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PUBLIC HEARING

before

SENATE COMMITTEE ON CHILDREN'S SERVICES

To examine problems facing New Jersey's
public adoption program

December 7, 1989
Room 407
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Catherine A. Costa, Chairwoman
Senator Wynona M. Lipman

ALSO PRESENT:

Michele Leblanc
Office of Legislative Services
Aide, Senate Committee on
Children's Services

Hearing Recorded and Transcribed by
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State House Annex
CN 068
Trenton, New Jersey 08625



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DECEMBER 7, 1989

NOTICE OF A PUBLIC HEARING

THE SENATE CHILDREN'S SERVICES COMMITTEE
ANNOUNCES A PUBLIC HEARING
TO EXAMINE PROBLEMS FACING NEW JERSEY'S
PUBLIC ADOPTION PROGRAM

Thursday, December 7, 1989
Beginning at 10:30 A.M.
Room 407 of the State House Annex
Trenton, New Jersey

TIME CHANGE

The Senate Children's Services Committee will hold a public hearing on Thursday, December 7, 1989, beginning at 10:30 A.M., in Room 407 of the State House Annex, Trenton, New Jersey, to examine problems facing New Jersey's public adoption program.



New Jersey State Legislature

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November 27, 1989

NOTICE OF A PUBLIC HEARING

**THE SENATE CHILDREN'S SERVICES COMMITTEE
ANNOUNCES A PUBLIC HEARING
TO EXAMINE PROBLEMS FACING NEW JERSEY'S
PUBLIC ADOPTION PROGRAM**

TIME CHANGE

**Thursday, December 7, 1989
Beginning at 10:30 A.M.
Room 407 of the State House Annex
Trenton, New Jersey**

The Senate Children's Services Committee will hold a public hearing on Thursday, December 7, 1989, beginning at 9:30 A.M., in Room 407 of the State House Annex, Trenton, New Jersey, to examine problems facing New Jersey's public adoption program. The committee intends to hear from individuals and representatives from public and private agencies and child advocacy groups for the purpose of obtaining information which will aid in identifying and addressing the problems which have hindered the State in providing adequate services for the children entrusted in its care.

Address any questions or requests to testify to Michele Leblanc, Committee Aide (609-292-1646), State House Annex, Trenton, New Jersey 08625. Those wishing to testify are asked to submit nine typed copies of their testimony on the day of the hearing. The chairman may find it necessary to limit the number of witnesses and the time available to each witness at the hearing.

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SENATOR CATHERINE A. COSTA (Chairwoman): Good morning. I'm Senator Catherine Costa from the Seventh Legislative District. I Chair the Senate Committee on Children's Services. The other members of the Committee are not here yet. Two of them will not be here -- Senator DiFrancesco and Senator Leanna Brown -- but Judy Peoples is representing them. Senator Lipman is expected momentarily, and Senator Ambrosio will be a little late.

The purpose of this hearing is to examine the roles played by various persons and agencies in the adoption process, and to determine what the Legislature can do to improve the system.

We will hear from the Department of Human Services, the Family Division of Superior Court, and private adoption agencies, as well as children's advocacy groups and interested parties. The relationship between these entities is vital to the improvement of the adoption process in this State.

Today the Committee will examine three general areas: One, the public and private adoption processes in the State; two, determination of the parental rights statute; and three, the system by which DYFS attempts to place special needs children in permanent homes.

I must say that my interest came to the forefront in this issue-- Although it has been there for a long time, it was brought vividly to me when I saw recently a television program regarding a child who was in a foster home in Florida, loved by the foster parents, who were very happy with that child, and the child was happy with the parents-- In fact, what Human Resources down in Florida said was that the child was getting too attached to the foster parents. I don't know what is wrong with that. I think this is so important to children, to learn to love. That is when you learn it, when you are very young.

Then, the mother came back. She had remarried, and she asked for the child back. The Human Services in Florida stated that their first goal was to reunite families, so the child went with the family. He wet his pants. The stepfather took the child, picked him up, and put his head in the toilet bowl and kind of cracked his skull. Then they beat him, and then he died. That just killed me. So I said, "There's got to be something we can do." There are so many people who would love to adopt children.

I see people I know who cannot adopt them here in this country. They go to Honduras, they go to Colombia, and try to bring in children. I know there are many children here who could use a good home, so let's look into it. Let's see what direction we are going to go in.

Something else came to my attention. I was speaking to someone who deals in adoptions, and she told me that if a woman has a child and wants to give it up for adoption, and she puts down the father's name, even though it happened to be a one-night stand and she just met that man casually-- If she puts down his name, that child cannot come up for adoption until they find that parent or a relative who may want to adopt this child.

Now, that would be nice if you could get someone who would love this child. But, the chances of that are so remote. In the meantime, the years go by, and whereas the child could have grown up in a loving home -- and I have seen many adoptive parents who just adore their children-- We have some legislators who have adopted children and, God, they-- That is the joy of their lives. How nice if we could make that happen. That is the reason, really, for this hearing. I would like to see how we can change things legislatively, regulatorily, or in any way to make it easier for children to be adopted into the right homes.

These are the issues I want to talk about today. We will hold the record of this hearing open for about two weeks, for anyone who wants to submit testimony. You can send it to Michele Leblanc, our Committee Aide, if you don't have any written testimony at this point. Michele has been working on this for me, getting me information and alerting everyone that this hearing would be held.

In the past, we have worked with the Department of Human Services and the Division of Youth and Family Services on issues of great concern to the children of the State, and we want to continue that working relationship. To try to determine what changes might be necessary to improve the adoption process, we invited the Acting Commissioner of Human Services and former Director of the Division of Youth and Family Services, Bill Waldman. Thank you for being here, Bill. He is going to appear before us to present his views on the current system. The Administrative Office of the Courts was invited to send a representative from the Family Division, but due to the 1989 Judicial Conference on Juveniles, Justice, and the Courts, they will not be in attendance today.

Before we hear from the first witness-- Well, I was going to introduce everyone here, but I think I already did. I was going to ask the Senators to make comments, and when they come we will ask them to do so.

On that note, I would like to call on our first witness, the Acting Commissioner of Human Services, Bill Waldman.

A C T I N G C O M M . W I L L I A M W A L D M A N: Good morning, Senator Costa. You know, I have had the honor and pleasure of being before your Committee on at least three prior occasions in my previous capacity as Director of the Division of Youth and Family Services. Today I similarly have the honor and pleasure to join with you in my new capacity as Acting Commissioner of the New Jersey Department of Human Services.

If you recall, at the previous hearings the Commissioner of Human Services didn't usually attend these meetings. But I am here for a very special reason -- several reasons, the first of which is to say thank you to you and to the entire Committee. You help us through these hearings with all the work and effort you put into them. You help us to achieve a very vital objective and goal in the Division and in the Department, and that is to keep it open and to keep it accountable.

Two, you give us a prestigious forum through your Committee to discuss some of the very vital issues that both underpin and overlay the practice of the Division of Youth and Family Services; an opportunity for new thoughts, for new ideas to examine the issues the way you just described them.

And, as a follow-up, as a matter of fact, to our last hearing, you and the Committee introduced a very important package of legislation, a package that addressed children's rights, parental notification on issues, the establishment of regional diagnostic centers. Those are very important and positive.

The other thing, personally speaking, is your very strong commitment at our last hearing. Your very strong letter in support of our ability to exempt our caseworkers from the hiring freeze did make a difference, and I wanted to thank you for that very much personally. I think all your work and caring has really had a very positive effect on the children and families in our State.

Another reason I am here is to formally introduce you to my successor, who is to my left, Mr. Nicholas Scalera, who now serves as Acting Director of the Division of Youth and Family Services. Nick is a well-known and respected professional throughout the State of New Jersey, with 17 years of experience in the Division of Youth and Family Services, and when I was there he served me as Assistant Director for Operations Accountability.

Nick has my full confidence. He will present the testimony of the Division of Youth and Family Services today, and will be in a position to answer any questions or concerns the Committee members may have.

In this hearing today, and on the subject matter you are examining, you will find some overarching similarities in the fundamental nature of issues that you will be examining to those that you have examined in the past. First, as in almost all the issues that affect the Division, you are going to hear about a balance of rights and interests that must be delicately achieved. When I say that, I mean those rights and interests between adoptive parents, birth parents, foster parents, and, most importantly of all, the children involved.

Secondarily, you will find today that the Division has some major lead experience -- regulatorily, statutorily, and in other ways -- but we are by no means the only actor or sector that is critical in this field. You will see what I hope will emerge as a concept a partnership between the Division, the courts, the legal profession, adoptive parents, children, the advocacy agencies here, and the profit and not-for-profit organizations that are really vital to our system.

