

JOINT RESOLUTION AUTHORIZING  
THE USE OF UNITED STATES  
ARMED FORCES AGAINST IRAQ

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 23, 2002*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a Joint Resolution. It authorizes the use of U.S. Armed Forces to defend our national security interests against the threat posed by Iraq. However, this Resolution does set some definitive conditions for the President prior to engaging the U.S. Armed Forces. It requires the President to exhaust diplomatic efforts to obtain Iraq's compliance with the U.N. Security Council Resolutions. It also requires the President to present the Congress with a comprehensive plan of how stability will be maintained in the region in a post-strike environment.

The young men and women of our Armed Forces are already fighting a war on terrorism. Before we expand their role, and send them even deeper into harm's way, I want assurances that we have explored and exhausted every avenue for a peaceful and diplomatic solution. I also want assurances that we have a plan for maintaining stability in the region once we declare victory.

Let me be perfectly clear. I am well aware that for more than a decade, Iraq has violated virtually every U.N. Security Council Resolution. With each violation, the threat to international peace and security becomes more ominous. I believe that Iraq not only poses a threat to our national security interests, but also threatens the stability and security of the entire region and indeed, the world. It is becoming more and more evident that we must be proactive in defending our nation. We know that the United States is a terrorism target, and we know that Iraq constitutes a real and imminent threat against our national security interests.

However, only Congress has the authority to declare war. The Congress must be convinced that every conceivable option has been explored. The Congress must be convinced that the post-strike plan for maintaining stability in that region is achievable. The Congress must agree that a preemptive strike is our only course of action.

I urge my colleagues to vote for this Resolution.

CRISIS IN THE CHILD WELFARE  
SYSTEM

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 23, 2002*

Mr. GEORGE MILLER of California. Mr. Speaker, we can all agree that the quality of care received by children under the supervision and protective custody of the state is an important aspect of the foster care system. Unfortunately, there is widespread disagreement between states and the federal government on how quality of care standards should be defined, assessed, and enforced.

In the following article, the Sacramento Bee reports that California's Department of Social

Services and the U.S. Administration for Children and Families are immersed in a heated battle over foster care licensing standards. At issue, is a 2-year-old federal mandate that directs states to equalize foster home licensing standards between relative and non-relative foster care providers.

The Department of Health and Human Services (HHS) contends that the long-standing regulation that allowed states to exempt relative caregivers from meeting some of the licensing standards that applied to professional non-relative foster parents created a separate and unequal standard that could not be upheld. HHS maintains that it repeatedly told states like California in writing that it could not bill the federal government for relative foster homes that failed to meet federal regulations. Consequently, the U.S. Administration for Children and Families withheld \$18 million in grants from California for failure to bring relative foster homes up to non-relative foster home standards.

In response, California asserts that the federal government's insistence on rigid compliance with non-relative foster care standards eliminates room for flexibility in overlooking minimal licensing violations. Additionally, California argues it threatens their ability to place children in the homes of loving and caring relatives that are unable to fully meet licensing requirements because of issues of poverty. According to the California Deputy Director of Social Services "it [relative foster home] could be a very loving, giving family, but the question is can the child go there if, for example, the siblings will sleep [together] in a double bed."

The battle unfolding in California may be just the tip of the iceberg. In many states across the nation, kinship care standards vary and are more relaxed than non-relative foster care standards. If we truly believe the safety and well-being of children should come first, then we must begin to carefully assess and examine child welfare issues such as kinship care practice and foster care licensing standards. While it is the government with the power of the purse that may ultimately win the war, we must be careful to ensure that the best interests of foster children are not forgotten in the heat of battle.

The article follows:

[From the Sacramento Bee, Sept. 3, 2002]

LAWSUIT TO TARGET RULES FOR FOSTER CARE  
BY RELATIVES

(By Mareva Brown)

More than \$100 million designated for relatives who care for California's foster children is in danger of being withheld over the next year while California's Department of Social Services and a federal regulatory agency wage a fierce battle over standards.

