mr. THEBAN. May I add one point to that?

Mr. MAZZOLI. Yes.

Mr. THEBAN. We would also like to see a process set up that said the District will use what is already there and what is already known. A literal reading of the bill would mean that this family that Miss Wolf might have had for 5 years might have decided on adoption and needed subsidy. Then everything would have to go over to a new agency where nothing was known and new people start in, and so forth.

It seems sensible that somehow or another, the mechanism could be worked out to use what is there and the relationships.

Mr. MAZZOLI. To take the information which you have already developed with respect to the Commissioner to let him make his mind up on that basis.

Mr. THEBAN. He's the one who should make up his mind; he's spending public money; he should make up his mind whether this meets the criteria or not.

Mr. MAZZOLI. The reason earlier today I brought up the situation which I am a bit troubled by, that is, if, in order to get a subsidy arrangement consummated you have to give over custody of the child to the Commissioner, it seems to me that at that point he could make, through his agents, certain determinations, like the child, if the subsidy does not go through, ought not to go back to this agency because he would then be the custodian of the child.

It seems to me that we cannot allow, I guess, the District of Columbia to pay public money to private clients directly, but it does seem to be that we should be able to draft something that would benefit by the knowledge as the Commissioner would benefit from the knowledge of a private agency that has been developed in some cases over years and would certainly be of strong help to the Commissioner in making his judgment.

Miss WOLF. I think we all agree that certainly the expenditure of money has to be with public agencies and we as private agencies would be in the position of providing them with all kinds of information they needed to, in effect, accept our plan. I think that this is the thing we would like to see in here.

Mrs. HESSLER. I think it could come to the point that if the Commissioner came to a plan of subsidy that the agency recommended or rejected that plan, or reject that family to say we have other families, a private agency would actually be in the position of having to determine whether that they would retain the relinquishment themselves and not transfer it.

They would have to try in some way to maintain the child in the same home so that the relationship with the family would not be broken, if they could not be assured he would stay. It would reach that point; and it probably does not happen that often, but occasionally it may.

Mr. MAZZOLI. I agree. That is a particular problem.

Maybe you can go on with your testimony.

[The prepared statement of Mrs. Helen Hessler follows:]

PREPARED STATEMENT OF MRS. HELEN HESSLER

On behalf of Lutheran Social Services of the National Capital Area, Inc. I would like to testify in favor of H.R. 7259. I also want to endorse heartily the statement submitted to this subcommittee by the Child Welfare League of America in support of this bill.

Lutheran Social Services is one of eight licensed child-placing agencies in the District of Columbia. As such the agency often assumes custody of a child who has "special needs" according to the definition of that term in the bill (page 4, paragraph A). If no adoptive parents are found he becomes a long-term responsibility of public or private funding in the District, and in addition, may be moved from foster home to foster home or to an institution. He loses out on the security of permanent family relationships which could do the most to enable him to grow to a stable and mature adulthood.

In a private agency it is not possible to estimate the number of children who could benefit from subsidized adoption in the District of Columbia. The majority would come under the care of the Department of Human Resources and either remain in long term foster care or be placed in various institutions. Some undoubtedly could be adopted by the foster parents who already have a deep relationship to the child in their home.

One group of children which would stand to benefit would be handicapped youngsters. A child with a physical or mental handicap is not a sought after child by the majority of parents seeking to adopt. To whom would he appeal then? Often to those families with empathy and understanding born out of their own efforts to overcome obstacles in life. They want to give him a chance, and have the love and confidence as well as the capacity to do this. What they lack is the financial means. This may be a long term need or a time-limited one as defined on page 6 of the bill.

I would like to cite a recent example of a time-limited subsidized adoptive placement our agency has made as typical of some cases of need for handicapped children. We now have in our care a 2½ year old retarded child. He was brain-damaged at birth and possibly has an IQ of 50. Without a permanent family home he would eventually have to be placed in the District training school for

the retarded known as Forest Haven. The cost of his care has been estimated by the staff there as \$26.00 per day at present.

By active recruiting our agency has found an adoptive home for this child that is well prepared to meet his needs. However, because they already had three children and a limited income they found that for the next year they would need some financial assistance. A foster care payment of \$4.00 per day is being paid as a subsidy for a period of one year at which time the family expects to assume full financial responsibility. In this instance it represents a savings of \$22.00 per day over institutional care. It is not difficult to compute the difference in cost of care over the period of a year (\$8,030.00) or for the entire minority period of his life, if he had to be subsidized for that period.

To us it appears that, while such a financial saving may be impressive, the benefits to the child are the most significant. An adoptive family has a vested interest in stimulating and enabling that child to develop to his fullest potential in life. He is part of them and reflects their investment in him. The built-in supports of a healthy family cannot be measured in dollars and cents.

For any child who lacks permanent parents, either because of their voluntary relinquishment or because parental rights were previously terminated by court action, an adoptive family most often is the preferred type of placement. The children with special needs such as the older children, sibling groups and handicapped children are the ones for whom adoptive parents are most needed and hardest to find. (I am intentionally not citing the black child. The young black child is not hard to place. The older black child may be hard to place but because he is older and not because he is black).

An interesting possibility to consider would be the approximately 400 retarded children out of a population of about 1300 at Forest Haven who could be maintained in families outside the institution if such homes could be found. An estimated 25% to 30% of this group of 400 might eventually be adopted and become self-supporting adults. In at least some cases, subsidized adoption would be the key that makes this possible.

A subsidized adoption law would enable all the agencies to work for the best permanent plan for each child, and actively seek and use adoptive applicants who often have the motivation and ability to meet the needs of our otherwise "unplaceable" children.

STATEMENT OF HELEN HESSLER, DIRECTOR OF ADOPTION SERVICES, LUTHERAN SOCIAL SERVICES OF THE NATIONAL CAPITAL AREA

Mrs. HESSLER. I appreciate the opportunity to speak on the behalf of Lutheran Social Services. I will not repeat everything that we have already submitted, because much of it already has been stated here today.

RETARDED CHILDREN

I would like to speak to one aspect; that is, working with children who are retarded. This is a group that would stand to benefit very much, as well as handicapped children. A child with a physical or mental handicap is not a sought after child by the majority of parents seeking to adopt. To whom does he appeal? Often to those families that have empathy and understanding born out of their own efforts to overcome obstacles in life. They want to give him an opportunity, chance to develop; and they have the capacity to do this, but they lack the financial means.

This is where we come to needing some kind of subsidy, either long term or time limited.

Lutheran Social Services has a child who is 2½ years old, retarded. He has brain damage and has an IQ possibly of 50. Without a permanent home, he would eventually have to be placed in a District training school for the retarded child known as Forest Haven.

And incidentally, in this case when we learned this child was brain damaged, when he was less than 1 year of age, we tried to raise questions about transferring the relinquishment to the District so that he could be cared for under public funds; and there was only one way to do it. He could not be accepted into foster home care; he would have to be transferred to a waiting list under the mental health program and simply wait until he would get into the institution at Laurel. That would have been possibly 5 years. We never did transfer the relinquishment. We made the decision to retain the relinquishment ourselves even though this might have meant 18 years in a foster home or longer.

By actively recruiting we have found an adoptive family for this child that is well prepared to meet his needs. However, because they already have three children and a limited income, they found that for the next year they would need some financial assistance. A foster care payment of \$4—which happens to be our own foster care payment of \$4 per day—is being paid as a subsidy for a period of what we expect will be 1 year, at which time the family will assume full financial responsibility.

Costs

I have learned by talking with people at Forest Haven that their present estimated cost is \$26 per day. So this represents a savings of about \$22 a day over institutional care, if he were there now. And it is not difficult to compute the difference in cost over a period of a year comes in excess of \$8,000.

Mr. MAZZOLI. Would you have any figures on the difference between institutional care, adoptive care and foster home care?

Is there any difference between the foster home care and the adoptive care?

Mrs. HESSLER. In costs, the average agency is varying; it varies tremendously. In foster care we are paying \$4 per day, plus clothing, plus the medical, either through medicaid or we are paying it. In adoption placement there is not any cost unless something has to be subsidized. In institutional cases it is usually several thousand dollars per year, depending on how highly specialized it is.

We do feel that even though the financial saving has been impressive, the most important single factor here is the fact that a retarded child is probably going to do better given a good adoptive home or a family which will stimulate him, and which will give him the best opportunity to develop his full potential than an institution ever will.

I think there is another point here. Adoptive parents have a vested interest in the children they take. That child becomes a part of the family, and they will do their best, providing we have done our job to make sure that their motivation is good, that they really want this child for himself and not for some other ulterior motive.

I also would like to make the point, as has been said here earlier that children we are identifying are those that are handicapped or older and who are sibling groups, children without parents. But we are not saying that the black child is not necessarily hard to place because he is black. There are parents now for young black children, and the older black child may be hard to place, but by and large because he is older and not because he is black.

The other point that I have come across in this past week—and I think this is an interesting possibility, considering that in Forest Haven there is a population of roughly 1,300 children, or 1,300 mentally retarded individuals; they are not all children. Approximately 400 are estimated to be able to be maintained in a family in the community if such homes could be found. Of that 400 you might estimate—the staff there has estimated 25 to 30 percent could possibly become self-supporting some day or continue in a family and eventually be self-supporting individuals. I do believe in some of those cases subsidized adoption would help make that possible.

We feel that an active recruiting campaign on the part of agencies would be very useful. It is not recruiting just on the basis of subsidized adoption, but to meet the needs of children that are unplaceable because of special problems.

CHILDREN AVAILABLE

Mr. MAZZOLI. We thank you. What would be your estimate as to the number of children who might possibly qualify for this type of subsidy?

Mrs. HESSLER. I do not think I could make an estimate. We have heard different figures here today. I think a private agency does not see as much of this. We mentioned figures here, 10 or 9 or 2 or 3. Our agency sees 2 or 3 a year. It is hard for us to get any picture of the overall condition.

Mr. MAZZOLI. Would you believe that it would be a helpful tool and one that would be a resource that you could use from time to time in placing children?

Mrs. HESSLER. Yes.

Mr. MAZZOLI. You would say then that it would be particularly helpful and may be helping institutions in placing those children; you mentioned something like 400 might qualify for home care, of which some 20 percent perhaps could even become self-sufficient as a result.

Mrs. HESSLER. This is the figure that the staff there has suggested. As I understand it, they have no active means of now getting those children out, so it would take an involvement of the total community to find homes for them. This would possibly aid in finding some families that could take care of them.

Mr. MAZZOLI. Miss Wolf, would you have any sort of thought about the number of children?

Miss WOLF. I still go back to my point that I think that the ones who are legally relinquished for adoption are a relatively small one. I think there are a number in foster care, not necessarily my agency but throughout the community, who really have no contact with their own families but are still not legally free to take on adoption.

Mr. MAZZOLI. I was interested by your point. The legal entanglements which in many cases prohibit the real placement of these children, the adoption of them, or anything else.

Miss WOLF. Youngsters with their mother in mental hospitals who probably is never going to be released, who have been in foster care for, let's say, 7 years. We see these children in other parts of our program, not in our adoption program.

Mr. MAZZOLI. We do not have the jurisdiction to change the rules and regulations by which parental rights are terminated. I would see no reason why we could not have some strong language indicating that part of our reason for considering this bill and recommending its passage is to provide money to pay the attorneys, who in turn would have to maybe go through the excruciating process of unsorting these entanglements. Nevertheless, that is part of what we are trying to do here as one of the three forms of subsidy.

Mrs. SHOKES, would you have any estimate as to the number of children in that group that would qualify under this subsidized adoption and possibly the number of families?

Have you developed any statistics on those?

Mrs. SHOKES. No. Just like Miss Wolf has mentioned, with a private agency actually we cannot see many of the children that would fall into this particular category. I would like to say though that we have had some adoptive parents who have adopted one child that would adopt a second if we had some subsidization.

Also, we have recently received requests from others who have tried to keep children and place them in independent foster homes and later requested adoption when the child is much older. And I do not feel that we really have figures to show the number.

Mr. THEBAN. I think the public agencies is where the answer to this lies. What we are really talking about without saying it is a comprehensive child care plan where there is a reasonable review at reasonable intervals to find out why the child is still in foster care *x* years later and so forth.

The first steps of that, of course, have been taken. We have not gotten very far. There are actually—Illinois—indicated that there is a contemplation, if I am not mistaken, for a computerized system that will raise the child to the surface for inspection at various times in that group. These children would be found.

RACE AND RELIGIOUS FACTORS

I would like to address myself to a point that Mr. Chunn was discussing on race and religion. My personal opinion on this is I do not like to see these elements involved in the law, which seems to me are aggressive moves. In the first place, it requires a definition of religion. I am reminded that if this practice becomes part of the adoption law of the District, all children are not black and white, if you want to take it that far, because it compared Chinese children this last year. Where would you find a Chinese couple?

I completely agree on putting as few obstacles in the child's way in what he could trip over. This is something I think should be handled as a matter of practice in the administration and not in the law.

Mr. MAZZOLI. There is something to be said for endeavoring to match the child with the family carefully.

Mr. THEBAN. No question about that.

Mr. MAZZOLI. Not to have it so stated in order to make it a local decision, a professional decision.

Mr. THEBAN. I do not think in the profession there is a quarrel on this at this time.

Mr. GUDE. I wonder if our other panelists could comment to that same question.

Miss WOLF. You mean in terms of race and religion?

Mr. GUDE. Yes. The question of whether it should be specified in the law, alluded to in the law, or covered in an administrative agency.

Miss WOLF. My own feeling on this is that this law should be flexible enough so that no children are excluded from a permanent home.