There is, as in many other of the Division's issues, the issue of a sufficient amount of human and financial resources to do the job that the citizens of our State expect -- by that I mean those inside State government as well as outside State government -- the issue of sufficiency of support staff, as well as the sufficiency of adoptive parents for certain children.

I believe you will also find in this area that the Division has made some very significant progress and achievement, but as always, much needs to be done, and we have to go much further. This is a great opportunity to define those areas, to give some leadership and direction to the things that we all need to do collectively in the future.

Nick will stay and make his presentation. I want to stay here as long as I possibly can. As I am sure you can appreciate, I am involved in the very important work of the transition in government -- this week very much -- but because of the interest I have in this Committee and the issue, I am going to stay as long as I possibly can to hear the testimony.

Senator Costa, thank you. The work of yourself and your Committee and, as you so eloquently expressed to start off this hearing, your deep feeling about this, have really made a difference to us both in the practice and the policy of the Division, but again, most importantly, they have made a difference to the families and children of our State. Thank you. It is a pleasure to be here.

SENATOR COSTA: Thank you, Bill. I appreciate it. I know how sensitive you are to all these issues, and I have appreciated that very much.

I want to ask a question, though, before you have to leave: You are speaking of so many different areas that cover children, and sometimes, because they are covered by so many areas, kids get lost. Is there any way, especially now in this transition time in government, that perhaps we could have it all under one umbrella? You have Human Services. You cover so many aspects of people's lives. But, would it not be more appropriate and better for the children not to have them get lost in all these different departments; that they come under just one umbrella?

ACTING COMMISSIONER WALDMAN: I think it is time -- and I have been talking to the transition team about this -- to take a serious, hard look at the structure and organization of the Department of Human Services. There have been some very valuable, and I think valid suggestions that have been made in a number of areas. One, there has been the suggestion that there be a Department of Children's Services. There are others who have suggested that the Department be totally reorganized,

have it move away from the disease or disability-oriented model to a more generic model.

My point is: It is time to reconsider. I don't think that we in the bureaucracy, or as employees, should make that determination ourselves. I think there should be a process -- and this is what I would recommend to you and to the transition team -- whereby the community, the Legislature, the Department officials get together and look at this issue over time, and come up with the best solution -- the best organized supports and deliverance of human services in the State.

Over time our Department has grown considerably. It has taken on new and diverse responsibilities that we have tried to fit neatly -- and they don't always fit neatly -- within our divisional framework. I think, given that growth, given the time, given the challenge of the future -- and Nick will talk about it -- it may be time for us to look forward. I think and I would hope that that dialogue will get on the front burner of the agenda.

SENATOR COSTA: Do they have a separate budget, or is it because since Human Services is so large, that if it is needed in a certain area, it may be taken from what would be for children's services? Is that what happens? That is another reason why I want to see it all happening in one department.

ACTING COMMISSIONER WALDMAN: Although each of the divisions prepares its own budget, we all have an overall departmental budget. The process routinely through the years has been, if there were transfers among accounts, for over in one, for example, or maybe under in another -- that is a routine process -- depending upon the priorities at the moment, the needs and exigencies in the Department, funds get transferred from one area to another. Again, it depends upon the actors and the priorities at the time.

SENATOR COSTA: You answered my question. I think it would be much better to go under just one department for just children's services.

Thank you so much for being here. I know you have to be off.

ACTING COMMISSIONER WALDMAN: My pleasure. I am going to stay for a little while, if that's okay.

SENATOR COSTA: We are ready to say hello to Nick Scalera. Welcome as Acting Director of the Division of Youth and Family Services. You have big shoes to fill. Bill Waldman has done a marvelous job. I am so pleased that we have been able to work together since he came on board. It has been a good working relationship. Welcome.

N I C H O L A S R. S C A L E R A: Good morning, Senator, and thank you for having me. Thank you, Bill, for that very nice introduction.

As Acting Director of the Division of Youth and Family Services, I'd like to commend the Senate Committee on Children's Services for its attention to New Jersey's adoption system. Formerly, I had served as an Assistant Director of DYFS for the past 17 years.

My direct involvement with the adoption program began in 1972 when we organized the first pilot program to find adoptive homes for children with special needs. This successful pilot redefined who was adoptable and established the importance of specialized adoption services. So, I am particularly pleased to have the opportunity to testify here today.

My testimony will focus on three basic tenets that have shaped the direction of adoption:

First, every child has a right to a permanent home. Second, adoption is a service for children. Third, the system that serves these children is multifaceted. It relies on the cooperation of adoption agencies, parents, the legal system,

the judiciary, child advocates, mental health providers, and the community.

The Division of Youth and Family Services provides general and protective services to some 54,000 children and their families on any given day. Nearly all of these children -- about 83% -- live at home with a parent or a relative. Only 8800 of these children are in out-of-home placement, and the vast majority of them will be reunited with their own families.

As the largest adoption agency in the State, DYFS places the largest number of children for adoption and by far the greatest number of special needs children. The term "special needs" refers to older children, those with physical or emotional problems, minorities, and sibling groups.

Since 1983, DYFS has placed for adoption an average of 675 children each year, of which approximately 50% are African-American children. Another 10% represent other minorities.

Through November 30 of this year, we had already placed 659 children in adoptive homes. If this placement rate continues through the end of December, we will have placed the highest number of children for adoption in our history. I want to express publicly my appreciation to the staff of the four DYFS Adoption Resource Centers for achieving such a high level of adoption placements -- particularly since they did so during a period that saw increasing staff vacancies due to the effects of the State job freeze.

While the percentage of children with the goal of adoption is small in comparison with our overall caseload, it represents the lives of 2000 children who are in some stage of the adoption process at any one time.

SENATOR COSTA: May I stop you for just a moment here? (no response) I just can't help but say something. I appreciate Frank coming in here to cover this -- The Star-Ledger coming in to cover this, because I met some of the

reporters today as I was coming up in the elevator. I told them about this, what I consider very important hearing. But, you know, they are all covering abortion in another room. It's a sad commentary that that gets so much more play in the papers than does trying to find a good life for the children who are already here. I just had to say that, Frank.

MR. DiGIACOMO (reporter from The Star-Ledger, speaking from audience): Thank you. I did that one, too, Senator. (laughter)

SENATOR COSTA: Okay, go ahead, Nick.

MR. SCALERA: The responsibilities of our adoption workers as case managers are broad and diverse. They work intensively with children and potential adoptive families to prepare them for new family life. They fulfill the complex legal requirements necessary to begin the court process of terminating parental rights. They educate the public about the need for adoptive homes for special needs children. They complete the careful home study process of all applicants.

DYFS is also responsible for other functions related to adoption. We regulate every adoption agency operated in New Jersey. In addition, we provide services to adult adoptees and birth parents who express the desire to rediscover their origins and meet their parents or children, siblings, or other relatives.

I've seen the face of adoption change dramatically over the years. The faces of the children are not the same. They're older now. They're mostly African-American. They are more likely to be physically disabled or emotionally disturbed. Some are children of substance abusers or suffering the physical or social consequences of their own parents' addiction. And they may come with a brother or sister. Twenty years ago, they were considered unadoptable and often grew up in the foster care system or in institutions.

Nor are the faces of the adoptive parents the same. Twenty years ago, adoptive parents were primarily young married

couples unable to have children of their own. Today's adoptive parents may already have children of their own. For some, their own children are grown and they are filling their homes with the sounds of children once again. More and more, they are single men and women with a strong desire to raise a child.

Clearly, the organization, funding, and delivery of services had to change just as dramatically to reflect these needs. This has become one of the greatest challenges facing the child welfare and legal systems. New Jersey has been extremely fortunate. We have the benefit of a rich history of child advocacy. These advocates continue to provide a critical catalyst to adoption reform, and many, Senator, are in this room today with us.

At this point, it may prove helpful to trace some of the most significant reforms that have transformed adoption in New Jersey.

First, to be effective, adoption services had to be specialized and separated from the critical protection function in our district offices. When the functions were combined, workers responded first to the child at risk of harm or death because of abuse. By comparison, children in foster care were considered relatively stable and secure.

The pilot program I referred to earlier was our first attempt to separate the protective services and adoption caseloads. The concept was introduced statewide in 1975 with the creation of four regional adoption centers. For the first time, the definition of an adoptable child was expanded beyond healthy infants and toddlers.

Second, financial barriers to the adoption of special needs children were reduced in New Jersey by the 1973 Adoption Subsidy Law, which provided financial assistance and continuing medical coverage. Qualifying individuals became eligible for adoption subsidy equal to 80% of the foster care board rate.