At issue is a 2-year-old federal requirement that relatives caring for foster children be screened and approved using the same criteria as is used to license non-relative foster homes. Federal officials say California has refused to enforce the new standard, and they have begun withholding the first of \$112 million in foster care payments that could be held back if tens of thousands of relatives' homes aren't quickly approved using the new standards.

California officials maintain they have followed the intent of the law, eliminating relatives who have criminal pasts or who can't be trusted to keep children safe. But they say following it to the letter would require them to remove children from nurturing rel-

atives who are capable of providing good care but whose homes do not meet federal foster care guidelines, often because of poverty. Of particular concern, state officials say, are federal mandates specifying no more than two children to a bedroom, no shared beds and no mixing of genders in bedrooms—space requirements many impoverished families can't afford to meet.

"It could be a very loving, giving family, but the question is can the child go there if, for example, the siblings will sleep in a double bed," said DSS Deputy Director Sylvia Pizzini. "It's the intersection with poverty that has the roughest edges here."

As state officials tried to hammer out a compromise late last week, a public interest law firm in San Francisco prepared to file a civil lawsuit that would compel the state to comply with the federal standard. The Youth Law Center's executive director, Carole Schaffer, said that while the state bickers over language, it risks robbing foster families of desperately needed funds.

"Even though this is not a role we logically should take, we're trying to see if there is any peace here," said Schaffer, a staunch advocate for foster children. "Because without peace, it's very harmful to California kids."

The federal government pays for about 40 percent of the cost to care for the nation's half-million foster children. In California, home to nearly 100,000 foster children, the federal share amounts to nearly \$300 million per quarter. About half the state's foster children are placed with relatives.

Last spring, the U.S. Administration for Children and Families began deferring \$18.7 million per quarter as a penalty for the state's failure to document that all relatives' homes had been cleared. The deferral, which cannot be appealed, comes after two years of debate between federal and state officials over how to interpret and apply the new statute.

While the state has absorbed the first deferral, officials say they eventually will have to reduce foster payments to the counties. The counties, in turn, will have to choose between removing children from the homes of relatives or reducing payment to those relatives.

And for many relatives living close to the edge, providing foster care without the payment simply would be too expensive.

Albert Cabrera and his wife, caring for their 9-month-old granddaughter in a three-bedroom home off Power Inn Road, offer a typical example. The baby was placed there two months ago by social workers who ensured the couple had no criminal record and that the temperature in their hot water heater was safe, and who left the couple with a letter saying they would be reimbursed \$425 per month for the child's care.

The Cabreras are among many foster grandparents who are retired or don't earn enough to easily absorb the costs of raising grandchildren. Last week, as the couple waited for their reimbursement check, Cabrera's wife delayed buying medicine for her high blood pressure so she could buy formula for the baby. Cabrera worries about how he'll pay for the additional gas money they'll need each month to take the baby to visits with her parents and to doctor's appointments.

"In the beginning, we thought we would put away the money they were going to send us for the baby," Cabrera said. "But we need it."

Sacramento County actually is among the few counties in California that have inspected relatives' homes using the new standards. Ninety percent of the 1,490 relatives' homes used for foster care in Sacramento County have been approved. The

rest are awaiting upgrades and are expected to be certified soon.

But Sacramento County is the exception. Most counties in January began using the standards to approve new foster placements with relatives but have not inspected the homes of relatives where children placed before January.

Until state officials can provide the federal government with proof that all relatives' homes in California have been certified, the penalties will continue—and will affect all counties alike.

The biggest backlog is in Los Angeles.

In March, prompted by the new statute, Los Angeles County conducted a sample survey of the foster homes of children placed with relatives. The county is home to more than half the state's foster children, and nearly 6,500 of them live with relatives.

Of the 200 homes surveyed, only two met federal standards. Among the deficiencies were 16 families who did not have adequate smoke detectors in their homes and 50 cases in which children shared a bed or slept in a non-bedroom area.

"Most cases can be remedied with adequate financial resources," the report concluded.

Pizzini said state officials have been working diligently on the issue for more than a year and criticized the federal government for its heavy penalty, saying there were lesser sanctions available.