Mr. MAZZOLI. In other words, you would feel if a child is hard to place, he should be treated regardless.

Miss WOLF. The needs of the child are what should be paramount. I think in practice most agencies do, as far as possible, look at these things; but to specify in law is something else.

Mrs. HESSLER. I would agree. If it is alluded to, this probably does not create an obstacle, but it has to be flexible and it really needs to be practical and workable. It has to be a policy rather than a rigid kind of thing, because then it becomes a place in which many children are not going to fit into these kinds of categories and will be held back from an adoptive home. There will be enough instances of that.

Mr. GUDE. The language in the bill, I note, on page 3, lines 12 and 13, in the case of faith it says, "The Commissioner shall set forth the reasons for such actions in the records of the case if he did not place a child according to faith."

That certainly is very helpful to have your opinions in this regard.

Mr. MAZZOLI. I would have just two questions. One, would there be any families here that would feel that there would be any extraordinary drain on the public treasury if this bill were adopted? Because we went around the table, and there did not seem to be a great many that you could offhand think of that would qualify.

Are we pretty safe in saying that we are talking about some huge load of cases?

Mr. THEBAN. I think we are talking as private agencies and we cannot predict what they do unless they further identify the children that are processed for this service. But I think what you can say is we have some of the most expensive kinds of child care in the past in the city. It is hard to believe that you could, through a subsidy, even approach them in an individual case by case.

PAYMENTS LEVEL

Mr. MAZZOLI. When we are talking about money then, what is your feeling, Mr. Theban, about the level of payments as to payments now. Should they be at a level equal to what the foster homes get, or should they be at a payment less?

Mr. THEBAN. The way the language reads now the District can go up to the greatest amount that it is now spending. It is spending quite a lot on some children with special needs, up to \$12,000 a year actually, for some of the emotionally disturbed children in residential placement.

So this gives them an enormous area of flexibility. If you take the fact—and I think it probably is true from anyone's experience who has worked with this—that most of the adoptors will be currently foster parents. The areas of support that they will require will be somewhere in the neighborhood of what they have been getting; be-

cause they have been keeping the children on those levels. They are adopting for other reasons, not to make money, I am sure.

So, it seems to be reasonable to pin it as the language has it.

Mr. GUDE. I believe while Mrs. Hessler testified to the effect, in one instance it was more reasonable to have a subsidized adoption than have the child in an institution by a considerable amount of money. That would be your general agreement?

I do not mean to put words in your mouth.

Mr. THEBAN. Yes.

Miss WOLF. I think that we can assume, Mr. Gude, that the average family will be looking for something like what they were getting in foster care. It is inevitable that you would save money, because the cost of giving service to foster families is high; and this is one thing you would be eliminating.

In other words, this becomes their own child here, and they take over all the responsibilities. You may be reviewing the subsidy once a year.

Mr. GUDE. Institutional care is the highest; foster care would be next; and subsidized adoption would be the least, in your estimation.

Miss WOLF. I would think so.

Mr. MAZZOLI. Mrs. Shokes.

Mrs. SHOKES. I was thinking about the testimony of one of the persons from Illinois, where she stated that subsidies should be tied to the need of the child. And I think this is a good plan, because the need of the children should be paramount. And we have individual children, individual foster parents, and their needs differ; and the amount of money that has to be spent will differ.

So I think this is a good way of looking at it.

Mr. GUDE. We have the need of getting this legislation through the House. We agree with you that the need of the child is the greatest.

Mr. MAZZOLI. The gentleman is saying that we have to be somewhat prudent in managing the bill and advocating it, simply because there will be those who would challenge anything other than what is now being paid to a foster home. We would have to give them some idea of what we are really talking about.

That is why I think Mr. Theban put his finger on it. What we are saying is that there is a considerable saving, a tremendous saving of some \$20 per day almost per child between institutional care and foster home care. And we could say that it is likely that the adoption, subsidized adoption, could be roughly in the category of the present foster home care to give these people something to get their teeth into and let them know where we are.

Counsel was bringing up a point that perhaps you might be familiar with. In a schedule of payments to foster homes, there is an item that is a service fee that seems to be above and beyond the cost item of food and medical care and so on.

Are you familiar with that? And if so, does that have any kind of relationship to the age of the child or to the amount of cost, or is it just an additional fee?

Mr. THEBAN. No; the service fee—we are probably responsible for that, sir, because some 12 years ago when the population in Junior Village was at its height, my agency developed an idea that was supported first by a grant from the Children's Bureau and then by con-

tract with the District, in which we employed foster parents for salaries, hired houses, and took five children for each couple—stepped ages, unrelated boys and girls—and undertook to keep them in long-term foster care. The salary was over and above the boarding cost which a boarding mother would have received.

This immediately set up a situation between the large number of foster parents that Mrs. Grayson represents, and the smaller number that we were experimenting with, primarily to see if we could get large numbers of children out in short order, and whether we could get them in a stable situation and guarantee the stability.

Of course, as soon as this became known, the District had to deal with the inequity. The way they did it was adding to the foster payment \$20 per child, which if you had five children, you see, amounted \$100.

Mr. MAZZOLI. That remains on the books, the service fee?

Mr. THEBAN. It does.

Mr. MAZZOLI. Do you have that in your arrangement?

Mr. THEBAN. We still have it by a contract provision. We have \$22. And since them, FLOC has a somewhat related program, because the District gives to those, and as they are not an agency.

Miss WOLF. We have \$18.

Mrs. HESSLER. We have infant homes, not this type of group home.

Mr. THEBAN. These are contractual relationships with the District now.

Mr. MAZZOLI. Would there not be some pressure, some emphasis on dropping those fees if they are not really pegged to cost?

Mr. THEBAN. They are pegged to cost.

Mr. MAZZOLI. They are pegged to costs, but they are not actual costs? They are inducement above the reimbursement?

Mr. THEBAN. Our total figure is pegged in cost. It is a little different for each home, as you can imagine. That is the way the District arrives at its contract price. With this service fee, I do not think this is in any way related to cost; but Mrs. Grayson could probably speak to this. It is an inducement and a needed benefit.

Mr. MAZZOLI. A needed inducement?

Mr. THEBAN. No question.

Mr. MAZZOLI. Mr. Gude.

Mr. GUDE. No further questions.

Mr. MAZZOLI. Thank you very much, ladies and gentlemen. We appreciate your being with us and your patience.

Our next panel would be composed of Mrs. Millicent Davis, representing the Metropolitan Washington Urban League; Mrs. Mary Grayson, president of Foster Parents Association of Washington, D.C.; Mr. David Hulett, representing For Love of Children, Inc.; and Mrs. Janet Hutchinson and Mr. Dennis Gaughan, representing Council on Adoptable Children of Metropolitan Washington.

If you ladies and gentlemen, as we go around, introduce yourself for the benefit of the reporter. And you have been here with us, and we appreciate your patience. Maybe summarize your statements or read them if that is your pleasure; then we will sort of talk about where we are and where we are going.

So perhaps we could start.

Ma'am. Mrs. Grayson.

Mrs. GRAYSON. I am Mary Grayson, and I am president of the Foster Parents Association; and I am so glad to be here and hear so many nice remarks about payments. I am overwhelmed right now.

Mr. MAZZOLI. We are delighted to have you.

Mrs. GRAYSON. Thank you.

FOSTER HOMES

We are the traditional foster parents of Washington, D.C., Virginia, and Maryland. When I heard you discussing payments, I would like to say that we average about 60 cents a day for our food and our children, which gives us about \$8 roughly, in 2 weeks \$8.43. Actually, we get \$40 for the under 12, and \$45 for the over 12. We are very low in payment.

The reason why we are here to stand so strongly for this bill, this subsidized adoption—as you know, when I read my statement, that you will find out that I am in standing, that it will pay or come up to a good standing in subsidy for the poor people. That is what we are. We are not the poorest, but we are the next to the poor. We are the middle class poor people that are trying to help somebody, and we need a good subsidy because we do not have enough. There is only one breadwinner in each one of our homes. In some of our homes that you see these mothers here, have been in service 15, 20 years. Their husbands are dead; they are widows; and we are still carrying on.

Another point I heard you raise even when our fathers will carry on, and when the mother is deceased according to the child's age and according to how long the child has been in the home.

So I do not want to make my statement. I wanted to introduce myself.

Mr. MAZZOLI. I want to thank you. I noticed you moved from the back of the room to the front of the room when we started talking about payments.

Mrs. GRAYSON. Thank you.

Mr. MAZZOLI. Mrs. Davis, from the Urban League.

Mr. GAUGHAN. I am Dennis Gaughan.

Mr. HULETT. I am David Hulett from For Love of Children.

Mrs. HUTCHINSON. I am Janet Hutchinson, President of COAC.

Mr. MAZZOLI. In the interest of perhaps time—it is 2:30 now—Mrs. Grayson, would you be able to summarize your statement, because it will be made part of the record? Let me state it that way.

Perhaps we could take your introduction as a summary of your statement, because you are in support of the bill.

Mrs. GRAYSON. That is true.

Mr. MAZZOLI. You feel there has to be a reasonable level of payment. If you do not, you do not have a good bill. And that were we to have this bill passed and a good level of payments, you feel it would be very helpful to ladies like yourself and to families in trying to help take care of these children.

Is that correct?

Mrs. GRAYSON. I feel that if we have a subsidy, not only have I heard a whole lot, drawing on foster parents because I love to hear it, because we the foster parents have given most of our lives to foster care. You have never heard the good side about the foster parent.

You always hear the bad, but you never hear the good about anything. And we do send our children to college. We do an awful lot of things in foster care that you do not hear anything about.

But we do it by skimping. And you can know from what we get that we are doing it on skimping. Like I said with \$40 and \$45 for food right now, it is awfully hard.

Now, I feel like that this bill would be good for the colored children. I hear they bring up a color question, but I want to say this. We have more colored children, to me, that needs adopting, needs a family, than any nation of children that I know of. I do not know what somebody else has got; I only deal with right here.

I feel like if we could give our own colored people a subsidy, we would be able to keep our own children. You see, the reason why people go out and say—just not foster care, but just say colored people in general—will not take their children, or will not do something for their children. We are not able. We do not have it.

This is the people—these are the people that I am speaking of like myself that have nothing but heart, because we got into foster care with heart, and we are ending up next door to Junior Village and D.C. Village, because everything we got is gone; everything we have got is going. Therefore, we need the subsidy.

Mr. MAZZOLI. Thank you. We will be coming to you with some questions.

Mrs. Davis, do you have a statement?

[The prepared statement of Millicent Davis follows:]

PREPARED STATEMENT OF MILLICENT M. DAVIS

I am Millicent M. Davis, Associate Director for Programs, Washington Urban League. I am here to express the Urban League's support of H.R. 7259 which would provide a system of adoption subsidies in the District of Columbia. The offer of equal opportunity to reach adulthood, unhampered by the obstacles in the path of successful growth, is one of the many concerns of this organization.

The basic mission of the Urban League is to eliminate discrimination and foster the economic and social development of blacks and other minorities. Therefore, we are vitally interested in solving the problems of all minority children. In this instance we are concerned about the victims of *discrimination*, minority children, who through circumstance of birth, have acquired parents incapable of meeting their parental responsibilities. More often than not, these children depend upon the local and federal government to equalize *life chances* for them.

In order to facilitate maximum comprehension of the Urban League's position, consider Aaron Antonovsky's definition of the two key concepts being discussed here: *discrimination* and *life chances*.

"Discrimination is practiced when individuals are denied desired and expected rewards or opportunities for reasons that have no relation to their capacities, merits, or behavior, but solely because of membership in an identifiable out-group."¹

"The term 'life chances' (coined by Max Webber) refers to the typical chance of the members of a social group for acquiring goods, external living conditions and [positive] personal life experiences."²

Life chances then are opportunities to achieve one's fullest potential. It is clearly discriminatory to deny children relinquished for adoption the life chances afforded them by adoption merely because their prospective and otherwise qualified adoptive parents do not have adequate income. Indeed, if the latter individuals are members of a minority group, they have themselves been victims of

¹ Aaron Antonovsky, "The Problem: The Social Meaning of Discrimination in Bernard Rosenberg, Israel Gerver and F. William Howton (editors) *Mass Society In Crisis* (New York, 1968, p. 409.

² *Ibid.*, pp. 415-416.

discriminatory practices in this nation. They are further penalized when inadequate income prohibits their realization of the desire to become adoptive parents—thus, reinforcing discrimination!

It should not be necessary to discuss the obvious emotional and psychological merits of adoptive status when contrasted with the limbo status of foster care. This is not to deny appropriate credit to the many loving and capable foster parents who nurture their foster children, sometimes guiding them into adulthood as productive members of society. Not all dependent children, however, are constitutionally equipped to withstand the insecurity of not belonging to a permanent family, in addition to the insecurity of not fully understanding and accepting what is often perceived as rejection by natural parents. Preoccupation with one's dissatisfaction with one's own roots and identity is too often the beginning of anti-social attitudes which may lead to delinquent behavior.

Moreover, it should not be necessary to elaborate on what has already been said about the obvious reduction in governmental spending when comparing subsidized adoption and foster care expenditures.

What then could prevent the passage of such a humane piece of legislation, once we are in agreement that not to do so would perpetuate discriminatory practices and deny two groups of already deprived individuals their right to equal life chances?

The reason could only be that traditionally, we have distorted and misplaced our priorities. We subsidize, for example, our utility companies, the oil industry and farmers. Why not families? Why not subsidize the social unit basically responsible for the development of human resources?

As regards H.R. 7259, either we subsidize at this level where adopted children would have the opportunity to realize the benefits of the permanent family unit or, we run the great risk of subsidizing them later—in reform schools, prisons, methadone clinics and mental institutions.