In 1984, the Subsidy Law was further strengthened by eliminating the means test and providing 100% of the foster care board rate. Today, more than 4000 New Jersey children receive an adoption subsidy. Prior to the Subsidy Law, many of these children would have remained in foster homes or institutions because their care posed a substantial financial burden to families otherwise willing to adopt.

Third, the children who need adoptive homes today are more likely to have a history of rejection and repeated physical and/or sexual abuse. Some have conditions ranging from Downs syndrome and spina bifida to the tragic impact of social problems, which may include crack addiction, fetal alcohol syndrome, and AIDS.

Some have lived in so many different foster homes that they forget where they were. Our caseworkers use personalized life books to help a child trace and understand his past.

We have come to realize the absolute necessity of working through the pain and loss they have suffered -- problems that are compounded each time they bond to and separate from a family. For each and every child, no matter how abandoned or mistreated, the loss may be compared to the death of a loved one.

The grieving process is the same. The four phases are denial, anger, depression, and finally, acceptance. Before they can attach to another family, these children must progressively pass from one phase of grief to the next. Some of these children are so detached that they have lost all capacity to feel and to trust. Some are unable to function within a family.

Bonding to a new family can only occur with intensive counseling and support for these children and for the families who eventually adopt them. Without it, the adoption will likely disrupt and the painful cycle will repeat itself.

We have developed two pre-adoptive group homes, which provide - highly - specialized, intensive services - for five-to-eleven-year-olds with behavioral and attachment problems. These pre-adoptive group homes offer intensive treatment that will eventually enable them to move into an adoptive home.

One 11-year-old child had lived in 15 foster homes. He told us that he always thought he would grow up to be a homeless person on the street. I am happy to report to you that this child, who had no expectations for the future, has now progressed to the point where he has become united with a caring adoptive family. Five years ago, we did not have the type of resources in place to change his picture of the future.

Fourth, earlier I explained how the face of adoption had changed. With the redefinition of who is adoptable and who can adopt came the recognition that we had to reach out to communities and educate the public about the need for homes for these children. Recruitment of potential adoptive families is a critical, continuing effort.

The need for adoptive homes for African-American children continues to grow. While healthy infants have not had to wait for adoptive families, we are barely able to keep pace. We need to intensify and expand our efforts to recruit more African-American families, so there will be a sufficient pool of adoptive parents for children of all ages. In this way, children who become available for adoption placement will be able to be placed in a timely fashion and be spared lengthy and potentially destructive waits.

While we find adoptive homes for most children, today there are 41 waiting children for whom we have no adoptive families. All have special needs. Thirty-four of the 41 are African-American.

These children are profiled in the "New Jersey Adoption Photo Listing Book," which we have developed to

acquaint prospective adoptive parents with waiting children. And, Senator, I brought a copy of the photo listings, which I thought would be of interest to you and to the members of the Committee. If you wish, later I would be glad to pass it around. You will see the kinds of personal information that is provided on each of these children.

To strengthen our recruitment efforts: DYFS launched the "Someone Needs You" recruitment campaign featuring posters, flyers, television and radio public service announcements, and a video featuring television actor John Amos, promoting the need for African-American adoptive homes.

We also joined a national telecommunications network to recruit homes for waiting children -- known as the National Adoption Exchange.

DYFS also established an adoption recruitment hotline, 1-800-99ADOPT.

We formed a task force composed of African-American staff members from all four Adoption Resource Centers who volunteered to recruit adoptive families in their own communities.

We have actively involved adoptive parents themselves in recruitment, training, and support efforts. They are the best possible spokespersons on the rewards and challenges of adoption today. We have introduced a buddy system for adoptive parents, which is a network of parent advocate leaders known as PALS. PALS are experienced adoptive parents who lend support and advice to new and prospective adoptive parents at all stages of the adoption process.

And finally, specialized training by medical consultants is provided to adoptive parents of children with special medical needs.

Support is the key to smoothing the transition to new family life and preventing disruption.

New Jersey is the first and only State, to our knowledge, to have a comprehensive statewide system of publicly funded pre- and post-adoption support services through a network of private providers. Our aim is to prevent disruption of these new families. An effective way to do this is to help adoptive parents and children cope with the challenges and stresses that can occur at any stage of their new family life. In fact, there are waiting lists for families requesting these services.

While we are very proud of these initiatives, I want to emphasize that DYFS is only one part of the overall adoption system. By no means do we work alone. The system relies on the actions and cooperation of the judiciary, legal representatives, and the citizenry. Adoption does not proceed without effective coordination between all parts of the system: Child placement review boards; deputy attorney generals who petition the courts to terminate parental rights; Family Court judges who decide a child's future; mental health and social services providers, who help these children learn how to cope with their pasts; and adoptive parents and foster parents.

For the past several years, DYFS, the courts, and child advocates studied the roles, responsibilities, and importance of adhering to time frames in order to streamline the adoption process.

Most notably, the Administrative Office of the Courts' Committee on the Guardianship Process established a 10-step procedure with recommended time frames for completing each step. These AOC guidelines also established minimum criteria for DYFS attempts to search for and notify birth parents. They also standardized the Guardianship Complaint Form to ensure uniform, statewide use.

Another very successful effort has been the American Bar Association project. New Jersey was one of five states

selected by the ABA in March of 1984 to participate in a national project aimed at eliminating procedural delays in adoption of children with special needs. As a result of the committee's effort, the average time required to complete the social services and legal process to free a child for adoption was reduced from three-and-a-half years to eight months in Essex County at that time. The ABA committee continues to do its work county by county.

The ABA committee's final report also included recommendations for strengthening New Jersey's laws governing termination of parental rights.

This is a very serious issue. Our first priority, as you know, is to keep families together. If they are apart, our efforts are directed toward reuniting families as soon as possible, whenever possible. As you will recall, children with a goal of adoption, constitute a very small part of our caseload. The majority of the children we work with are in their own homes, or will eventually return to their own families. However, when all reasonable efforts to reunite a family have failed, our focus becomes adoption and giving that child a chance for a permanent family.

It takes all elements of the system working cooperatively together, to accomplish permanency through adoption for New Jersey's children.

I have highlighted some of our accomplishments, and now I would like to outline some of our problems. Our concern is that we are in danger of losing the momentum that we worked so hard over the years to gain. If we do not continue to address some significant problems, the path we have begun to forge may erode.

Even with a full complement of staff, our adoption caseworker-to-child ratio represents only 68% of the respected Child Welfare League of America staffing standards. Ideally, we would like to reach 100% of these standards.

Because of insufficient resources, the adoption system is rarely able to comply with the time frames specified in the AOC guidelines. Our own data show that the average time to free a child for adoption in Essex County is now close to two years -- far longer than the average of eight months that we achieved in Essex County three years ago.

Finally, I want to reaffirm our Division's commitment to improving the adoption system. We must not surrender to the frustrations or barriers that so often confront us. We must persevere on behalf of these children and make sure that we meet their needs at every stage of the process.

Again, I thank you for giving me the opportunity to testify before you today.

SENATOR COSTA: Thank you, Mr. Scalera. I would like to introduce Senator Wynona Lipman, who has just joined us.

SENATOR LIPMAN: Good morning.

SENATOR COSTA: I have some questions, but I will defer to Senator Lipman.

SENATOR LIPMAN: Well, I just want to ask one question about what happened in Essex County: It slipped backwards in the amount of time it takes for adoption? It went down to eight months and then back up to two-and-a-half years?

MR. SCALERA: Yes, Senator. There definitely has been a slippage in the gains we had realized.

SENATOR COSTA: Is that because of a lack of resources?

MR. SCALERA: Primarily because of a lack of resources, not only within the Division, but also in all of the other aspects of the total adoption system that I mentioned earlier, which have to do as well with the resources available to the Attorney General's Office.

SENATOR COSTA: Are you finished, Senator?

SENATOR LIPMAN: Yes.

SENATOR COSTA: The record you state was very good, but as we know -- and as you also said at the end -- it needs a lot of work.

I would like to start at the very beginning. I believe you are the people I should address this to: The goal of working with children-- As you said, the goal has been to reunite families. That's great, but I think what we have to do is look at what is best for the child. Most of these families have lived their lives. Where they are going to go, we don't know. They have their own decisions to make. But children have their lives before them, and the path that we set them on, if they come under our jurisdiction, is what is going to matter the most.

So, I would like to see the focus of this State be what is best for the child. The adults who have known heartbreak, etc., can adjust. If we can just take those kids and do what is right for them--

Now, the thing I want to know first is, how are the district offices working with the Adoption Resource Centers? From what I read in "Splintered Lives," it is not very good. There is a lack of communication between the district office and the Adoption Resource Center. Sometimes when they go before a judge, it takes so doggoned long, and it goes from one judge to another judge, and it loses whatever it had for that child.