But federal regulators and Schaffer, of the Youth Law Center said the state has not made any significant effort to meet federal guidelines, even though some remedies are fairly simple.

The Department of Social Services has yet to create and disperse a statewide standardized checklist for evaluating relatives' homes, as officials agreed to do in April, according to a federal letter.

The state has not provided any proof that homes have been approved using the new guidelines. And, despite a deadline of June to reassess the homes of all relatives providing foster care, thousands of homes have been checked.

"It was deliberately not done," said Schaffer, who says she plans to file the lawsuit this week. "It was either a financial or a philosophical position they were taking: Either we don't think relatives should be licensed, (that) they should be able to take care of their kids in any way they want. Or, if you look at it in a different way, neither the counties or the states way to pay the cost of having relatives assessed."

It is expensive.

In Sacramento County, officials created a kinship evaluation unit five months ago and

staffed it with six social workers who were removed from units in which they were overseeing the care of children.

Child Protective Services Director Leland Tom said he is proud that the county has evaluated every relative's home but that the cost has been high.

"It's having a major impact on our workload," Tom said. "And the sticking point for counties has been, here is this additional workload that is being pushed on us, but we're not being given additional funding to do it."

Pizzini said the state also has concerns about the potential harm to children, given that the new process takes longer to complete, in some cases forcing children into the foster homes of strangers before relatives can be cleared. She said allowances need to be made.

"Grandmother and Uncle don't come into our office three months ahead of time and say, 'In the future, you're going to remove one of my nieces (from her home),' " she said. "That doesn't happen. On the other hand, we recruit strangers to come into care, and we have the luxury of some time."

#### IN RECOGNITION OF CATHOLIC HOME BUREAU

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 23, 2002*

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Catholic Home Bureau on the occasion of their Seventeenth Annual Child of Peace Dinner. For their unwavering commitment and many charitable endeavors, James and Colleen Donaghy will be honored with the Child of Peace Award.

A true leader and a hands-on executive, James Donaghy serves as Chairman of the Structure Tone Organization, one of the pre-eminent full-service Construction Management and General Contracting firms in the world today. Mr. Donaghy has actively participated in the company's strategic planning and worldwide business development efforts, helping to guide the firm through a challenging period into the multi-billion dollar global entity it is today.

Mr. Donaghy's incomparable professional commitment is mirrored by his dedication to

the arts and civic organizations in the community, as indicated by his membership in various boards, committees and councils including the Board of Directors of The Boy Scouts of America, St. Thomas Aquinas College, Covenant House and the National Multiple Sclerosis Society. Mr. Donaghy's civic mindedness extends to his organization, which provides substantial contributions and support to charities throughout the New York City metropolitan area.

Colleen Donaghy has also extended her professional expertise as a social worker to the community by assisting the elderly at Riverdale Senior Services Center. Proud new parents of their first child, James Kieran Donaghy, Jr., Mr. and Mrs. Donaghy have demonstrated a lifelong commitment to improving the lives of underprivileged New Yorkers.

I would also like to commend Catholic Home Bureau for their significant efforts to enhance the quality of life for families and children in the New York Metropolitan area since 1899. Catholic Home Bureau currently operates a foster care program and a family day care program through New York City's Administration for Children's Services, a shelter program through New York City's Department of Homeless Services, and a privately funded Maternity Services and Private Adoption Program.

The Child of Peace Dinner benefits the Maternity Services Program which is one of the largest providers of private maternity services in the New York Archdiocesan network. The Maternity Services Program aids women and families in need who are facing a crisis pregnancy with counseling, medical care, infant and maternity clothing, cribs, housing referrals, and emergency assistance. I want to recognize the dedication of Bernard and Peggy Smyth, who are this year's Dinner Chairpersons. In addition to being adoptive parents for Catholic Home Bureau, they both have demonstrated their commitment to helping the organization achieve its mission.

In recognition of James and Colleen Donaghy's selfless efforts and Catholic Home Bureau's outstanding contributions to the community, I ask that my colleagues join me in saluting Catholic Home Bureau on the occasion of their 17th Annual Child of Peace Dinner.