STATEMENT OF MILLICENT DAVIS, METROPOLITAN WASHINGTON URBAN LEAGUE

Mrs. DAVIS. Mr. Chairman and members of the subcommittee, I wish to express our appreciation for the opportunity to express our views at this time. These views are merely expressed to reinforce our feeling of the timeliness of this bill.

I am Millicent M. Davis, associate director for our programs, Washington, D.C. I am here to express the Urban League's support of H.R. 7259, which would provide a system of adoption subsidies in the District of Columbia. The offer of equal opportunity to reach adulthood, unhampered by the obstacles in the path of successful growth, is one of the many concerns of this organization.

The basic mission of the Urban League is to eliminate discrimination and foster the economic and social development of blacks and other minorities. Therefore, we are vitally interested in solving the problems of all minority children.

In this instance we are concerned about the victims of discrimination, minority children, who, through circumstance of birth, have acquired parents incapable of meeting their parental responsibilities. More often than not, these children depend upon the local and Federal Government to equalize life chances for them.

In order to facilitate maximum comprehension of the Urban League's position, consider Aaron Antonovsky's definition of the two key concepts being discussed here: Discrimination and life chances.

Discrimination is practiced when individuals are denied desired and expected rewards or opportunities for reasons that have no relation to their capacities, merits, or behavior but solely because of membership in an identifiable out-group.

The term "life chances" (coined by Max Webber) refers to the typical chance of the members of a social group for acquiring goods, external living conditions and [positive] personal life experiences.

Life chances then are opportunities to achieve one's fullest potential. It is clearly discriminatory to deny children relinquished for adoption the life chances afforded them by adoption merely because their prospective and otherwise qualified adoptive parents do not have adequate income.

Indeed, if the latter individuals are members of a minority group, they have themselves been victims of discriminatory practices in this Nation. They are further penalized when inadequate income prohibits their realization of the desire to become adoptive parents—thus, reinforcing discrimination.

FOSTER CARE

It should not be necessary to discuss the obvious emotional and psychological merits of adoptive status when contrasted with the limbo status of foster care. This is not to deny appropriate credit to the many loving and capable foster parents who nurture their foster children, sometimes guiding them into adulthood as productive members of society. Not all dependent children, however, are constitutionally equipped to withstand the insecurity of not belonging to a permanent family, in addition to the insecurity of not fully understanding and accepting what is often perceived as rejection by natural parents. Preoccupation with one's dissatisfaction with one's own roots and identity is too often the beginning of antisocial attitudes which may lead to delinquent behavior.

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The reason could only be that traditionally, we have distorted and misplaced our priorities. We subsidize, for example, our utility companies, the oil industry, and farmers. Why not families? Why not subsidize the social unit basically responsible for the development of human resources?

As regards H.R. 7259, either we subsidize at this level where adopted children would have the opportunity to realize the benefits of the permanent family unit or, we run the great risk of subsidizing them later—in reform schools, prisons, methadone clinics and mental institutions.

In conclusion, I would like to reinforce Miss Riley's comments of deletion of reference in placing children in homes of like faith. I would like to object in that you take a guarded position regarding her suggestion that on page 3, line 18, that there be the insertion of the phrase "this agreed upon prior to adoption." Because of the concern that I have that the circumstances might change, and perhaps I do not quite understand that. Maybe another member of the panel would like to explain.

Mr. MAZZOLI. She made in her testimony about 8 or 10 drafting suggestions, which I frankly have not had a chance to fully look at. I think the committee would want to look at them very carefully.

Mr. Gaughan.

[The prepared statement of Dennis Gaughan follows:]

PREPARED STATEMENT OF DENNIS M. GAUGHAN, COUNCIL ON ADOPTABLE CHILDREN, INC., OF METROPOLITAN WASHINGTON, D.C.

Mr. Chairman, my name is Dennis M. Gaughan and I am testifying before the Committee as a member of the Council On Adoptable Children (COAC), Inc., of Metropolitan Washington, D.C. I am the father of four children, three of whom are adopted, and since I was once a homeless child myself I doubly welcome the opportunity to testify for COAC before the Committee today.

Mr. Chairman, COAC of Metro Washington is a non-profit, tax-exempt citizens' organization composed of involved citizens, adoptive parents social workers and other professionals concerned about children's rights. The organization presently serves Washington, D.C., and surrounding counties in Maryland and Virginia. The principals in the group have been involved with child welfare for over a decade.

Our purpose in testifying is to support proposals which can provide for an improved system of adoption of children in the District of Columbia. Since every child has a right to a permanent, loving home it is evident that an objective need exists for establishing legal responsibility for the best care and protection of children at all times and under all conditions. The considerable social and economic effects which result when homeless children are removed from public care for adoption necessitates that only those proposals which are cost-effective, and truly just to all concerned, are accepted by society and incorporated into statutory law.

There continues to be an increasing number of children without homes despite the fact that there is a "shortage" of healthy infants for adoption. The children who are nonwhite or racially mixed, physically or mentally impaired, or older, or who have a variety of other characteristics are less likely to be placed for adoption. We have heard moving testimony today regarding the considerable numbers of children who could be placed in adoptive homes but are not because such homes cannot be found or unreasonable impediments bar the way. I ask that the Committee bear with me now as I touch on some aspects of home-finding which perhaps have not been discussed in prior testimony.

I refer to the unique perspective on this problem that is shared by adoptive families. Many COAC members are adoptive parents and know its incomparable joys; however, they also know its unique ethical responsibilities. Every one of us must at some point look to our children and question the circumstances which first entangled them in the child welfare system. This type of analysis naturally leads us to question the situation as we find it now, in which other children are still being absorbed into the system on a regular basis but most legislative efforts are mainly directed at getting them out for adoption.

COAC believes that the initial response of any social agency to any child separated from a permanent, loving home must be to recruit another one with the least possible delay following the fact of separation. The family of first choice, and the most accessible family, and the one which also has a legal and emotional stake in the services provided, are the child's immediate genetic ancestors.

The provision of services will most often be to a single woman who gave birth to the child and the genetic father. In other instances, established families (whether organized around wedlock or a less formal arrangement) may experience the disruption of illness, financial instability, and/or the dissolution of long-standing interpersonal relationships which could presage divorce. In either case, it is plainly unjust (and upsetting to the overall social equilibrium) to permit any child to drift into a child welfare system that does not provide the resources for rehabilitation.

In the instance of low income families who other than for financial reasons would be able to retain their children, the possibility that their children could wind up adopted with a subsidy is particularly repugnant. This suggests that some form of public service and support to the family in crisis is necessary to

ensure that children achieve the security of a permanent home in the most cost-effective and just manner possible. The Committee can contribute to the creation of an environment conducive to the needs of homeless children by enacting legislative proposals which consider all of the alternatives.

It should be evident that while COAC is in general agreement with the intent of H.R. 7259, it is essential that the bill be analyzed in light of effective child welfare principles which protect the best interests and rights of homeless children, as well as the rights of genetic parents and, where applicable, the adoptive families. There are several interrelated areas of basic need which require legislative scrutiny. A summary is offered now, with detailed explanations and histories of successful precedents available at the Committee's request. At minimum, the legislative criteria should include the following:

1. A congressional resolution calling for a constitutional amendment guaranteeing the right of every child to a permanent home with provision for appropriate enabling legislation to implement said rights throughout society;
2. The development of comprehensive information and management systems that will precisely identify and monitor the movements of the homeless child population;
3. The development of alternative permanent plans, which can only consist of restoration or adoption, for each child at intake;
4. Mandated family rehabilitative services, including the use of subsidies;
5. The means for securing voluntary termination of "bioparental rights" at intake, when appropriate;
6. A requirement for an in-depth statement of need and objectives from any social agency contemplating or operating interim (foster) care services as part of an annual licensing review;
7. Semi-annual review of children in agency custody;
8. Mandatory termination of "bioparental rights" on the grounds of abandonment following a period of no contact between parent and child not to exceed six calendar months;
9. Compulsory annual review and recertification of custody by the courts for each child within each agency each year;
10. The means for securing mandatory termination of "bioparental rights" following a specific time period not to exceed two calendar years from intake of the child into the appropriate social service agency;
11. The institution of just and constitutional notification procedures;
12. The careful consideration of rebuttal evidence in all cases of termination;
13. Mandated adoptive services, including the use of subsidies;
14. Non-discrimination in accepting applications for adoption and placement which specifically rejects screening criteria based solely on the grounds of the race, color, religion, age, sex, income level, or marital status of any person or persons over eighteen (18) years of age;
15. More efficient procedures for international and interstate placements;
16. Compulsory listing of children available for adoption and all families and individuals who have an approved home study within ninety (90) days, and publication of the lists in a prominent public manner;
17. Mandated post-adoptive services;
18. Provision for revoking a termination of "bio-parental rights" order if no adoptive placement is made within specified time limits;
19. Accurate and publicly available records, coded if necessary to protect privacy, which provide in-depth data and information on the disposition of each child's case; and,
20. Explicit means of obtaining agency accountability and legal redress of non-performance.

The foregoing points comprise a summary of objectives that have ample precedent in the history of child welfare, but have not typically been discussed in terms of their interrelationships. The objectives are attainable by adjustments in legislation or administration; they can be realized piece-meal or as part of a comprehensive program. In any event, they are practical and enacting them would bring homeless children the greater part of the distance they must travel to achieve permanence.

Once again, Mr. Chairman, we thank you for allowing us to testify before the Committee today.

STATEMENT OF DENNIS M. GAUGHAN, COUNCIL ON ADOPTABLE CHILDREN OF METROPOLITAN WASHINGTON; ACCOMPANIED BY JANET HUTCHINSON, COUNCIL ON ADOPTABLE CHILDREN OF METROPOLITAN WASHINGTON

Mr. GAUGHAN. Thank you very much.

I think our testimony will be a little different. We have put a statement in the record. But to summarize, it seems to me that rather than going over the ground that we have already gone over today, we might take a look at a couple more things.

For one thing, I have spent a lot of time being in foster care myself. Mr. MAZZOLI. I did not hear you.

Mr. GAUGHAN. In foster care myself. I also spent some time in institutions as well. As was so eloquently pointed out, there are good foster homes and there are bad ones, and I think I have seen both.

I also have another perspective as an adult. Three of my four children are adopted. Three of my four children are black.

And combining those two things, it seems to me that there is an ethical perspective that we should bring to bear on this whole problem. I will not go over the subsidy argument and the discrimination argument, because that has been eloquently handled by Mrs. Davis.

I think we ought to talk about the possibility that a child could be subsidized for adoption who otherwise would be taken from a family that was in similar economic circumstances.

Let me say, if I can just read the one paragraph from my testimony to clarify that point. In the instance of low-income families who other than for financial reasons would be able to retain their children, their possibility that their children could wind up adopted with a subsidy is particularly repugnant.

SUBSIDY SUPPORT, NOT ADOPTION

This suggests that some form of public service and support to the family in crisis is equally necessary to insure the children achieve the security of a permanent home on the most cost effective and just manner possible.

The committee can contribute to the creation of an environment conducive to the needs of homeless children by enacting legislative proposals that consider all of the alternatives for the child.

Let me just back up a little bit.

Mr. MAZZOLI. If you could expand on that.

Mr. GAUGHAN. If we start with the child who is potentially going to be without a home for a number of reasons, 87 percent of the cases it is going to be a single girl, very often a child who is pregnant. In the rest of the cases we are going to have families that are heading for some sort of dissolution because of a death in the family, some social or psychological problem, divorce, a number of factors.

The family of choice always must be that family, either by rehabilitation in terms of providing the services necessary to pull that family together, or by creating one where there is not one; in the case of the

young girl, for example. Failing that there is only one alternative for the child; that would be adoption.

The point we are making here is if the reasons for the dissolution of that family is income, we must guard against the possibility that the child could leave the old family, the original family, because of a lack of necessary finances and yet wind up in the child welfare system and come out again in an adoption that is being subsidized. Had that subsidy been available to the family in crisis in the first place, adoption would never have been a necessary plan for the child.

I am not saying that this should be written in the bill, because I realize that the legislative reality is that the bill must necessarily point itself toward subsidized adoption, unless the committee should decide in its wisdom to take another approach.

What I am saying is I would like to alert the committee to this possible dilemma. I would like to alert the committee to perhaps the possibility of reporting to the full committee and to the House the necessity for examining these other areas.

In the prepared testimony we listed 20 points that we think are of some significance, that should be looked at. I would conclude my whole statement there, unless you have some questions.

Mr. MAZZOLI. I would like to get back to that, and I will.

Mr. Hulett.

[The prepared statement of David Hulett follows:]

PREPARED STATEMENT OF DAVID HULETT, CHAIRMAN, COMMUNITY TASK FORCE
FOR CHILD CARE SYSTEMS

Mr. Chairman and members of the subcommittee, my name is David Hulett. I am Chairman of the Community Task Force for Child Care Systems which is the community action arm of FLOC (For Love of Children, Inc.), and has as members representatives of other citizens' groups as well. We strongly support subsidized adoption for children with special needs. Subsidized adoption provides a crucial alternative to indefinite placements for these children who would otherwise remain in long term foster or institutional care without the legal and emotional stability which only a family of their own can provide.

There are over 2,600 children in the custody of the District of Columbia's Department of Human Resources. Most of these children are not potential beneficiaries of this bill. The majority of children in public custody require more strenuous efforts on the part of the Department to provide services to their families. We believe that a comprehensive emergency service plan like that outlined in the 1971 City Council plan for the phase-out of Junior Village would prevent many of these children from entering custody at all.