I have some notes here that I would like to refer to. There are children who are considered adoptable, and yet their cases are not transferred to the Adoption Resource Center. So they can just languish there under the district office's jurisdiction, and not get where they are supposed to go in order to move it. To take that long to adopt a child -- to get a child into the adoption process-- I think we've got to do something, and I need your help in trying to figure out some way that we can work at shortening that time, so that that child-- Well, you know, where there is consent between parents of a newly born child-- I have known people who have taken a baby out of a hospital and taken it home, and that is their child.

Now, these other poor, unfortunate children who have to wait two and three years-- Lots of people want to adopt newborns. They feel that that time in a child's life is when they mold that child -- in the very beginning. How can we do that? What can we do to ameliorate these conditions that are holding back adoptions at the present time -- these barriers that are right there before you?

MR. SCALERA: Well, at least as it affects the DYFS part of this multifaceted system, I think you have obviously identified some very important issues which we are aware of, that we have, I am proud to say, begun to address. We have a long way to go. Very recently--

SENATOR COSTA: Do we have time frames set? Do we have something whereby we can say, "This child, at a certain period of time, has to be adopted," or "put up for adoption"? Do we have any time frame such as that, or is it possible to have such?

MR. SCALERA: There is no single time frame that could be ascribed to every single case, because there are so many different elements in every particular case, and it is very difficult with all of the different parts of the system to stick to one particular time frame. But I think we would fully agree with you that the goal is to expedite and facilitate the timely placement of children for adoption through all parts of the system.

Very recently, Bill and I had the pleasure of presenting to the adoption and foster care community at large, many of the advocates -- some of whom are in this room today -- the results of the Division's response to the "Splintered Lives" report, which was a very ambitious effort which was launched under Bill's leadership of the Division. He was kind enough to come with us as we presented the results of the action plan that DYFS has been working on for many, many months, to try to alleviate some of the problems that had been

uncovered in this "Splintered Lives" report. We presented the results of our foster care permanency reform initiative. I would say that you might later want to ask some of the advocates in the room how they felt about it. I had the feeling when we were through that there was a genuine enthusiasm for some of the reforms that we started to put into place, the bulk of which would then begin to get fully put into place in January of this coming year. It had to do with much more specific guidelines that would assist the caseworkers in the district offices in processing these children, again all with the goal of moving the child in a timely way to a permanent placement.

SENATOR COSTA: From what I understand also, there is no formal monitoring system to see when the district offices are ready to transfer the cases to the ARCs.

ACTING COMMISSIONER WALDMAN: As part of our response, or corrective action to "Splintered Lives," which was a definitive statement and study and really a snapshot of where we were, I think the report found fairly and accurately that our services to children in foster care were not delivered in a timely and qualitative way.

I think our response, as we have just begun to implement it, will, indeed, change that, Senator Costa. We set some guidelines in place. We set some monitoring. We have clarified policy. We put in standards. We redirected our quality assurance efforts. We have even redirected some resources to assist in that system, the goal of which -- the goal of many of these -- is just not to permit children to languish in the foster care system; to set clearer guidelines and time frames and oversight.

One of the issues that has been raised consistently -- and it is a difficult issue -- is that we have a whole new set of social problems in society that may affect how we look at this particular issue. We have the issue of substance abuse;

we have the issue of AIDS, and others, and it may require us to take even a more timely -- more extensive view in some cases, possibly for the safety of the child and for the child's need for and right to permanency -- to make a decision on a far more expeditious basis than we may have in the past.

But I think our response to "Splintered Lives" that addressed the issue of timeliness and quality services in foster care puts us in the right direction. I think you will sincerely see some very dramatic improvements over time. I have confidence that Nick will keep the Division in that direction.

SENATOR COSTA: And the DOs-- They have caseworkers working with about 50 cases at a time?

ACTING COMMISSIONER WALDMAN: That's another--

SENATOR COSTA: That's the other thing.

ACTING COMMISSIONER WALDMAN: When you ask where you can help -- and this is a sensitive issue because it is resources, and often -- one of the reasons we have slid back is-- I mean, there is work that has to be done on each and every case. There are guardianship petitions that have to be prepared. There is a set of work. We need workers and staff and other resources -- outside services -- to be able to do that.

SENATOR COSTA: That is why I am concerned with having it all under Human Resources, because you get something-- If something occurs at one of the hospitals, or a fire or something, the money will have to be diverted. These kids, then, are growing up at the same time, and you haven't got enough resources there to take care of them.

The other thing is--

MR. SCALERA: Senator, may I just add one point to what Bill said about the resources question? (no response) We have, as I said earlier in my testimony, suffered from the effects of the job freeze. But I should add that in October,

again under the leadership of Bill, we were able to get approval to begin to fill again and refill direct care positions, not only in our district offices, but also in our four Adoption Resource Centers. We have reached a point now where the vacancies in the Adoption Resource Centers amount to, I think, four.

Now, I want to make the point clearly that even if we were at full staffing strength, we would only be at 68% of the Child Welfare League of America standards, which would be a caseload ratio of one to 22. The ideal ratio, or the CWLA ratio at 100% of the ratio -- of the standard, would be one to 15. So you can see that we still have a long way to go.

The important point I am trying to make is that we have begun to refill the vacancies in the direct care positions, so that in the course of the next few months we should begin to get some relief. It does not deal with the broader issue of the fact that even if we were fully filled at a point in time -- which will rarely happen, if ever -- we would still be far below 100% of the recommended staffing standard of the Child Welfare League of America. That is another resource question.

SENATOR LIPMAN: Mr. Scalera, what is the ratio -- the New Jersey ratio at present?

MR. SCALERA: As I said, at present we are at 65%, which would be a ratio of about one to 23. If we can fill the remaining four vacancies, we would go to 68%, which would be a ratio of one to 22. It is still far from the one to 15, which would have been the ideal ratio. Of course, that deals with the question of budget resources at a difficult time. It has to be addressed in future budgets.

SENATOR COSTA: I understand there has been an adversarial relationship between the DOs and the ARCs. Has that gotten any better?

ACTING COMMISSIONER WALDMAN: I think it has gotten considerably better. There are times when there is a flow of cases between the two when there are staff shortages and great tension and pressure to--

SENATOR COSTA: How could we ameliorate that condition, because it is sad that because of this relationship the children are suffering?

ACTING COMMISSIONER WALDMAN: I really think we have taken some steps. The only answer to that, I would say, is internal leadership within the Division and the Department. We recognize that as a problem. I think the steps we have taken recently to pull those things together have by and large been successful. I think there is a much better relationship today; still not without problems or disputes about individual case situations. I think we have taken some steps, particularly in response to the "Splintered Lives," to clarify policy procedures when a child gets transferred. I think they are on the road to far better relationships. I hope that those barriers will continue to erode over time.

MR. SCALERA: Senator, may I just add, I would not characterize the relationship of our workers on the local level as adversarial, in all honesty. I mean, there are going to be natural questions--

SENATOR COSTA: I did receive that from more than one source.

MR. SCALERA: Well, in my judgment, in general, when we speak of the whole system, we have basically cooperative relationships that are going on. I mean, the system is strained when there are resource shortages--

SENATOR COSTA: Is there a lack of communication somewhere?

MR. SCALERA: --and there is no question about that. Resource shortages can often fuel some of the disagreements, because workers in the ARCs, as well as workers in the

districts, feel the effect of higher caseloads during times of high vacancies. -- But, I wouldn't want to overexaggerate that problem. As Bill said, I think it has improved greatly, and I think it will get better as we begin to fill the remaining vacancies in both realms of our Division.

SENATOR COSTA: Now, let me just get back to the beginning of what I asked about, and that is the termination of parental rights, especially in such cases where -- the one that I cited, where a woman has a child, she is ready to give it up for adoption, it happens just to be a passing encounter, and then you have to try to find the other parent. Is there a limitation on the time that you have to seek that parent who is listed on a paper? Or, shouldn't a mother be told, when she delivers that child and gives it up for adoption, that if she puts down the father's name -- you know, she may not know that -- that that child cannot be put up for adoption until he is found, he has given consent, or his family has given consent, that they have the option of adopting? Would you please respond to that?

ACTING COMMISSIONER WALDMAN: As regards the time limit, there is not a specified time limit, but there is a requirement that a full and complete search be done for that parent, and that that individual's interest, participation, or whatever, be assessed with regard to the judge's final decision. Some states are different than New Jersey on this particular rule.

SENATOR COSTA: And, there is no differentiation between, let's say, a family relationship, a marriage of 10 years, where my husband went off and I just had a baby, and maybe he would want to know about it, we have other children -- and a passing encounter?

ACTING COMMISSIONER WALDMAN: I think everyone is contacted as part of the search process, and I think it is then the judge's decision as to how much he is going to weigh the interests and rights of the individuals.

SENATOR COSTA: That is where I think our focus may be changed. I think it may be in error, because the child is harmed by this. You know, if they didn't care enough to be around, or to even consider when the act was committed to think that perhaps they may become a father, why should we give that much consideration in lieu of the child's consideration -- put his consideration over and above the child's? That is something I think is important. If you have any opinion on this to help us, whether we should do that legislatively, or whether it could be done by regulation, or whether, as I say, the mother at the time-- You know, right now we're speaking of abortion, and you say no one has the right to stop that abortion. So you're thinking of the unborn child right there and then, and here we're talking about a child who is already born, and yet all of a sudden you have to give so much consideration and consent to someone who didn't care about parenting this child to begin with, or he would be around.

So, I think this is something we have to do something about, so that-- I think you could say, "Well, in two months' time, if you can't do it--" Of course, you are going to come back and say, "Well, we haven't got the resources for it." But then again, there are different ways of advertising in papers, putting an ad in a paper. They do it in business relationships. You have to say, "I'm not responsible for my wife's debts," or something like that, and that takes care of it. Well, if you say, "A child has been born to" -- someone -- "contact DYFS," or "contact the Human Resources Department," within a certain specified time. If they don't make that contact, then you have done your duty, and you can go on with what is best for the child.

Do you see anything wrong with that?

ACTING COMMISSIONER WALDMAN: I know one of the things we did in the Division -- again as part of the response to "Splintered Lives" -- was the streamlining of the search

process. We invested some more resources in it to make it more expeditious so it wouldn't drag on forever. In fact, we have considered, and have a couple of unique relationships with special not-for-profits which do that under contract with us, and they have done a very good job with it.

The only thing is, I have mixed feelings. I understand your point. I always get worried, though, if we go away from a full and complete process, because these cases, in my experience, are so individual that it is very hard to make generalizations about people's interests until you find them and get the true story. I think it is very worthy of deliberation and perhaps revisiting, given the changing times in New Jersey. And I think really the issue is to expedite the time, because I agree with you. That extra amount of time -- and Senator Lipman raised the difference in Essex County -- is a long time in the life of a child, and we have to do everything we can to expedite search and everything else to keep that time to a minimum.

SENATOR COSTA: That part of a child's life is so important -- those formative years of being loved. You know, I was a poor kid, but, boy, I never felt poor I had such a loving family. That made me the person I am. If I do anything right, it came from that. That's why, to me, it is so important to get the child into a kind of loving relationship. When I read things where they say to a foster parent, "Don't get too attached to the child" -- my God, what else do you teach a child but love? That is where I am coming from, and that is where I want to see the focus changed in the State -- to the child's growth and giving that child that love as soon as possible, getting him or her into that kind of a position. Something like that, if someone doesn't care enough to even look into coming back and saying, "Hey, you know, is she pregnant?" after something happened-- Well, I don't know about how much consideration we should give that person.

I think I have made my point. I would like to work with you toward something whereby, either with regulation or legislation, we could change the focus in this State.

Do you have any more questions, Senator Lipman?

SENATOR LIPMAN: I just have one more question: You mentioned in your paper here that you had 40 Afro-American children -- no, you had 41 for adoption, and 34 of them were Afro-American, and you beefed up your staff to get those children adopted more quickly -- in a quicker manner.

MR. SCALERA: Well, Senator, what we did was implement a number of different strategies to try to be more effective in recruiting homes for these children -- and I mentioned some of them in the testimony -- linking up through a computerized national network at the National Adoption Resource Exchange. Some of the special minority recruitment efforts that we implemented-- I have here one example of the "Someone Needs You" campaign, which has been launched. We have recently resupplied the offices with a new batch of materials, which include not only these pamphlets, but posters, and public service announcements, both radio and television. We have tried to work to establish community organizations as another part of an outreach approach, all geared toward an increased success in identifying, recruiting, and approving homes for children who are among the 41 on the New Jersey Exchange, which are in the book here.

SENATOR COSTA: We have taken a lot of time with you, and I am pleased because, you know, I really needed your input. I thank you for it, but we have a lot of other people. Thanks so much.

I just noticed when I took off my jacket, I purposely put this pin on. I was "Mother of the Year" for the State of New Jersey, so I am everybody's mother, you see. (laughter)

Judge Page, may we hear from you? I appreciate your coming.

Judge Page, I don't know if you heard what I was speaking of, about cases going from judge to judge to judge, many times. During your testimony, I hope you will cover that.

J U D G E R O B E R T W. P A G E: I have limited prepared remarks, but I would certainly be happy to answer any questions.

Let me just start by talking about-- For the past two years, as you may know -- although I have been back home in Camden for the last month -- I have been touring our State, studying each county and a lot of different parts of it. It culminated in a report which I believe is being released today -- either today or tomorrow -- called the "Pathfinders' Committee Report," which provides somewhat of an in-depth study by the Judiciary of itself and its problems. One part of it is the termination of parental rights, in addition to all other parts' structure. It was written by the Judiciary for the Judiciary and focuses on our problems as we see them.

The Chief Justice is making it public today, and that is quite a move. It shows that we are not here to hide or in any way gloss over problems we have within the Judiciary. The report also made specific recommendations in all areas, including the areas of termination of parental rights.

Our Chief Justice, as you may know, has tried very hard to change the focus of Family Court from an inferior to a real superior court. Frequently he has called it our most important court. We believe, and I would read to you from a section on termination of parental rights just the first paragraph of this report that is being released: "Termination of parental rights should be considered the most important cases heard by any part of the Judiciary. The children involved have no permanent home, roots, or family upon which they can rely with certainty. Since children cannot be adopted, or other permanent plans made during the pendency of parental rights matters, it is imperative that the Judiciary bring these most important cases to a prompt conclusion."

Then we go in and point out examples of where this has not happened. We talk about the guidelines of the guardianship process, which is a document that was arrived at in consultation with the Division of Youth and Family Services and was approved by our Supreme Court, which it was referred to by the Director. We talk about "Splintered Lives" and some of the things that the Association for Children pointed out in that report, and also about the American Bar study which was done in coordination with the Association for Children of New Jersey, in which in Essex County they were successful, several years ago, in drastically reducing the time it took for children to have these cases heard and processed through the judicial system and through the agency.

The fact is, we have come along and studied this somewhat after that, and sadly, as was pointed out by the last speaker, those time periods have begun to lengthen again and to go back. It is not from lack of commitment. I know I speak for our Chief Justice and for all members of the Judiciary when I say that we recognize this as our most important area. We recognize that the children are at risk who need the protections of the court and the families involved.

There are problems. There are problems that have grown up within an overworked Judiciary and within an overworked State agency, which have constantly pushed those kids who can't speak for themselves to the back burner many, many times.

I would only just briefly talk to you a little bit about the process. If you remember, in going through the guidelines of the guardianship process and the different time goals that are set there, of course the cases have to progress from the local office into the Adoption Resource Center, then culminating in the filing of a complaint. Much of what I say, by the way, is based upon my personal experience and observations over the past couple of years and back home, and

does not necessarily represent the opinion of the Administrative Office of the Courts, and I hope you will take it with that grain.

Some of the bottlenecks that have occurred most recently have occurred in getting the cases from-- By the way, we have an excellent child placement review system in place and, I believe, very firmly committed to it. I think New Jersey's system must be made to work. Ultimately, this is the system that will flush out these cases and ensure that somebody watches. I have been around long enough to remember long before the child placement review system started and the battles that occurred to try to start that. I remain as committed to it as ever, and consider it the most important piece of legislation that has ever been passed, as far as I know, because it would keep these children constantly being focused upon.

But, in order to make that system work, not only do the cases have to be identified, but we have to, of course, get them out of the local offices. I think right now there are problems of trying to go through the time goals that were set in this guidelines of guardianship process. Whether it is a lack of staff, or what it is, I don't know. That is a different agency. I know that as it then moves on to the ARC process, right now -- speaking as of talking to them again yesterday -- there are cases waiting for complaints to be filed -- waiting for complaints to be prepared, let me put it that way.

SENATOR COSTA: What do you mean by that, Judge?

JUDGE PAGE: Well, once they get the file and they get these different parts of the puzzle put together--

SENATOR COSTA: It comes from the district office?

JUDGE PAGE: --it has to be drafted into a legal complaint, which is then filed. The court really can't start anything. We have no jurisdiction, power, authority, control,

or ability to control, other than through the child placement review system -- we do have the ability to do that -- until the complaint--

SENATOR COSTA: So, how does it go, from the district office first to the child--

JUDGE PAGE: No, to the ARC system, and then from the ARC system to the filing of the complaints. I almost wish that we could-- There are so many different things that could be involved. Certainly, we need more deputy attorneys general to approve the filing of these complaints. It is not enough to ask the Legislature to give the Attorney General more deputies. You have to make sure that they are assigned for this purpose.