There are other neglected children, however, without meaningful parental or extended family ties who will remain in the limbo of public custody while their sense of individual worth gradually erodes. A foster child lives with the knowledge that he is a transient and that he can be taken from even his temporary home for no reason that he can understand. Public custody of dependent children should be a last alternative from the standpoint of sound child care planning. A recent estimate, however, is that on the average, fully half of the children in a city's dependency caseload will grow to maturity in public custody.

Subsidized adoption will give permanent homes to many of these "children with special needs"—that is, children who have physical or emotional handicaps, who are retarded, who are beyond infancy or who are difficult to place because of race, ethnic background, or membership in a sibling group. The condition that makes them "special" also imposes a clear or potential extraordinary financial burden on the adopting parent in terms of medical expense, special schooling and the like.

Many of these children are already integral parts of stable foster homes. Some foster parents would like to give these children their name and make the relationships legally and emotionally stable, but they cannot afford to lose the financial assistance that comes with foster care payments. When the bonds be-

tween foster parents and foster children become crucial to the child who has no other bonds what more reasonable measure of successful placement is needed than that the parent and child say, "We like this arrangement, and we want it to continue forever." A subsidy may make this hope a reality.

How many children would benefit from subsidized adoption? Only a detailed review of the foster care case load will reveal the true figures. We recommend that such a review be undertaken. An official of the City Government has recently claimed that at most 100-200 children presently in foster care would be helped. We feel this is an underestimate since it is the Department's practice to avoid freeing a child for adoption if there is no clear possibility of finding adoptive parents to take the child. Once a subsidy program is established, the Department should be encouraged to seek court action freeing children in the present dependency caseload who have no viable family or extended family ties. If this is done we believe that there may be up to 400 children freed, many of whom would benefit from subsidized adoption. In Colorado, a conservative estimate based on caseworker opinion was that subsidy would help about 10% of the foster children to be adopted, mostly by their own foster parents. Applying this estimate to the District, 260 children would be helped by a subsidy.

Subsidized adoption legislation has helped place hundreds of children throughout half our states. The Illinois law which helps "children with special needs" has assisted 534 children to find adoptive homes in the last three years. Of those, 292 were over six years old while only 41 were under the age of two, and 153 were receiving specific payments for handicaps. In California, 1,267 children were placed in 1969 and 1970 as the result of their Aid for Adoption of Children program. The California experience includes over 800 children who did not receive subsidy payments but whose placements were due to the aggressive publicity and special services available to potential adoptive parents in the recruitment effort associated with the law.

What would a subsidized adoption program cost the taxpayer? It would cost the taxpayer nothing. In fact, for every state in which data have been compiled, net savings are reported:

In New York State, savings were estimated at \$8,550 per child over the cost to the taxpayer of that child in continued foster care.

In Illinois, the savings have been estimated at \$6,500 per child placed exclusive of caseworker savings.

California's most recent figures indicate a \$14,380 savings per child placed with subsidy.

Similar savings are reported in North Dakota (\$10,860) and lower figures appear from Washington State (\$3,375).

Colorado estimates amount to \$7,320 per child placed, assuming a 12 year career in foster care.

These figures indicate a possible savings to the District of perhaps \$2M to \$3M for the initial children placed. The point is that subsidized adoption needs no appropriation, for it can rely on already appropriated foster care funds which would be more than sufficient to carry out the program.

The concept that the local social service agency should keep records and make annual reports to the community is important. Such reports would provide the basis for citizen evaluation of the program as well as trace the status of all children who have been in foster or institutional care for six months or more. A recordkeeping and reporting requirement is essential to the basic planning and evaluation function of the City Government in order to achieve a responsible program.

In summary, subsidized adoption for the District of Columbia would benefit children who have been unable to find the family stability which is everyone's right. Such a program will benefit hundreds of children at no net cost to the taxpayer. This concept of subsidized adoption is supported by local and national child welfare organizations and is enacted into law in almost half of our States. We urge you to provide this program for neglected children in this city.

STATEMENT OF DAVID HULETT, CHAIRMAN, COMMUNITY TASK FORCE FOR CHILD CARE SYSTEMS, REPRESENTING FOR LOVE OF CHILDREN, INC.

Mr. HULETT. We strongly support subsidized adoption for children with special needs. Subsidized adoption provides a crucial alternative,

although only one alternative, to indefinite placements for these children who would otherwise remain in long-term foster care or institutional care without the legal and emotional stability that only a family of their own can provide.

CHILDREN AVAILABLE

There are over 2,600 children in the District of Columbia's Department of Human Resources. Most of these children are not potential beneficiaries of this bill. The majority of children in public custody require more strenuous efforts on the part of the Department—

Mr. MAZZOLI. Excuse me. You say most children are not.

Mr. HULETT. They are not potential beneficiaries.

Mr. MAZZOLI. Do you have any thoughts on how many would be?

Mr. HULETT. I will get to that. The majority of children in public custody require more strenuous efforts on the part of the Department to provide services to the families. That would make separation unnecessary. Here I am echoing what Mr. Gaughan has said.

We believe that a comprehensive emergency service plan like that outlined in the 1971 City Council plan for the phase out of Junior Village would prevent many of these children from entering custody at all.

We were very pleased to hear from Mr. Yeldell this morning that that plan is going to be developed with a couple of weeks in draft form and submitted for public comment almost immediately. That we find to be a very hopeful sign.

There are other neglected children, however, than those that this bill is concerned about that are really relinquished from their original family, who are without meaningful parental or extended family ties, who will remain in the limbo of public custody while their sense of individual worth gradually erodes.

A foster child lives with the knowledge that he is a transient, and that he can be taken from even his temporary home for no reason that he can understand. Public custody of dependent children should be a last alternative from the standpoint of sound child care planning. A recent estimate, however, is that on the average fully half of the children in the city's dependency caseload will grow to maturity in public custody.

Many of these children that we are talking about here today are already integral parts of stable foster homes. Some foster parents would like to give these children their name, make the relationship legally and emotionally stable; but they cannot afford to lose the financial assistance that comes with foster care payments.

When the bonds between foster parents and foster children become crucial to the child, there are no other bonds. What more reasonable measure of successful placement is needed than that the parent and the child say that we like this arrangement and we want it to continue forever. A subsidy may make this hope a reality.

How many children would benefit from subsidized adoption? Only a detailed review of the foster care caseload in a particular locality will reveal the true figures. We strongly recommend that such a review be undertaken in the District of Columbia.

An official of the city government was recently quoted in the newspapers as saying that perhaps 100 to 200 children presently in foster

care would be helped. At that time we felt that this was an underestimate, because it is the Department practice to avoid freeing children for adoption if there is no clear possibility of finding adoptive parents to take the child.

Once a subsidy program is established, the Department should be encouraged to seek the court action, freeing children in the present dependency system if they have no viable family or extended family ties, and who should be eligible for adoption.

If this is done, we feel there might be up to 400 children freed, many of whom would benefit from subsidized adoption. In Colorado, a conservative estimate based on caseworker opinion was that a subsidy would help about 10 percent of the foster children to be adopted; and the notation was that most of these would be adopted by their foster parents.

Applying this estimate to the District of Columbia, perhaps 260 children could be helped by a subsidy; and I know that was the estimate that Mr. Yeldell made this morning, and we did not consult in advance.

COSTS

Now, I have some figures which you might find instructive concerning the savings of money, which have been demonstrated in other States which have subsidized adoption. These savings of money range from \$3,000 for children during their career in foster care—and that is sort of a strange concept to have a career in foster care—to something over \$14,000 over the span of the child in foster care. I will leave this with you, of course.

These figures indicate a possible saving to the District of Columbia of perhaps \$2 million to \$3 million for the initial children placed.

The point, however, is that subsidized adoption really needs no appropriation, for it can rely on already appropriated foster care funds, which will be more than sufficient to carry out the program.

Again, Mr. Yeldell this morning mentioned some startup cost. That is something that he would know perhaps more about than I.

Mr. MAZZOLI. Would you say there would be a savings to the District of Columbia of some \$2 million?

Mr. HULETT. This is not an annual savings. This would be a savings over the ensuing years, which these hard to place children would be expected to have been in foster care. And the estimate of some States is that for hard to place children their foster care career might be 12 to 15 years, whereas the average is, of course, quite a bit less.

Mr. MAZZOLI. This brings me to the point that I think is going to be crucial in the respect of moving the bill. How do you make the determination of money saved when you are taking a foster home and converting it into adoptive home. If you are going to peg the payments at about the same, is the savings going to be in the worker visitations and oversight of the foster home?

Is that going to account for such a considerable savings?

Mr. HULETT. There are several possibilities. First of all, there is the case—I have read a study in which—I have seen a study cited in which caseworker expenses for adoptive—subsidized adoptive placements are only one-twelfth of those caseworker expenditures for children in foster care.

At the same time, many of the subsidy payments would be for a limited time period, whereas if they are in foster care, of course, the payments would continue while they are in foster care.

Some of the foster families apparently, the Illinois example, have been willing to take significantly less money to have an adopted child rather than to have a foster child.

The concept that the local social service agencies should keep records and make annual reports to the community is very important. Such reports would provide the basis for citizen evaluation of the program, as well as trace the status of all children that have been in foster institutional care for 6 months or more. A recordkeeping and reporting requirement is essential to the basic planning and evaluation function of the city government in order to achieve a responsible program.

In summary, subsidized adoption for the District of Columbia would benefit children that had been unable to find the family stability that is everyone's right. Such programs will benefit hundreds of children at no net cost to the taxpayer.

This concept of subsidized adoption is supported by local and national child welfare organizations and is enacted into law in over half of our States. We urge you to provide this program for neglected children in this city.

Mr. MAZZOLI. Thank you very much.

Mrs. Hutchinson.

RACE AND RELIGIOUS FACTORS

Mrs. HUTCHINSON. I want to thank you very much. I am with Mr. Gaughan, representing Council on Adoptable Children. I would like to comment on the religious and the racial concepts in the bill as an unnecessary encumbrance already made difficult by the child's existing problem.

Our organization agrees that best black children in black homes, following along racial lines when possible.

Mr. MAZZOLI. To the extent possible?

Mrs. HUTCHINSON. Right; that is really truly very important.

Mr. MAZZOLI. That is a professional guideline, a professional determination and should be made, in your opinion, by the agency in charge of the individual who is given that responsibility.

Mrs. HUTCHINSON. Yes; I do feel so.

Some of the children that we are dealing with have such dreadful problems that to add a restriction like that, it would be counterproductive. I do not really consider—I do not think we consider the black race to be difficult to place, not in this area at any rate. I cannot speak for other areas of the country. That probably is the case. But because the child is black does not make him hard to place in Washington.

Mr. MAZZOLI. The hard to place factors are—

Mrs. HUTCHINSON. He is hard to place because he is older, he has emotional, physical, mental problems, something like this. We are also encountering in very limited cases a black family that will take a white child in that has say, well has a handicap that they can live with.

So to put that unnecessary restriction—I think we will see more of that.

Mr. MAZZOLI. We had Mr. Gaughan, three of whose children are black, and you are saying there are situations now where there is a black family adopting white children.

Mr. GAUGHAN. As a footnote to that, may I point out that I just spent 1½ years off and on in a black foster home growing up. Also, I am in full support and have in all public pronouncements supported the concept that children when possible and feasible for the child should go into an in-racial placement—black children, black home. No question about it.

I would like to get back to the concept of adoptability.

Mr. MAZZOLI. We could do so if Mrs. Hutchinson has finished her points.

Mrs. HUTCHINSON. That is all right. We are right there together. We try to assess agencies locally in finding homes for children that are considered hard to place. We do not hear about infants. That is a verification that an agency will call us and say we have an infant to place. Only in one instance recently did that happen. That was with one of the traditional matching agencies.

But when the ones we hear about are 8, 12, 13, and 14 years old, in desperate shape.

SUBSIDIES FOR HANDICAPPED

I am concerned. I think the bill addresses itself to this problem, that families, no matter what their income, should be considered for subsidies in the case of children with very severe handicaps, cystic fibrosis for instance. There is a case that we have now, the caseworker thinks that it would cost a family \$50,000 a year to support that child; and the State is doing it, and that happens to be in the State of Maryland. But in addition to supporting the child's medical problems, they are also supporting the child in foster care. If she were placed in an adoptive family, chances are that they would just be supporting her medical problem, not having to make a subsidy for living expenses.

Mr. MAZZOLI. You concur that at least in a number of situations the enactment of this bill would actually save money.

Mrs. HUTCHINSON. I do feel so; yes.

Mr. MAZZOLI. Mr. Gude.

Mr. GUDE. No questions.

Mr. MAZZOLI. Let me go back to a question that is going to be something on this idea of the money above the actual living cost that the foster parents get—I think it is \$20. Was it \$20 per child? Is that it, the additional fee, service fee?

Mrs. GRAYSON. The service fee?

Mr. MAZZOLI. \$20 per child.

Mrs. GRAYSON. For the traditional foster parents, which we are the traditional, we get a \$40 service fee. The gentleman sitting here from Family and Child Services—I do not know his name—he was telling how this came about, how we got the service fee; it was like a pacifier. When I say a pacifier, you have a baby crying so you stick a pacifier into his mouth. And the other baby gets the milk, and you give the pacifier to the baby.

This is what happened to the traditional foster parents. We took the children from the love of our hearts and shared our homes. When we

heard anything or knew anything, they had agencies coming up that they were paying, giving them their house. The foster parents get their homes free, and they get the food free. They have no expense whatsoever. Then they get paid a \$200 monthly rate for payment for taking care of foster children.