As we get into the judicial part of it, let me tell you that that is another thing. Certainly staff-wise, as far as DYFS is concerned, they need more paralegals, or people who are able to put these files into legal wording which ultimately results in these complaints. Things are backing up just because of the fact that we don't have the people to perform some of these important steps.

Now, all those remarks were directed outside the Judiciary. Once the complaint is filed, there are several problems within the Judiciary. What we need, and what you will see in the Pathfinders' Report as it gets released, is a strong recommendation that if the State can use aggressive case processing management of divorce cases, and of other types of matters that might catch attention, then it can do -- it must do no less for the children involved in the termination of parental rights cases. They must be given the highest priority.

In order for us to do that, however, there are several problems. The trial of a termination of parental rights case generally provides a minimum of four lawyers. There is an attorney representing the State; there is one representing the child; and there is one for each of the parents, if they can be

found. A trial of anything with four lawyers takes a long time -- I know that from my own practice, and as you are aware, Senators -- but particularly when you talk about what is at stake. We cannot forget the rights of the people who, due to the allegations, are about to be terminated. In my opinion, it is the exercise of the greatest power of a state, and ranks right with capital punishment, as much as what you can do. You are taking someone's children away from them, and they will never see them again. In doing that, we must make sure that all legal safeguards and rights are protected. I, too, have some problem about streamlining the process at the expense of the rights of due process of the parties involved. We have to make sure that they have adequate representation by counsel, that every effort was made to try to keep this family intact, or to avoid damage to the child.

SENATOR COSTA: May I ask you something at this point, Judge Page?

JUDGE PAGE: Yes, sure.

SENATOR COSTA: Are we speaking of taking a child away where two people have had this child, or are we speaking of the instance I just gave before, whereby the mother, at delivery time, signs away the right to the child, yet lists a husband's -- not a husband's, the father of the child's name, and he doesn't even know that this child exists? Are we speaking of two different things, or one and the same?

JUDGE PAGE: Well, there are all differing degrees, Senator.

SENATOR COSTA: Are they treated the same, though?

JUDGE PAGE: With most of the ones that come to full contested trial, there are people in existence who are fighting the case. I believe the majority of guardianship cases going uncontested are really not that complicated, and the courts are able to handle those matters rather quickly once the complaint is filed. But, where you have a parent who has been in and out

of the life of the child-- Many times they are described as wanting the child somewhat as a toy or something that they come in and out of the life, but do not share in any of the pain. Many times people who are overwhelmed start out with good intentions in placing children very temporarily, only to find that they cannot, for whatever reason, get their life back together again.

New Jersey is a bonding State, which means, under the rule stated in the case of Sorentino v. The Children's Society of Elizabeth, that the child is bonded to another set of parents, and that that may be sufficient basis for termination of parental rights. It is quite a step. The cases primarily that I have been involved in in fully contested trials, there are very live, breathing persons whom you have to, at the end of the day, or at the end of the week, or weeks-- Sometimes those cases will take a couple of weeks to try, with four lawyers and multiple experts and so forth. You have to look at the people right square in the eye, if the evidence is there, and tell them that you are terminating their parental rights, and they will never see the child again.

Now, when such is at stake, we can't cut corners as far as making sure that everyone's rights are lived up to.

SENATOR COSTA: Please refer to the instance I am speaking of -- the incident, you know, where the parent--

JUDGE PAGE: Again, basic due process of law would require notice and an opportunity to be heard to all prospective parents. The United States Supreme Court and the New Jersey Supreme Court have recognized that putative fathers, for example, have a right to notice and an opportunity to be heard. By the way, more and more often we find putative fathers expressing an interest in wanting to be heard in this type of thing.

SENATOR COSTA: True, but is there a time limitation, or will it go on forever?

JUDGE PAGE: Well, reasonable efforts have to be made to find people. Reasonable efforts is something, I suppose, that is capable of proof; that is capable of saying, "What did you do?" There are many different things set out in guidelines of the guardianship process, who you write to to try to find people. I really think that where they have been--

SENATOR LIPMAN: I just want to ask: How long does a reasonable effort take?

JUDGE PAGE: I suppose a reasonable effort is that which a judge sets upon review of all the evidence. I would only say to you that in the guidelines of guardianship process, we did get kind of specific as to what things can and should be done, and within what time frame. I know that DYFS has certain specific things that must be done before the case can even be transferred to the ARC unit.

SENATOR COSTA: Would it be better, Judge, to also give the rights to the mother when she is delivering a child and she is going to give it up for adoption, to let her know that if she doesn't name the father, that child has a better chance of being adopted, than if she names who it was?

JUDGE PAGE: Well, I suppose that would give her ultimate -- complete control over the child. I know as a father I would object to that, and I think most fathers would. I have five children of my own, and sometimes people--

SENATOR COSTA: I'm speaking of these extreme cases where little regard was given to having this child by either participant. I love these words I am coming up with. (laughter)

JUDGE PAGE: I do believe that where reasonable efforts are made-- In most of these cases, the men who are involved -- as you say, the casuals -- are not too interested in asserting their rights, but they have to be given an opportunity. I would venture to say that it is very rare that we find one who has never been involved who says, "Now I want to get involved." It happens, but very rarely.

SENATOR COSTA: I know, but my point is, if they are just passing through, and you never find them, that child does not get adopted.

JUDGE PAGE: Well, I believe the child can get adopted. That is not the bottleneck. It is not the bottleneck. We only need make reasonable efforts to find them, and then we can proceed, and that's it. The child has been abandoned. I think that that would pass constitutional muster.

But let's talk about the normal cases we get into. Now we have this case that is coming before the court that has four lawyers. Do you know what four lawyers and psychiatrists and multiple social workers over years of time -- how long it can take to try that? It can take several weeks. It can take a week, up to two weeks; it can take several days. One of the things that our committee has recommended, and which I find to be very sad, is that these cases are not tried on continuous days. We believe that they must be tried on continuous days. If New Jersey can try right angle automobile collisions or burglary cases on continuous days, it can try its most important cases on continuous days.

Now, how are we going to do that? If you take one judge-- I have five in my Family Court. In Essex County, I believe you have three, Senator. If you take one of your three in Burlington County and tie him up for two weeks in an overworked Family Court, you are going to have hundreds and hundreds of cases that are not going to be heard. Now I won't say that those cases are "as important," but we have people who need support. We have domestic violence matters. We have the very adoptions themselves at the other end of the process. We have divorces; we have juvenile delinquency cases, a tremendously increasing load in overcrowded detention centers.

The point I am driving at is, when the presiding judge -- and that is what I am now -- looks at the figures and looks at the thing-- Can I afford to take one of the three judges in

Burlington County and have him start trying termination cases? My answer to that must be, "We have to." We have to figure out a way to do that. That is going to require more judges. One of the things in the Chief Justice's press release -- which I believe is being given today -- points out the fact that the Pathfinders' Report, while pointing out several problems, also calls upon others to join in the quest for a better Family Court by providing better resources.

It is very hard to do these things in continuous trials, and to constantly give them the priority they need at the expense of so many other people. Now, as the case goes on, I believe it should be heard in continuous trials, and then the court must be put on an obligation to render a timely decision. We have recommendations on that, too. Again, it is a question of overworked systems.

SENATOR COSTA: Do you think that should be done by regulation or by legislation?

JUDGE PAGE: Well, let me say, we are going to do it. The Pathfinders' Report has a call for action. The Chief Justice says we are going to do it. We will be in all aspects. There are a number of aspects of Family Court that require a priority, and this is one of them. There are about six: domestic violence, institutionalized juveniles, custody matters, things like that.

So, we need resources. I think there are several recommendations that, again, I would make just on my own. I do believe-- There is also an important thing: Remember that in well over 90% of these cases, in my opinion, the people do not have the money to pay for their own attorneys. It is rare that we have private attorneys hired by people to represent them. Most of the people do not have those funds.

Under the present laws, the Legislature has required the Office of the Public Advocate to provide attorneys in child abuse and neglect cases, but not in termination of parental

rights cases. The only lawyer that is required is for the child. Now, since by constitutional mandate -- and I wouldn't have it any other way -- the parties have to be represented by counsel, certainly it would seem to me that, not taking anything away from child abuse cases-- They certainly are very important and we need to protect our children, but they are no more important than termination of parental rights, where the ultimate decision has to be made. That is something that-- Just look at your own law, and provide similar type provisions. That would go a long way.

What we do now is by judicial decision. The famous case of Crist v. DYFS decided that lawyers had to be provided -- members of the bar had to be appointed, and the bar serves admirably in this respect. But when you start to appoint lawyers who have no experience in the area of the Family Court, whose experience might be in other areas, it is difficult. You know, the law gets more and more complex and we have more and more different things. While overall they do a very commendable job -- I am very proud of the bar in this respect -- I think we could improve both the quality and the efficiency if we had a group of attorneys who were assigned through the Office of the Public Advocate. Now, that Office is overworked, too, with drug charges and so forth and so on, again, but there is one thing.

I do somehow believe that the staff, on these points from when the cases are identified as in need of termination of parental rights to the filing of these complaints-- Somehow that has to be beefed up. That is beyond the Judiciary. I just think that as far as the judges are concerned, we will be-- We were talking about monitoring earlier. Monitoring is a crucial part of the report that is coming out. We will be monitoring our own and knowing and counting these cases.

In my own county, we have a hit list -- which I call it -- and it begins from the day that a child is filed for

termination -- not termination -- for placement outside his home, and it doesn't end until there has been an adoption. That list of crucial cases is up on the wall.

SENATOR COSTA: How prevalent is that throughout the State? It sounds great.

JUDGE PAGE: I think there is only one other county that has one.

SENATOR COSTA: How can we expand it?

JUDGE PAGE: Let me say this: We don't need specific lists up on walls. What we need--

SENATOR COSTA: How can we expand it?

JUDGE PAGE: --is an overall monitoring of the system, to make sure that every case -- every child in the State has to meet certain time frames. We have time goals and time limits in the report which are very tight. The guidelines to the guardianship process recommended that the whole process go two months from the date of the filing of the complaint. That is very hard to achieve.

SENATOR COSTA: Oh, boy, I would love to see that.

JUDGE PAGE: Even if it took six months -- and again, we are talking about a very important thing -- that would be a great step -- a great step.

SENATOR COSTA: Where is the Pathfinders' Report? Is it out?

JUDGE PAGE: Well, that has been--

SENATOR COSTA: I would like to see it.

JUDGE PAGE: It is being released, I believe, today or tomorrow, and certainly it can be made available.

Again, termination is only one small part of it -- an important part of it -- but it is the overall system.

We will be watching closely our part of the thing. I hope the Legislature and the executive branch can see fit to give us enough resources to do it.

Do you have any other questions?

SENATOR COSTA: I appreciate your coming, Judge Page. Your input has been great and is very much respected. I like what you had to say about the time frame. That is what I am seeking -- to try to shorten it.

SENATOR LIPMAN: And you are going to change the system.

JUDGE PAGE: We're going to try.

SENATOR COSTA: Well, anyway we can help-- You know, that is what we are here for. I appreciate it. Thank you, Judge.

I am going to call on an adoptee, Peg Sturmfels.

P E G G I S T U R M F E L S: Good morning. My name is Peg Sturmfels, and I represent New Jersey PTA. I am Mia's protege, I guess.

SENATOR COSTA: Whose protege?

MS. STURMFELS: Mia Anderson's. She sends her regards.

About four years ago when I left the business -- that is, the business of adoption -- I sat down to write a piece that I had entitled, "Brown Paper Bag Children." As I tried to work through the piece, my anger and frustration kept me from finishing it. In 1955, somewhere in an open field near Vineland, a delivery took place. I remember Mrs. Richy, who had been my caseworker a few years earlier, handed my 18-month-old brother and his brown paper bag containing extra socks, diapers, and two bottles -- he had one in his hand-- I don't know why at the age of five I remember the three bottles, but I do.

In 1984, almost 20 years later (sic), when I picked up a little eight-year-old boy to deliver him to his new family, the worker from the agency handed me his things in a green trash bag. I was so aggravated I went to a store across from the office and bought a--

SENATOR COSTA: Would you please turn that microphone toward you? It's not a microphone, it's for the recorder.

MS. STURMFELS: I'm sorry. I bought a cheap suitcase for him. This may seem silly to you, and it may seem without meaning, and maybe a bit overdramatic, but it was important to me at the time that a new life not begin packed up in the same way we take out our trash.

If you think this equation is, perhaps, too dramatic, I'm sorry, but it has been a memory I have carried with me since I was five years old. The parallel here is that society has looked upon adoption as the second-best way of getting children, and for thousands of waiting children who have already been thrown away once, the idea that they can only be second-best is a desperate thought.

I truly believe that no real change in adoption will ever happen as long as we, as a society, are unable to change our historical and continuing perception of adoption; until the Aunt Gerties stop telling the relatives of the unselfishness of their niece and nephew who are taking in a poor, unfortunate soul; until the neighbors stop shaking their heads marveling at what the adopted parents may have taken on; and until the media stops telling us only of the adopted children who have gone bad. Some are mass murderers. The crime you see in the paper says, "The adopted son of--" I'm sure there have to be some successful adopted people out there other than Helen Hayes' son and Mary Martin's son, Larry Hagman. Real change will be slow in coming.

This won't be easy. Adoptees are a group unto themselves. They are made up of labels such as: orphan, abandoned, unwanted, waste, illegitimate, the product of a brief encounter -- none of these which are positive in nature. One of the things that intrigues me as I attend conferences and workshops, is that we have many educated and committed people dedicated to making families through adoption, to make it more natural and accepted.

But, we have so far to go. Workers and agencies have been so protective of the rights and feelings of the adoptive parents and the birth parents, that no one has done any real data collecting on the adoptees themselves. Adoptive parents must receive a continuation of services that does not disappear with the finalization of adoption. With myself, when my parents finalized on my adoption, they never heard from the adoption caseworker again. And with my own daughter, who is now 21-- We got custody of her at the age of 15. During the process of termination of rights, I had DYFS in my house every week, and we had a counselor available for her every week. But the nightmares and the gremlins and all of the things that happened to her after that time -- after the custody was signed-- There were no services for her, and there was no one for her to talk to, other than me in the middle of the night, and sometimes I am a little crazy.

Schools and workers must get together to help older children adjust to all of the changes there are in life. Oftentimes, schools will be presented with a child who has five years of his or her life that are a complete mystery to everybody involved. They can't set a program for this child who now enters the population as a special needs child, because they do have special needs. There are differences, and we need to address those needs within the school setting, so that what happens in the home setting and what happens in school are things that can be handled in an open conversation.

Adoptive parent training should never be waived. There are private agencies that operate in the State of New Jersey that do waive the parent training for parents who are coming in to get children. I always kid my mother that unfortunately she got this very mouthy four-year-old child without an instruction manual. It was very difficult for my parents to go through this alone. Parents should not be made to go through it alone. They also should be given to

understand that things are going to happen to the child as he or she matures and grows, such as children become teenagers and they have all of those problems. Four years after the adoption, the child may be going into adolescence, and serious things are going to occur, and they are going to be compounded by the fact that the child may have some real serious doubts as to who they are. Parents need to have support for that, and children need to have support for that. Children need to have the ability not to feel guilty because they question where they came from; that they are not going to hurt someone's feelings because they want to talk about who they are, where they came from, and what happened to them that got them to this situation. That is not there for them.

I have a lot of teenagers who call me who have found out that they were adopted, or who know that they were adopted and are going to begin a search. I won't help them with the search until they turn 18, or even counsel them in ways of making a search until they are 18. But I will say to them, "Please talk to your parents. Talk about your fears. Talk about the things that are happening to you." Most often they will tell me that they can't.

In this parent training, we have to make parents understand that the bonding that takes place may be different from what their expectations of family bonding is. The expectations are different because the children may not have been able to let go of the previous bonding experience, or previous problem. This does not need to be bad. The relationship can progress in a different way and still be good and still be useful.

We need to do more realistic preparation of children as they are entered into a placement of adoption. My own preparation was, I remember sitting with Mrs. Richy in Bordentown and we looked through the "Ladies Home Journal," and she told me that every lady in there was a mommy and every man

in there was a daddy. Consequently, because I happened to be a snotty little kid at the time, I did not call my mother "Mom" or my father "Dad" until -- oh, it was about five years ago. I was very angry and I wasn't going to do that.

We also need to make sure that medical services and mental health services are provided and are accessible. It is okay to have a program out of Rutgers, but if you live in South Jersey, getting there once a week becomes a hardship on the family. We need to move those services into the communities where the children are placed.

I have two closing thoughts that I want to leave you: One is, when you think of children -- birth children -- you think in terms of biological, in terms of real, in terms of natural -- terms that happen to do with life force. When we think about adoption, we adopt bills, we adopt schools, we adopt pets, and we adopt children. We need to somehow bring together those two forces, so that adoption becomes a life force also.