So we as traditional foster parents heard this, naturally we went down and started hollering, too. We are giving away everything in our home and have to pay for everything in it. The gas, electric, and all that is furnished through this agency, but to us, we have to furnish this.

So we went to Mr. Yeldell. He gave us what you would call a \$40 service fee, which to us is only some more money to turn over into food and care for the child, because from getting what we get, for \$40, \$45 to feed the child, there is no way that we could feed children with \$40, \$45 a month. So this actually turns right back over in our home towards the care of the child.

So actually right now, at the living costs now, we are just barely existing. But I do not want to cut you off. I would like to read my statement.

Mr. MAZZOLI. Go right ahead.

[The prepared statement of Mary Grayson follows:]

PREPARED STATEMENT OF MARY GRAYSON, PRESIDENT, WASHINGTON, D.C.
METROPOLITAN FOSTER PARENTS ASSOCIATION, INC.

Gentlemen, as president of an organization representing over one thousand traditional foster homes caring for over two thousand dependent children of the District of Columbia, I am here today as a strong advocate of adoption subsidy. We are also advocates of H.R. 7259, although we have some concern about certain provisions, or the lack of them, in the Bill as proposed. I will be more specific about our concerns at a later point in this testimony.

The Washington, D.C. Metropolitan Foster Parents Association, Inc. very definitely believes that every child is entitled to a family. Realizing that many children for one reason or another cannot remain with their natural families, we as foster parents offer our homes, love, guidance, and understanding. As you may or may not know, many of us have served as long as twenty years. During our years as foster parents we have seen children come into our homes at very early ages and remain there until they are eighteen and in some cases older. They come as wards of the government and many remain such until they reach independence.

Frequently foster parents express to me and to each other sincere desires to adopt their foster children. In most instances such desires go unfulfilled; they remain a foster parents dream. Why does this dream fail to become reality? In some cases the child has not been made legally free for adoption. However, in many of these cases where the child is legally free for adoption, money is one of the main reasons for foster parents not adopting their foster children.

The average traditional foster parent is of marginal income and therefore requires financial support. Although we receive such support from the District government, it is inadequate to say the least. Therefore, money continues as a problem for us.

In our efforts to secure additional support for foster children we have been repeatedly told by our program operators that you the Congress would not appropriate more funds for our foster children. Does this not extend the pattern of neglect and/or abuse which so many of our children were faced with and as a result became foster children? And if so, who is guilty this time of neglect and/or abuse?

In order to prevent a similar picture with adoption subsidy, should it become law, our Association strongly recommends subsidies which will keep the adoptive family at least up-to-date with the average national cost-of-living standards with additional special financial support for adoptive children with special needs.

Our battle as foster parents to obtain adequate financial support continues. We only ask to receive support that will bring us up-to-date with the current cost-of-living standards. The same battle we are now fighting would probably be fought by adoptive parents if no effort is made to grant them adequate financial assistance. We want to prevent this battle because we know its trials and tribulations.

Gentlemen, if you are at all aware of the cost-of-living standards today in our country, you already know our plight as families with marginal incomes. In view of the District government's inadequate financial support of foster children, and if no measures are taken to see that adoption subsidies are adequate, who will be guilty of neglect and abuse of the dependent children of the District of Columbia?

Gentlemen, may we hear from you?

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FOSTER HOMES

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AMENDMENTS PROPOSED

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Gentlemen, may we hear from you?

Mr. MAZZOLI. Mrs. Grayson, we thank you for your testimony, and you are hearing from us today. Actually, I think the Congressman from Maryland, Mr. Gude, obviously feels very strongly about this and has made the direct response to your question. And you are hearing from him, and hopefully, you will be hearing from the committee, and at some point, hopefully, from the Congress.

With that I yield to the gentleman.

Mr. GUDE. Your words are well taken. We want to make this bill do the job for the adoptive children of the District of Columbia, and possibly open the way to helping the foster home situation to the extent that this has not been addressed. Perhaps this may have to come in some later legislation, and hopefully, we will get some help from city hall and Mr. Yeldell's research.

Mr. MAZZOLI. The gentleman is correct. I think really we have two different problems twining and intertwining here. That is, the factor with respect to the subsidies that we believe ought to be levied on behalf of those hard to place children. Then you have the situation with respect to income levels or support levels, at least for the traditional foster homes, is sort of a related concept, but yet, it is a separate one in the sense, related to the extent that a lady like yourself would, given a subsidy arrangement, possibly adopt the children whom you have for these many years been raising as foster children. And Mrs. Whitfield and other ones would be in the same situation.

So it is related to that extent; yet, it is separate because there are many of them, you, for a long many years and really as a profession have raised children the same as other people are plasterers and carpenters, and some become doctors and lawyers; some ladies raise children.

It would probably not be to their satisfaction; it would probably not be feasible for them to actually adopt children. So you have them as long-term foster parents, and the support that they receive by way of payment from the particular governmental unit is an important factor to them, but subsidized adoption is not. That is not going to be their cup of tea.

So we have two different principles here, but I think that they are related to some extent.

I would like to ask you, if you could define for me, Mrs. Grayson—you used traditional foster parents, foster homes, as against something else. What is a traditional and what is nontraditional?

Mrs. GRAYSON. We work directly for the government. We are the government foster parents. We are hired by the government to do this job. We are not hired, but we are taken by the government to do the job. We tell them that we will give our homes, and we will offer our love, attention, and bed space, what have you. But they are supposed to reimburse us according to the cost of living for what we do, which they do not.

The reason why we are strongly for this bill is just like this gentleman. I am with him. I am a foster child myself. I would like for you to know this also. I went into foster care because I was a foster child, and I wanted to help somebody else. So I took five foster children. My husband and I, they were one family. After we had had them 5 years, we came up with the idea that we were doing more for the children than the government, so why not let's just adopt these children. Then he says how can we adopt five children when we would not be able to give them what they need, and we would not be able to take care of them.

Now, these children still remain in my home. Two of them have gone to the Army and have come back, and they are 24 and 25 years old, 23. They set their bags right down in my door and say, "I am home, mom." So I have to make a place for them. You see, I cannot say this is no longer your home. You are a man now.

I just want to make one more comment. When Judge Robinson was sitting here I heard him say that the jails and the places of this sort are full of more foster children. I want to say why. He did not mean that they were coming in from foster parents' homes.

What happens when a child turns 18? If you do not have that love in your heart to say this door is still open to you, where is this child going except to jail? And I have asked for some means to try to help the child after he is 18, 19, or 20. Because you as a young man could go out and get a job, but that does not mean that you are going to keep the job. Something could go wrong with that job. Then where are you going to turn then? You have no place to call home.

PAYMENTS BEYOND 18

Mr. MAZZOLI. Under present law, age 18 terminates all payments you receive thereafter. If the young boy or girl is with you, that is it?

Mrs. GRAYSON. What it means, it is this way. After 16, as soon as the child gets out of school, this is really the thing. Unless it is something that he is going to school, then that will continue. They will continue his payments until 20 I think it is here in the District—20 or 21. If he is going to go to college, then they will give him his first year to get started; then it is up to the foster parent to continue that college career for this child.

Usually at 18 if a child has finished high school, more than likely his payment is cut off. There are circumstances under the welfare that he can continue until he is 20, but even at that he is still a child with no home when he goes out into the world. And if his job does not suit him, or something happens to him, the first thing he thinks about I

have no family, so I have no one to turn to. Then you go to stealing, and you go to robbing; and this child is branded then, when we branded him ourselves because we did not continue the care. Even if he was 21, he should have had a family.

Then I have a boy 12 years old that is of a different family that I have had. He is 13 now, and Sunday he will be meeting his sisters and brothers for the first time. His mother was committed to St. Elizabeths. He had seven other brothers and sisters that he has never known, and they have never seen him.

And I wanted to adopt this child, so I went to look to find out if he had a family; and they told me the mother was in St. Elizabeths. When I looked up the mother, I found that there were seven more brothers and sisters, but there were just two more left in care. His foster father is my chaplain, and here we sit and look at each other every month. I do not know that I have got his child's brother, and he does not know. I do not know he has got the child's sister, and he does not know I have got the brother, because we both sense it. And I am talking about this child in the meeting, like I am talking to you; yet, this child does not know he has a family.

So I feel like if we have this adoption bill, it will hold families together. That way if a person is able to take one of the children, maybe they could take all five. I did it. They were not adopted, but maybe this would help.

Mr. MAZZOLI. Mr. Hulett, you sought some recognition?

DISTRICT FOSTER HOMES

Mr. HULETT. I think, compared to traditional foster care, one of the things that is being done in the city that has been alluded to before is group foster homes on contract to the District, and FLOC does a good bit of this. We have over 20 foster homes now.

What they do is get a contract with the District in which FLOC agrees to set up a group foster home, sometimes as few as two, sometimes as many as five children; and negotiate one contract with the District government for the level of payment.

I think one of the problems we are seeing today is the inequity between what this group is able to negotiate and what individual foster parents are able to get individually. And FLOC very much supports the idea that traditional foster parents are to be treated as professionals in their craft, and their payment ought to be accordingly.

This is one reason why we would like to attack that problem of inadequate payment to traditional foster families.

Then we feel that this restriction in the bill, that the payment would not be more than the foster payment, would even be less of a restriction here. And that to attack that problem where it benefits the foster parent and the majority of these foster children first, and then this will follow.

I do not think we want to forget, however, that there are altogether too many children in foster care right now. There are problems in this city with respect to keeping original families, biological families together. These problems are not addressed in this bill. That is not to say that we think these problems are of higher priority. That is not to

say that we are not using some of our efforts in those avenues; and we hope that those efforts, plus better payments for foster care, plus subsidized adoption, will help to reduce drastically the problem of neglected homeless children in the District.

Mr. MAZZOLI. I would think indirectly you are really approaching this problem of keeping the siblings, the children, together in biological families by making it maybe feasible for an individual to take more than just one, where in fact by subsidies they could actually financially afford taking two or three or keeping these children together.

Mrs. GRAYSON. You mean the children—excuse me. Can I say something? I have 100 homes, and they still do not get what you get. We have the poor, we have the helpless, we have every child you could name is in my traditional foster homes. We get—

Mr. HULETT. We are with you, but I would like to point out the provision in here in the definition of a child with special needs is his membership in a sibling group that should be placed together. That is precisely one of the things that she was talking about.

Mr. MAZZOLI. Yes, as one of the evidence of needs that would trigger the subsidy.

COSTS

Mr. Gaughan, let me ask you a question. Is there anyway you can give me a comparison, or perhaps, serve the committee with a comparison at a later date of the amount of public money involved on a monthly basis for a child of a mother who is on welfare, or a child of a foster parent, of a child in a foster home?

Would you have any idea how these compare?

Mr. GAUGHAN. In what way?

Mr. MAZZOLI. Monthly payments. How much does it cost the District of Columbia to keep one child 1 month with Mrs. Grayson, for instance, and one child 1 month with a lady who is on relief.

Mr. GAUGHAN. It is about the same. I actually thought you were going into a different area. It is about the same.

Mr. HULETT. There are some people represented by the National Welfare Rights organization that are concerned that children are informally adopted, informally housed in extended families get paid out of a different fund and on lower schedules than even foster payments. And they are concerned about that, and we are, too. We feel that that is one of the things that could be done or should be done to improve the situation of these children that ought to remain with their families in their communities to the extent possible.

This bill, as you remember, deals only with relinquished children. It does not affect that.

Mr. MAZZOLI. The other problem in nonrelinquished children is either a judicial problem of trying to terminate parental control and parental rights, or else a matter of the Ways and Means and getting on public welfare to change the amount of money involved in support for these children.

Mr. HULETT. I think it is both. I think the D.C. court ruled on statutes with respect to freeing children for adoption into a new home could stand some serious investigation and perhaps serious improvement. And that maybe at a later date—

Mr. MAZZOLI. I was going to say, I am sure Congressman Fauntroy would be interested, as chairman of the Judiciary Committee of the House District Committee, in receiving some work from you, that that might be an area of his inquiry as this committee progresses with its work. But this committee can do no more than simply consult with our colleagues and indicate that as one adjunct of our hearings we came up with this widespread belief that there ought to be some investigation done of the procedures by which parental rights are terminated in children.

Although we cannot directly get into it, we could suggest that another panel look at it.

Yes, sir, Mr. Gaughan.

Mr. GAUGHAN. May I suggest even that approach would leave whatever committee would be doing the investigation in the same situation that you are in, looking at one piece, trying to figure how it relates to the whole. If you will bear with me, perhaps I could throw a different kind of a net on this.

Excuse me, but I am going to have to introduce a little jargon. What we really have here is a matrix to see that children's needs down one side and we have got programs to alleviate that need across the other. And I think even my Congressman, Mr. Gude, in the long history you have had with conservation, I think you know one of the reasons why the environment has been degraded, the physical environment has been so willfully degraded has been the piecemeal approach we have taken to applying technology.

We have exactly the same situation involved with children's services. The social environment is being degraded, partly because the technology to resolve the problems of children are being selectively applied.

That is the reason why we made the kind of insertion in the record that we did, because we have a number of programs that have to really be looked at. We recognize that the committee can only deal with one aspect of it and has one priority to deal with. We wanted to alert the committee to the fact that there is a broad range. What it boils down to is a comprehensive child care plan for the District of Columbia. That is what it comes down to sooner or later.

I do not know what would be the appropriate arrangement. Certainly in your expertise as chairman of the committee you would certainly know. Whatever the arrangement would be, some time, at some point, that has to come about. It will come about because a little was done here and a little there and a little there, or it will come about because just as we plan housing, we plan children's services, and we come up with a comprehensive plan that examines all the possibilities.

Because what we are going to have down at the other end are a number of piecemeal bills that are pasted together and which contradict each other and are working at cross purposes and a number of gaps that we cannot fill because it has already cost too much money.

Mr. MAZZOLI. Of course, and I agree that the trick in this Congress is to try to look at things comprehensively, and right now we have got a select committee studying committees; a select committee which itself is studying the jurisdiction of all the other committees in an effort to see cannot some jurisdiction be limited, some expanded; in any event, made more coherent. They are having a problem, I am sure.

We had a bill, and of course the President vetoed it; and it was largely a very controversial bill that dealt with comprehensive child care. And you are never going to get a comprehensive bill which perhaps made termination of parental rights more easy, which makes manipulation, if you will, or controls the children by the State agency more easy; in other words, the old idea which reduces the traditional, if you will, parental arrangement for the children and makes it something less than what we have known it.

It is always going to be very tough. We have seen it with respect to a number of bills that appear. There is some rhyme and reason to approaching a problem to nibbles and bites around the edge. Pretty soon you have got the whole piece of cheese eaten, and the enemy does not know it.

Mr. GAUGHAN. You read Napoleon also.

Mr. MAZZOLI. Perhaps. I am not in that area. But there is something to be said for approaching it even in a piecemeal way, even at the end of the line if you have committee bills that overlap and some confusion. Because if you really try to broadly cover the field, you are going to broadly arouse your opposition. And I think that is part of the master plan, is to try to take things easily and intelligently, and to try to solve the problems in a degree of order or priority the worst version, and at some point take what we have done and fit it together so that the jigsaw puzzles have pieces that fit together.

The gentleman from Maryland.

Mr. GUDE. I think when we get Mr. Yeldell's report that we might consider whether we would want to ask the chairman of the full D.C. Committee to empanel an ad hoc committee to take a broad range approach, whether that would be feasible.

Mr. GAUGHAN. Congressman Gude, I would like to point out that the technology that I referred to solve and resolve and clean up our social environment is this. Every single bit of—there is no development necessary. There is little research necessary. It is there to be applied. It is strictly an administrative matter.

Mr. GUDE. Of course, one of the problems we face is the feeling of our fellow Members of Congress, to the extent that they agree on the technology with us, as to whether that is the right technology. We have certainly advanced much more rapidly in the physical and the chemical and the biological sciences than we have in the social sciences. We seem to be back in the Dark Ages in some of those areas.

But your words are well taken, and we can consider the ad hoc committee approach as to whether we could get an overall view, just as you have outlined. You have expressed it very succinctly.

Mr. MAZZOLI. Ladies and gentlemen, we want to thank you very much for being with us today, and for bearing with us through a very long day but a very interesting day, and one that developed a good record for this subcommittee, then later for the full committee of the House.

There may be a situation in which we will contact you later for supplemental information. Feel free, if you have any further information, send it on to the counsel and to the committee. All your statements will be made part of the permanent record, and the supplemental information that we may have not asked by way of questions, we would well solicit that.

Before we terminate, there are two documents here—a letter to the chairman of the subcommittee from Mr. Nevius, Chairman of the City Council, a letter dated July 17; and a statement of Mr. William J. Lunsford, director of the Washington Office of the Child Welfare League of America, Inc.

Without any objection, these will be made part of the record at this point.

[The information referred to follows:]

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
CITY COUNCIL,
Washington, D.C., July 17, 1973.

HON. ROMANO L. MAZZOLI,
Chairman, Subcommittee on Labor, Social Services and the International Community, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MAZZOLI: Thank you very much for your letter of July 13, 1973, inviting the District of Columbia Council to testify at the scheduled hearing concerning the adoption subsidies bill, H.R. 7259, on July 27, 1973.

We have long favored the institution of such a policy in the District. The Council, therefore, would be delighted to participate at the hearing, and will let you know by telephone as soon as possible the name of the representative who will testify for the Council.

With best wishes,
Sincerely yours,

JOHN A. NEVIUS,
Chairman, City Council.

STATEMENT OF CHILD WELFARE LEAGUE OF AMERICA, INC.

The Child Welfare League of America, Inc. being unable to present oral testimony pertaining to the bill H.R. 7259 as requested by the Labor, Social Services, and the International Community Subcommittee of the Committee on the District of Columbia submits the following statement for the Subcommittee hearing record.

Established in 1920, the league is the national voluntary accrediting and standard setting organization for child welfare agencies in the United States. It is a privately supported organization devoting its efforts completely to the improvement of care and services for children. There are 364 child welfare agencies affiliated with the league. Represented in this group are voluntary agencies of all religious groups as well as non-sectarian public and private non-profit agencies. The Family and Child Services of the District of Columbia is the League's member agency in Washington, D.C.

The League's primary concern has always been the welfare of all children regardless of their race, creed, or economic circumstances. The League's special interest and expertise is in the area of child welfare services and other programs which affect the well-being of the nation's children and their families. The League's prime functions include setting standards for child welfare services, providing consultation services to local agencies and communities, providing accreditation for child welfare agencies, offering technical assistance to both the legislative and administrative branches of the national government, issuing child welfare publications, conducting research, and sponsoring annual regional conferences.

The League has had a long term concern and interest in adoption as a child welfare service. In 1955, the League conducted a nation-wide survey of adoption agency practices, followed by a National Conference on Adoption, convened by the League. Those two actions afforded the League the opportunity to gather all relevant knowledge and theory then current in the professional fields associated with adoptions. "As a result, it was possible to define the assumptions, principles, values, and knowledge that have influenced the development of adoption practice. These assumptions, principles, etc. were then used as the basis from which to derive "Standards" that are intended to represent the "most desirable practices or goals" for the field."¹ The CWLA "Standards for Adoption Service" were first issued in 1959, and revised in 1968.

¹ "Child Welfare League of America Standards for Adoptive Service," Child Welfare League of America, Inc., New York, N.Y., 1968, p. 1.

In 1959 the League *Standards* recognized that one of the major problems in finding adoptive homes for children was that many otherwise qualified families lacked sufficient family income to assume the full cost of care for a child. The League's 1959 *Standards* stated "consideration should be given by agencies providing adoption services to supplementing the income of families who were not in a position to assume the cost of adoption." By 1968 when the CWLA *Standards* were revised, considerable experience in the use of subsidies for adoptive families had evolved and there was confidence about its desirability. Reflecting the change in attitudes and practice, the revised *Standards* recommended that "*provisions should be made for supplementing the income of families that have the essential qualifications required to meet the needs of adopted children, but are unable to assume financial responsibility for the full cost of a child's care. Subsidies that would make it possible for a child to have both a permanent home and continuity of care and affection are clearly a more beneficial arrangement for the child—and would in the long run cost the community no more—than the alternative of long range foster care. The consequent savings on administrative, supervisory, and social work costs would be taken into consideration. The use of subsidies require broad community planning, particularly in regard to financial and social work responsibility.*"² [Emphasis added.]

Prior to 1968 no state had legislation specifically authorizing the use of public funds for adoption subsidy. In September of 1968 New York became the first state to pass such a subsidy law. To the League's knowledge, as of May, 1973 twenty-four states have enacted some form of adoption subsidy legislation. The States are:

California	Maryland	Ohio
Connecticut	Massachusetts	Oregon
Delaware	Michigan	Rhode Island
Georgia	Minnesota	South Dakota
Illinois	Nebraska	Tennessee
Iowa	New Jersey	Texas
Kansas	New York	Vermont
Kentucky	North Dakota	Washington (State)

The American Academy of Pediatrics has also gone on record in support of subsidized adoptions in its publication "Adoption of Children," 1967, pp. 57-58.

Adoption subsidies may be classified in three categories:

1. Special services subsidy—supplemental income provided to meet the cost of providing needed services for the child such as medical, dental, physical therapy, special education, etc.

2. Time limited subsidy—supplemental income provided to assist in helping the child be integrated into the adopting family.

3. Long term subsidy—continuing supplemental income provided until adulthood for a child where the adopting family's income is too low to assume the full cost of child rearing.

Under certain circumstances combinations of the various subsidies may be required.

Adoption is an extremely cost effective means of providing services to children. Subsidized adoption is much less costly than institutional care, and in many instances has proved to be less expensive than long-term foster care. Although cost effectiveness is one of the reasons to enact a subsidized adoption program, the major reason for considering such legislation must be the need to find the most healthy and beneficial situation for the child. Subsidized adoptions have proven to be tremendously helpful in solving another major problem in the adoption field—the difficulty in finding homes for what have been termed "hard-to-place" children, or children with "special needs".

There are many children at the present time who although they happen to be legally free for adoption will spend their childhood years in institutions, or long-term foster care unless adoptive families are found for them. The majority of these children have not been adopted because of race (non-Anglo); age (over two years); physical handicaps and emotional disturbances. Although there are families desiring to adopt these children, it is often difficult to locate the right family for a given child in the same community, although an excellent home might be available elsewhere. The difficulty of matching children to families in

² *Ibid.* Sec. 7.5, pp. 72-73.

different geographical areas was a factor in the League's establishment of the Adoption Resource Exchange of North America (ARENA). This program provides a mechanism whereby a family in one state can locate a child legally free for adoption in another state. The ARENA program provides the locating service, but the adoption service itself is performed by the various public and private adoption agencies in the United States and Canada. ARENA is funded by the Office of Child Development in HEW.

Adoption agencies register either families or children, or both with the Exchange, giving brief factual material on a registration form. From this material, a tentative selection is made of the appropriate family or child from others registered with ARENA. The agencies involved are then notified so they may get together to exchange summary material, and if appropriate, plan a placement. The combination of an ARENA type arrangement at the State and National level, and the availability of subsidies to families who desire to adopt "hard-to-place" children, would constitute an effective system to provide needed permanent homes for children who would otherwise spend their childhood years in institutions, or long-term foster care.

COMMENTS ON H.R. 7259

The Child Welfare League of America, Inc. supports the principles contained in H.R. 7259. We see the following as the strength of the proposed legislation:

1. We support provision for subsidy payments for the purpose of securing adoptive homes for "hard-to-place" children defined in H.R. 7259 as "children with special needs".

2. H.R. 7259 makes it possible for other than foster parents to adopt and receive adoption subsidies, if the foster parents do not wish to adopt the child who has been in long-term foster care. Relatives who may be interested in adopting the child should have the opportunity to adopt, and receive a subsidy if it is needed, especially where that particular situation would provide the most positive environment for the child.

3. H.R. 7259 provides for the three categories of subsidy payments: special services, time limited, and long term.

4. H.R. 7259 makes children under both public and private auspices eligible to receive subsidized adoptive placements.

5. H.R. 7259 provides that single persons are eligible as adoptive parents for subsidized adoptions. This is an extremely positive point in instances where a single person can provide the proper home environment, the love and care for a child with special needs, who might remain in institutional or long-term foster care except for the opportunity for the single person who desires to adopt a child.

6. H.R. 7259 does not establish a statutory definition to determine whether or not a prospective family is eligible to receive an adoption subsidy. Determination of eligibility and the amount of subsidy is left to the discretionary power of the Commissioner in each individual case. This is desirable in order to avoid the situation where a family could be declared ineligible at face value without further investigation into exactly what the family's true financial circumstances happen to be.

RECOMMENDATIONS FOR CHANGES IN H.R. 7259

1. The League believes that subsidized adoption should not be seen primarily as a mechanism whereby the governmental unit is afforded an opportunity to lower its cost of securing care for a child. The adoption subsidy program should not be used as a device to lower the cost of foster care. When a child has been in a foster home for any significant time, and the placement is satisfactory, the child should not be removed from that home only because care could be obtained elsewhere at a lower cost. If the foster family wants to keep and adopt the child but is unable to afford a decrease in the foster care payment, that family should receive an adoption subsidy equivalent to that payment and the child should be permitted to remain in that home. We suggest language be added to Sec. 12(e) which would establish the foster care payment level as the minimum supplement available for subsidy for a child who has been in foster care, and where the foster family desires to adopt the child.

2. Sec. 12(f) sets a maximum on the amount of subsidy available to an adopting family, "any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner." Sec. 12(g)

gives the Commissioner the opportunity to review the amount of subsidy not more than once annually, and provides for a readjustment in the subsidy payment level to take into consideration "changed conditions, including variations in medical opinions, prognosis, and costs." If such "changed conditions" are placing an additional financial burden on the family, the Commissioner should be afforded the opportunity to increase the subsidy level upward in order to relieve the financial pressures on the family. We therefore suggest amending Sec. 12(f) to add at the end thereof of the following language: "except in instances where changed conditions, including variations in medical opinions, prognosis, and costs warrant an increase above the maximum amount normally available for providing or securing support and special services for the child."

3. At the present time there are no children in the District of Columbia registered with ARENA. There are eight families registered with ARENA, seven from Lutheran Social Services, and one from the Peirce-Warwick Adoption Service of the Washington Home for Foundlings. In attempting to secure placement for "children with special needs" as defined in H.R. 7259 we recommend adding language which would require the following:

(a) The registration with ARENA of "children with special needs," and families seeking to adopt such children.

(b) Provisions for the Commissioner to subsidize adoptions of "children with special needs" who may be placed with families outside of the District of Columbia, in cases where adoptive families are not found within the District of Columbia.

(c) Provide for continuing subsidy payments in cases where the family moves from the District of Columbia.

This process would help to assure the placement of "children with special needs" even when there are no prospective adoptive families in the District of Columbia.

CONCLUSION

The League supports the principles of H.R. 7259 and hopes the suggested changes will be incorporated in the bill before passage.

Mr. MAZZOLI. With that, the committee stands adjourned.

[Whereupon, the hearing in the above-entitled matter was adjourned at 3:25 p.m.]

APPENDIX

93D CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } No. 93-657

AUTHORIZING SUBSIDY PAYMENTS FOR CHILD ADOPTION

NOVEMBER 20, 1973.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. DRIGGS, from the Committee on the District of Columbia,
submitted the following

REPORT

[To accompany H.R. 11238]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 11238) to amend the Act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes, having considered the same, report favorably thereon with an amendment, and recommend that the bill, as amended, do pass.

The amendment strikes out all after the enacting clause and inserts a substitute text which appears in italic type in the reported bill.

PURPOSE OF THE BILL

The purpose of the bill (H.R. 11238) is to authorize the Commissioner of the District of Columbia to make adoption subsidy payments on behalf of children with special needs, where such children otherwise would in all likelihood go without adoption, and where the adoptive family is deemed appropriate in all respects but for its economic inability to meet the child's needs.

NEED FOR THE LEGISLATION

According to testimony from District of Columbia officials, there currently are between 2,500 and 2,700 children who are wards of the District Government. Of these, it was estimated that between 200 to 300 could be placed in permanent families with the assistance of an adoption-subsidy program. Approximately 150 such placements are expected within the first year.

The Director of the District of Columbia Department of Human Resources testified that, without adoption subsidies, these children,

for the most part, will "linger for years in a foster care situation" where they are subject to "being jostled about in the various changes of foster placement."

PRECEDENTS

Twenty-six States have enacted legislation comparable to H.R. 11238.

The States providing adoption-subsidy programs are:

California	Maryland	Ohio
Colorado	Massachusetts	Oregon
Connecticut	Michigan	Rhode Island
Delaware	Minnesota	South Dakota
Georgia	Missouri	Tennessee
Illinois	Nebraska	Texas
Iowa	New Jersey	Vermont
Kansas	New York	Washington
Kentucky	North Dakota	

The experience of these states indicates there are two primary benefits which flow from a program of subsidized adoption; first, the opportunity to place children in adoptive homes by providing financial resources to prospective parents who otherwise could not afford to consider adoption; second, the decrease in state child welfare expenditures which results from shifting from the state to the adoptive parents portions of the cost of care and responsibility for the child.

PRINCIPAL PROVISIONS OF THE BILL

AUTHORITY OF THE COMMISSIONER

The Commissioner of the District of Columbia, in order to enhance adoption opportunities for "difficult to place" children, is authorized to assist adoptive parents in meeting the special needs of such children through the payment of cash subsidies. Such payments can be used to meet maintenance costs; medical, dental and surgical expenses; psychiatric and psychological expenses, and other costs necessary for the well being of the child.

ELIGIBILITY REQUIREMENTS

To qualify for an adoption subsidy, a family would have to be found appropriate in all respects but for its economic inability to meet the adopted child's needs. Single persons may qualify as adoptive parents.

Children eligible for placement under the adoption subsidy program are defined as those who are "difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together," or those for whom placements has not been made within six months of the time they became legally available for adoption. Eligibility extends only until the child reaches the age of 18.

The Committee noted with concern the great number of wards of the District of Columbia, who apparently are unlikely to be reunited with their natural parents, but who are unavailable for adoption because parental rights have not been legally terminated. Members of the Committee expressed the view that this problem

should be addressed through separate legislation, which might facilitate the termination of parental rights after efforts to reunite families have proved ineffective.

LEVEL OF PAYMENT

The level of subsidy payments could not exceed the maximum amount it would cost the District of Columbia to maintain the child as a public ward. Present costs to the District for the maintenance of minor wards varies widely, depending upon the needs of the child and the type of care provided. Institutional care generally is far more expensive than foster care. The Committee was informed that the traditional foster care contracts in the District provide \$165 per month for children under 12, and \$180 per month for those over 12.

During the course of Committee hearings on this legislation, a number of witnesses testified that the present level of foster care payments in the District of Columbia is inadequate. Since adoption subsidy payments, in a great many cases, will be limited to what it would have cost the District to keep the child in foster care, the Committee directs the attention of the Appropriations Committee to the need for providing the funds necessary to raise the level of foster care payments in the District of Columbia. In this way, improved support can be provided both for children in foster homes and those adopted under subsidy.

The Internal Revenue Service has informed the Committee that adoption subsidy payments, so long as they do not exceed expenses incurred in care of the child, need not be included in the gross taxable income of the parents.

TYPES OF SUBSIDY

Three types of subsidy agreement are specified in the bill:

1. *Long-term basis*, to help a family whose income is limited and is likely to remain so.
2. *Time-limited basis*, to help a family, during a specified period of time, integrate into their budget the expenses for the care of the new child.
3. *Special services basis*, to help a family meet specific expenses, such as medical procedures or legal costs of the adoption.

ADOPTIONS BY FOSTER PARENTS

Foster parents may seek the assistance of a subsidy to adopt a child for whom they have been providing foster care. In cases where a child, legally available for adoption, has been in a foster home for six months, the Commissioner shall notify the family of the possibility of financial aid for adoption. If the family seeks to adopt the child, and is found to be qualified, the Commissioner shall assist the family in completing all legal and procedural requirements and shall pay legal fees and court costs involved.

WARDS OF VOLUNTARY AGENCIES

Voluntary, licensed adoption agencies, having "difficult to place" children under their care, may propose that the District of Columbia Commissioner accept such children for the purpose of placing them through the subsidized adoption program.

REVIEW AND ADJUSTMENT PROCEDURES

The bill provides for annual review of adoption subsidy agreements by the Commissioner and for appropriate adjustments in payment levels, as dictated by "changes in the needs of the child" or other changed conditions affecting the family. If the Commissioner determines a subsidy is no longer needed, he may terminate it.

AMENDMENTS TO PRESENT LAW

The following sections of the District of Columbia Code are amended as indicated:

(1) Title 3, Section 114. The authority of the Commissioner, with respect to the care and guardianship of children, is broadened to specifically allow for adoption subsidy contracts, and to allow for the arrangement of adoptions for children relinquished to the Commissioner by their parents or by licensed child-placing agencies. References to religious faith are deleted.

(2) Title 3, Section 115. The bill sets forth the circumstances under which the Commissioner can enter into agreements to make adoption subsidy payments. Included are provisions as to eligibility requirements for children and adoptive parents; parties who may recommend a child for subsidy; notification of foster parents eligible to adopt with subsidy; variations in form and duration of adoption subsidy agreements; limitation on amount Commissioner may expend; prohibition against subsidies of previously completed adoptions; requirement for annual review and appropriate adjustments; recordkeeping and dissemination of information about the program and publication or regulations.

(3) Title 3, Section 117. The bill provides specifically that the Commissioner may initiate adoption proceedings, including the provision of subsidy in appropriate cases, for children relinquished to his care by their parents or by a licensed child-placing agency, to which the child was previously relinquished.

(4) Title 16, Section 307. The bill provides for informing the Superior Court of the District of Columbia for the existence of adoption subsidy agreements entered into prior to the filing of adoption petitions.

(5) Title 16, Section 309. The bill provides that the Court, in determining the ability of a petitioner to provide for a child, shall take into consideration adoption subsidy agreements made by the Commissioner.

The above amendments shall take effect 90 days following the enactment of this Act.

HISTORY

On July 27, 1973, the Subcommittee on Labor, Social Services and the International Community held a public hearing on the bill, H.R. 7259, at which time testimony in favor thereof was submitted by officials of the District of Columbia Government and of the Superior Court of the District of Columbia; by representatives of interested community organizations; and by persons directly involved in adoption subsidy programs in other jurisdictions. On September 13, 1973, the Subcommittee held a mark-up session, at which several amendments

were approved and ordered incorporated into a clean bill to be reported to the full Committee.

COMMITTEE VOTE

The clean bill, H.R. 11238, on November 5, 1973, was ordered favorably reported by voice vote of the full Committee.

COST

The Committee is informed by the District of Columbia Government that it estimates the costs of instituting a subsidized adoption program will be \$117,450 in the first year, \$197,383 in the second year, \$166,456 in the third year, \$143,200 in the fourth year and \$164,820 in the fifth year.

These cost projections reflect short-term added administrative expenses for starting a new program, including the development of procedures and regulations. Also considered are the added costs of providing subsidies for children not currently wards of the District of Columbia and providing court costs and legal assistance for families petitioning to adopt under this Act.

Over the long term, substantial savings are expected by District of Columbia officials because of the greatly reduced costs of overseeing care for a child in an adoptive home, as opposed to costs in a foster home or institution.

Such expected savings were reported during the Committee's hearing, by witnesses familiar with the operation of adoption subsidy programs in the states. The Committee also received written reports, documenting cost savings, from State officials in California, Illinois, Iowa, North Dakota and Washington. Other reports from Maryland, New York and Vermont indicate that ongoing adoption subsidy programs have not resulted in increased child welfare expenditures.

DISTRICT GOVERNMENT'S REPORT

The letter of the Commissioner of the District of Columbia, dated July 26, 1973, on the earlier bill, follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., July 26, 1973.

HON. CHARLES C. DIGGS, JR.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The District of Columbia Government has for report H.R. 7259, a bill "To amend the Act of March 16, 1926, (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes."

H.R. 7259 would amend Sections 11, 12 and 14 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes", approved March 16, 1926, (D.C. Code, secs. 3-114, 3-115 and 3-117). The bill would amend Section 11 to provide that the Commissioner of

the District of Columbia shall be authorized to: (1) make temporary provision for the care of children pending investigation of their status; (2) have the care and legal guardianship, including the power to consent to or arrange for adoption of children committed as wards of the District by courts of competent jurisdiction and children relinquished by their parents to the Commissioner or children relinquished by a licensed child-placing agency; (3) provide for the care and maintenance of such children in private homes, under contract including adoption subsidy, or in public or private institutions; and (4) provide care, welfare, and maintenance of retarded children.

The bill would amend Section 12 of the Act to provide that the Commissioner shall have the authority, in appropriate cases, to consent to adoption with subsidy for wards of the District of Columbia. Subsection (b) (1) would authorize the Commissioner to make adoption subsidy payments on behalf of a child who falls within the definition of a "child with special needs," when such a child would not be adopted otherwise by a qualified family due to lack of adequate financial resources. The bill would define a "child with special needs" as "any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together."

The amendment of subsection (c) of section 12 of the Act would provide that any person, public agency or licensed child-placing agency having a child with special needs in foster care or institutional care may recommend to the Commissioner that a child be determined eligible to receive a subsidy for purposes of adoption. The bill provides that the Commissioner shall determine whether the child referred is a "child with special needs" and if so whether an appropriate adoptive home exists for the child. Upon making those determinations the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive parents and to accept a transfer of relinquishment of parental rights from the referring agency, pursuant to D.C. Code sec. 32-786.

Subsection (d) would provide that if a child who is in the custody of the Commissioner or a licensed child-placing agency, has been in foster care or institutional care for at least six months after being considered legally free for adoption, then that family or institution would be informed of the possibility of subsidized adoption for the child. Subsection (e) would provide that the amount and duration of adoption subsidy payments may vary according to the special needs of the child, as determined by the Commissioner but may include in addition to maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and for other necessary care. The bill would authorize the Commissioner to continue to provide adoption subsidy payments if necessary, until the child reaches the age of eighteen, provided that the family continues to meet the conditions of the adoption subsidy agreement.

The amendment of subsection (f) of section 12 of the Act would provide that the Commissioner would be authorized to make payments for the care of children with special needs in foster homes and institutions from appropriations as well as federal, private and public funding sources. Subsection (g) would provide that the Commissioner may periodically review the need for continuing each family's sub-

sidy. Subsection (h) would require the Commissioner to maintain necessary records to evaluate the effectiveness of adoption subsidy and to make annual public reports on the number of children placed in adoptive homes, and number of children in foster care for six months or more. Subsection (i) would provide for publication of all rules and regulations adopted by the Commissioner as required by the D.C. Administrative Procedure Act.

The bill would amend section 14 of the Act to provide specifically that the Commissioner would have the authority, which the former Board of Public Welfare and the Department of Public Welfare had, to (1) accept for care, custody and guardianship dependent or neglected children under his control; (2) place all children accepted by him for care in private families either without expense or with reimbursement for cost of care; and (3) arrange or initiate court proceedings for the adoption, in appropriate cases, of children committed to his care.

Section 2 of the bill would amend the D.C. adoption law (Act of December 23, 1963, as amended; D.C. Code Sec. 16-307(b)(1)(D)) to provide that the court may take into account in determining whether or not to grant a petition for adoption the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition. The bill would also provide that the court give due consideration, in determining whether the petitioner will be able to give the prospective adoptee a proper home and education, to any assurances by the Commissioner that he will provide or contribute funds for maintenance or medical care under an adoption subsidy agreement.

The District Government welcomes the introduction of H.R. 7259 on behalf of children with special needs in the District of Columbia and on behalf of prospective adoptive parents who are in every way, except financially, capable of providing permanent family relationships for such a child. We are of the view that the bill would encompass the major provisions necessary to enable the District of Columbia to locate qualified adoptive homes for many children who might otherwise grow up in foster care.

We are convinced of the need of such legislation. The experience of other states indicates that there are two primary benefits which flow from a program of subsidized adoption: first, the opportunity to place children in adoptive homes by providing financial resources to prospective parents who otherwise could not afford to consider adoption; second, the decrease in state child welfare expenditures which results from shifting from the state to the adoptive parents the cost of care and responsibility for the child. Our statistics show that approximately 150 children could be placed in adoptive homes in the first year if subsidies could be provided.

The District Government recommends several amendments to H.R. 7259. The word "feebleminded" on page 2, lines 23 and 24 of the bill, should be deleted as redundant.

For the purpose of clarity, lines 8 and 9 on page 2 should be amended to read:

"(A) children who may be committed as wards of the District of Columbia by courts of competent jurisdiction; and".

The bill would amend section 12(b) (2) (B) to provide that a single person be within the scope of the definition of "adoptive family." Accordingly we think it is unnecessary to include the further qualification, on page 4, lines 11 and 12. [who is] "able to meet the emotional needs of prospective adoptees." and recommend that this phrase be deleted.

In order to make it clear that the "person" referred to in subsection (c) on page 4 at line 16 is limited to a person "having a child with special needs in foster care or institutional care", we recommend that subsection (c) on page 4 be amended at lines 16 and 17 to read as follows:

"(c) Any public agency, licensed child-placing agency or person having a child with special needs in foster"

For purposes of consistency, we recommend the insertion of "or institution" after the word "family" on page 5, line 16.

The bill would also provide that a subsidy continue after a family has moved out of the District of Columbia. While the District Government fully appreciates the humanitarian rationale for continuing such payments, we also recognize the cost implications of our endorsement of legislation which would require the District of Columbia to pay for children living in other jurisdictions. Accordingly, we recommend the bill be amended to provide that if the new state of residence provides subsidy payment to the adoptive parents then that portion of the subsidy payment which is a District appropriation shall be reduced accordingly. Such an amendment, inserted after the word "agreement" on line 22 of page 6 might read as follows:

"And *provided further*, that if, under the laws of the new State of residence of the family, the family qualifies for payment of an adoption subsidy from that State, then the adoption subsidy payment from the District shall be reduced by the amount of the payment from the new State." This amendment would not affect the total amount of the subsidy received by the adoptive parents.

We would call to the attention of the Committee the fact that the District Government would not want any family which is currently eligible for social service programs to become ineligible as a result of an adoption subsidy payment to the family. Accordingly, we recommend the bill be amended to provide that in no event will an adoption subsidy payment be considered as earned income for purposes of eligibility in various social service programs which make certain income levels a prerequisite for participation.

The District Government would question whether, in addition to all of the other criteria considered in child placement, religion should be singled out as the predominant criterion as the bill provides on page 3, lines 7-9. We do not for a moment suggest that religion is not an important and relevant factor in making placements, but we do not think the criterion of religion should place an additional responsibility on the Commissioner to justify placing a child in an institution, foster home or adoptive family of a different religion. Placement of a child in a loving home should be the predominant criterion.

The District Government has estimated that the costs to institute a subsidized adoption program would be \$117,450 in the first year,

\$197,383 in the second year, and \$166,456 in the third year. Based on our analysis, it would appear that some of the children who will be eligible for the adoption-subsidy program are the same children currently under foster care. Therefore, institution of the adoption-subsidy program can be funded at least in part in the manner authorized by Section 12(f). However, due to the newness of this program and the fact that we do not know how successful the program may be, the program will probably require additional funding. Therefore, the District recommends that section 12(f) be amended to provide additional budget authority. This could be accomplished by a provision to the effect that "There are hereby authorized the necessary appropriations to carry out the purposes of this Act."

Subject to the above comments, the District Government supports enactment of H.R. 7259.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 11 OF THE ACT OF MARCH 16, 1926

[SEC. 11. That the following powers and duties heretofore imposed by law upon the Board of Children's Guardians shall be vested in the board and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) The board may make temporary provision for the care of children pending investigation of their status; (b) to have the care and legal guardianship of children who may be committed by courts of competent jurisdiction and to make such provision for their care and maintenance, either temporarily or permanently, in private homes or in public or private institutions, as the welfare of the child may require. The board shall cause all of its wards placed out under care to be visited as often as may be required to safeguard their welfare and when children are placed in family homes or private institutions, so far as practicable such homes or institutions shall be in control of persons of like faith with the parents of such children: *Provided*. That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case: (c) to provide care and maintenance for feeble-minded children who may be received upon application or upon court commitment, in institutions equipped to receive them, within or without the District of Columbia.

[The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Chil-

dren's Guardians, and such powers and duties are hereby vested in the board.]

SEC. 11. The Commissioner of the District of Columbia (hereinafter referred to as the "Commissioner") may—

(1) make temporary provision for the care of children pending investigation of their status;

(2) have the care and legal guardianship, including the power to consent to or arrange for adoption in appropriate cases, of—

(A) children who may be committed to the Commissioner as wards of the District of Columbia by courts of competent jurisdiction; and

(B) children who are relinquished by their parents to the Commissioner or whose relinquishment is transferred to the Commissioner by a licensed child-placing agency under section 6 of the Act entitled "An Act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944 (D.C. Code, sec. 32-786); and

(3) make such provision for the care and maintenance of such children in private homes, under contract, including adoption subsidy pursuant to section 3 of the Act of July 26, 1892 (D.C. Code, sec. 3-115), or in public or private institutions, as the welfare of such children may require; and

(4) provide care and maintenance for substantially retarded children who may be received upon application or upon court commitment, in institutions or homes or other facilities equipped to receive them, within or without the District of Columbia.

The Commissioner shall cause the wards of the District of Columbia placed out under temporary care to be visited as often as may be required to safeguard their welfare.

SECTIONS 3 AND 5 OF THE ACT OF JULY 26, 1892

[*SEC. 3.* That the board shall elect from its own members a president, vice-president, and secretary, who shall severally discharge the duties usual to such offices, or such as the by laws of the board may prescribe. The board shall have the power subject to the approval of the Commissioners to employ not more than two agents, at an annual compensation not exceeding two thousand four hundred dollars for the two, and prescribe their duties, and to conclude arrangements with persons or institutions for the care of dependent children at such rates as may be agreed upon.]

SEC. 3. (a) Except as provided in subsection (f), the Commissioner may conclude arrangements with persons or institutions at such rates as may be agreed upon.

(b) (1) The Commissioner may make adoption subsidy payments to an adoptive family (irrespective of the State of residence of the family), as needed, on behalf of a child with special needs, where such child would in all likelihood go without adoption except for the acceptance of the child as a member of the adoptive family, and where the adoptive family has the capability of providing the permanent family

relationships needed by such child in all areas except financial, as determined by the Commissioner. Subsidy payments may be made under this section only pursuant a subsidy payment agreement entered into by the Commissioner and the adoptive parents concerned prior to completion of the adoptive process, but subsidy payments may be made before such adoption becomes final.

(2) For the purposes of this subsection—

(A) The term "child with special needs" includes any child who is difficult to place in adoption because age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. A child for whom an adoptive placement has not been made within six months after he is legally available for adoptive placement shall be considered a child with special needs within the meaning of this section.

(B) The term "adoptive family" includes single persons.

(c) Any public agency or licensed child-placing agency, having a child with special needs in foster care or institutional care, or any foster parent having such a child in his home may recommend to the Commissioner a subsidy for the adoption of such child, and may include in the recommendation advice as to the appropriate level of payments and any other information likely to assist the Commissioner in carrying out the provisions of this section. The Commissioner shall make the determination as to whether or not an appropriate adoptive home exists for the child, but in so doing the Commissioner shall refer to the recommendations of the referring agency. If the Commissioner concludes that the child referred is a child with special needs within the meaning of this section, and that an appropriate adoptive home exists for the child, the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive family, and upon entering into such an agreement, the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency pursuant to section 6 of the Act entitled "An Act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944 (D.C. Code, sec. 32-786).

(d) If a child in the custody of the Commissioner or a licensed child-placing agency has been in foster care or institutional care for at least six months after the child is considered legally available for adoptive placement, the Commissioner or agency shall inform the family or institution providing care of the possibility of financial aid for adoption under this section. If the family caring for the prospective adoptee applies to the Commissioner for adoption of the child, and if it appears to the Commissioner after study that the family would be an appropriate adoptive family for the child but for the family's economic inability to meet the child's needs, the Commissioner shall enter into a tentative agreement with the family concerning the amount and duration of a proposed subsidy in the event the child is placed for adoption with that family. Thereafter the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency in appropriate cases. The Commissioner shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption, including payment for legal fees and court costs.

(e) *The amount and duration of adoption subsidy payments may vary according to the special needs of the child, and may include maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other costs necessary for his care and well-being. A subsidy may be paid on a long-term basis to help a family whose income is limited and is likely to remain so; on a time-limited basis to help a family meet the cost of integrating a child into the family over a specified period of time; or on a special services basis to help a family meet a specific anticipated expense or expenses when no other resource appears to be available. Eligibility for payments shall continue until the child reaches eighteen years of age.*

(f) *The Commissioner is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including Federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Commissioner for any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner. There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.*

(g) *No adoption subsidy payment shall be made on behalf of any child with respect to whom an adoption decree has been entered by the Superior Court of the District of Columbia, pursuant to chapter 3 of title 16 of the District of Columbia Code, prior to the effective date of this section.*

(h) *Once during each calendar year the Commissioner shall review the need for continuing each family's subsidy. At the time of such review and at other times during the year when changed conditions, including variations in medical opinions, prognosis, and costs are deemed by the Commissioner to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child. Any parent who is a party to a subsidy agreement may at any time in writing request, for reasons set forth in the request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of the request. Any adjustment may be made retroactive to the date the request was received by the Commissioner. If the request is not acted on within thirty days after it has been received by the Commissioner, or if the Commissioner modifies or terminates an agreement without the concurrence of all parties, any party to the agreement shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501-1-1510).*

(i) *The Commissioner shall keep such records as are necessary to evaluate the effectiveness of adoption subsidy as a means of encouraging and promoting the adoption of children with special needs. The Commissioner shall make an annual progress report which shall be open to public inspection. The report shall include, but not be limited to—*

(1) the number of children placed in adoptive homes under subsidy agreements during the year preceding the annual report and the major characteristics of the children placed; and

(2) the number of children currently in foster care with the Commissioner for six months or more, and the legal status of those children.

The Commissioner shall disseminate information to prospective adoptive families as to the availability of adoptable children and of the existence of aid to families who qualify for a subsidy under this section.

(j) All rules and regulations adopted by the Commissioner pursuant to this Act shall be published in the District of Columbia Register as required by section 6 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1505).

* * * * *

[SEC. 5. The Board shall have full power (1) to accept for care, custody, and guardianship dependent or neglected children whose custody or parental control has been transferred to the Board, and to provide for the care and support of such children during their minority or during the term of their commitment; (2) the Board shall also have full power with respect to all children accepted by it for care to place them in private families either without expense or at a fixed rate of board, to place them in institutions willing to receive them either without expense or at a fixed rate of board; (3) to consent to the adoption of all children committed to its care whose parents have been permanently deprived of custody by court order.]

SEC. 5. The Commissioner may—

(1) accept for care, custody, and guardianship dependent or neglected children whose custody or parental control has been transferred to the Commissioner, and to provide for the care and support of such children during their minority or during the term of their commitment, including the initiation of adoption proceedings and the provision of subsidy in appropriate cases under section 3 of this Act (D.C. Code, sec. 3-115);

(2) with respect to all children accepted by him for care, place them in private families either without expense or with reimbursement for the cost of care, or in appropriate cases to place them in private families under an adoption subsidy agreement concluded under section 3 of this Act (D.C. Code, sec. 3-115) or to place them in institutions willing to receive them either without expense or with reimbursement for the cost of care; and

(3) consent to, arrange for or initiate court proceedings for the adoption of all children committed to the care of the Commissioner whose parents have been permanently deprived of custody by court order, or whose parents have relinquished a child to the Commissioner or to a licensed child-placing agency which has transferred the relinquishment to the Commissioner under section 6 of the Act entitled "An Act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944 (D.C. Code, sec. 32-786).

TITLE 16 OF THE D.C. CODE

TITLE 16.—PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

* * * * *

§16-307. *Investigation, report, and recommendation*

(a) Except as provided by section 16-308, upon the filing of a petition the court shall refer the petition for investigation, report, and recommendation to:

(1) the licensed child-placing agency by which the case is supervised; or

(2) the Commissioner, if the case is not supervised by a licensed child-placing agency.

(b) The investigation, report, and recommendation shall include:

(1) an investigation of:

(A) the truth of the allegations of the petition;

(B) the environment, antecedents, and assets, if any, of the prospective adoptee, to determine whether he is a proper subject for adoption;

(C) the home of the petitioner, to determine whether the home is a suitable one for the prospective adoptee; and

(D) any other circumstances and conditions that may have a bearing on the proposed adoption and of which the court should have knowledge, *including the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition under section 3 of the Act of July 26, 1892 (D.C. Code, sec. 3-115)*;

* * * * *

§16-309. *Adoption proceedings*

(a) Within a period of ninety days, or such time as extended by the court, after a copy of the petition and the order providing for the report is served upon the agency directed to make the investigation, the agency shall make the report and recommendation required by section 16-307 to the court and thereupon the court shall proceed to act upon the petition.

(b) After considering the petition, the consents, and such evidence as the parties and any other properly interested person may present, the court may enter a final or interlocutory decree of adoption when it is satisfied that:

(1) the prospective adoptee is physically, mentally, and otherwise suitable for adoption by the petitioner;

(2) the petitioner is fit and able to give the prospective adoptee a proper home and education; and

(3) the adoption will be for the best interests of the prospective adoptee.

In determining whether the petitioner will be able to give the prospective adoptee a proper home and education, the court shall give due consideration to any assurance by the Commissioner that he will provide or contribute funds for the necessary maintenance or medical care of the prospective adoptee under an adoption subsidy agreement under section 3 of the Act of July 26, 1892 (D.C. Code, sec. 3-115).

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