My only other pet peeve, and I will get off the subject -- and I thank you for allowing me your couch time; I should pay you for the hour -- is, we have to remember that real is the family that we make and that we allow to be made. It is not when you look at a child and you say, "Do you know anything about your real parents?" Their real parents are the parents who are there. Also to the children who may be in a mixed family of biological and placed children, that they don't have "real" children and "adopted" children.

That is all I wanted to say. Thank you.

SENATOR COSTA: Do you feel that the word "adoption"-- You spoke about adoption of buildings, etc., as well as the adoption of children. Did you think of having a different kind of word? Is that what you're saying?

MS. STURMFELS: No, I don't think that in this day and age, after going through centuries of having "adoption" as a

word, that we are ever going to change that. But we need to change the concept of what adopted children are, and that is that it is the second-best way of getting a family, because for the children who live it, they will never be anything but second-best. That is very hard. I have talked to a lot of adult adoptees who have succeeded and who have done very well and who have wonderful families they were placed with and matured with, and they would never really want to maybe seek out their former families. But the feelings are always there at some time, and we need to address that.

SENATOR COSTA: The theme was not to deny adopted children from hearing that they were adopted. For a long time, I heard that, and many times I would meet people who had adopted children, and whether I asked them or not, you know -- and I probably never asked them -- they always said, "They're adopted," in front of the children. I often wondered how the children feel constantly hearing it said, "They're adopted."

MS. STURMFELS: In the way it is presented, I think, to the child, and if the child grows up feeling that adoption is a very positive thing and that they have part of the control of being in this very special situation with parents who love them-- I remember being eight years old and, you know, "Her mother-- She's adopted." Again, I was a snotty kid, when I think back to all the nasty things I said, but I did tell a girl, "My parents picked me," and that her parents were stuck with her. If they can get that kind of a feeling from their parents, that's good, but that is only going to happen if the training of the adoptive parents is inclusive to their families, their relatives, and the people they associate with, and that they all accept that, so that the child is never put in the position where he or she is going to have to feel threatened by it.

SENATOR LIPMAN: You have certainly given us a different view of what happens during adoption. The only way,

really, to solve that problem is to adopt them when they are tiny babies.

MS. STURMFELS: No, that's not true.

SENATOR LIPMAN: No? That still doesn't answer--

MS. STURMFELS: As long as there is preparation for the children who are being placed into foster care -- good preparation that: a) it is not their fault that they are in this situation; and b) that there are people who will love them and want them whatever way they can come to them. They can have that kind of preparation, and the parents can have preparation along with that. Also, there should be post-adoption services that are really accessible, and are maintained for long periods of time.

SENATOR LIPMAN: How long?

MS. STURMFELS: I would say you should have support groups accessible for the entire time that the child is with the family, because what happened to me, being placed at four, the anger didn't come out until 11 and 12 and 13, and there was no one at that time.

SENATOR COSTA: I think there should be something whereby adoptive parents themselves could form groups as support systems, bringing them together.

MS. STURMFELS: But, as I said, there has really been no data collection of the feelings of adopted children so that those things are addressed on a statewide basis.

I have to tell you, this book they showed you before-- I was on the Adoption Task Force in '84, and I agree--

SENATOR COSTA: Do you mean "Splintered Lives?"

MS. STURMFELS: Excuse me?

SENATOR COSTA: "Splintered Lives" or the Pathfinders' Report?

MS. STURMFELS: No, no, no. DYFS had a--

SENATOR LIPMAN: That one.

SENATOR COSTA: Which book is that?

UNIDENTIFIED SPEAKER FROM AUDIENCE: The photo listing.

MS. STURMFELS: The photo listing. Yeah, the foster care, remember way back then? This came about, I think, because of that. There was discussion of that. At the time I was working with a private New York agency, and I still have the books in my garage. The thought that has hit me many, many times, as I look at the books in my garage -- they are the same binders as the real estate binders -- is, there are things that we are going to think about, that we are going to have in our minds that pass through, that other people have no conception of. I bought my house through a blue book. Some people get their children through a blue book. Those types of things are there. We just need to be aware of them so we can react to the children in a positive way and react to the parents.

I thank you for your time.

SENATOR COSTA: Thank you so much for being here.

SENATOR LIPMAN: Thank you.

SENATOR COSTA: Ceil Zalkind, please?

C E C I L I A Z A L K I N D: Thank you, Senator Costa and Senator Lipman. As I told you when we talked before the hearing, I think this is a very important issue to consider, and I commend this Committee's efforts to look at the adoption system in New Jersey.

I am here really in two capacities today, representing both the Association for Children of New Jersey, which as you know is a statewide child advocacy organization, and the statewide Adoption Services Advisory Committee. I currently chair that committee, which has been in existence since 1985. It is a pretty exciting group of adoptive parents, social service providers, private adoption agencies, DYFS representatives, which serves as an advisory committee to the Division. We have spent the last four years really looking at the public adoption program in New Jersey and making some recommendations around that program.

Also, as I listened to the testimony here today-- We recently celebrated National Adoption Week, which was held the first week before Thanksgiving, and it really made me think about where I started out in the child welfare system. I began as a DYFS caseworker in the Hudson County District Office 20 years ago as an adoption worker with a very strong commitment to adoption services in this State, and I have really seen some evolution in the program which has been exciting, but also some problems that continue to exist.

It would be very possible to sit before you today and talk about many of the positives in the public adoption program, because there are a lot of positives to recognize and acknowledge. As Director Scalera said in his testimony, adoption practice has really changed dramatically in the last 20 years. Children who 20 years ago would not have been considered for adoption because of their age, race, or special needs, now routinely find loving, permanent homes. Individuals interested in caring for a child can become adoptive parents. You don't have to be white, married, and middle class any longer to become an adoptive parent. Adoption has really taken its rightful place as an important element of the child welfare system.

We also believe strongly that significant efforts have been made by DYFS in the last few months to improve decision-making for children in foster care. As you said, Senator Costa, our "Splintered Lives" report described a very weak, fragmented, crisis-oriented decision-making system for children in foster care, which we felt impacted on the referral of children for adoption services. In response to our project, the Division has committed itself to an in-depth, comprehensive permanency reform effort. The results which they announced in a public briefing several weeks ago were very impressive, and we believe that if fully implemented, should result in more timely and appropriate case planning for children in foster

care, and will ultimately have an impact on children who become available for adoption.

Despite these achievements, however, we believe very strongly that children still spend far too long in the limbo of temporary foster care until the decision is made to free them for adoption. It is not uncommon -- and you will hear it from other people this morning -- for a child to be in foster care for several years before being considered for adoption. For many children it takes even longer, especially if they are children who are repeatedly placed in and out of foster care by their families -- children who are placed for a short period of time, returned to their families, and then placed again. For these children, foster care becomes a series of placements in which they never have the opportunity to become part of a family of their own.

As you can imagine, the impact on the child is devastating. The constant rejection, separation and loss the child experiences, impacts on his ability to ever relate to a family. Last year, the Adoption Advisory Committee looked at the children who could not be placed for adoption in the State, either children who the ARC offices were having difficulty placing or children who had been placed in adoptive homes and had failed. We found that they had one common characteristic. Almost all had suffered repeated re-placements, either from family to family or in and out of foster care. These children had lost the ability to believe that any adult could care for them. For these children adoption came too late.

We believe that the responsibility for this failure lies with several different entities. Children are not a priority of the courts. It was exciting to hear Judge Page's recommendations. I think the Pathfinders' Report was a very comprehensive effort on the part of several committed judges like Judge Page, to look at how the legal system treats children in general, not just in termination cases. But aside

from some dedicated judges like Judge Page, there aren't many judges who are willing to make hard decisions about children. Judges and courts still regard parents' rights as paramount, and hesitate to take the final step to free the child for adoption.

We also feel very strongly that current State statutes do not provide sufficient support for this kind of decision-making. Code revisions in the child welfare area are long overdue.

We also believe that the public adoption system bears some responsibility. Despite the Division's strong commitment to adoption and recent permanency efforts, adoption still must compete for resources, staffing, and support within the broader system of services that DYFS provides. We feel that the extraordinary needs of children needing adoption require even greater efforts and support.

Lastly, although this may seem like an issue not related to adoption, we feel very strongly that placement prevention has not become a priority for our State. We need a comprehensive system of placement prevention, so that children do not end up in adoption merely because the child welfare system has failed them and their families. Adoption is an appropriate alternative only after all efforts have been made to keep the children with their birth families.

Our testimony today -- which is quite extensive, and I will summarize it -- goes into a great deal of detail, and looks at these four areas and makes some very specific recommendations for change: One is the need to make children a priority of the courts; second is the need to either make some statutory amendments or introduce new legislation to effect more timely decision-making; third is the need to strengthen and support the current DYFS adoption program; and last is the need to develop a comprehensive system of placement prevention. We believe that if these recommendations are looked at, more timely decision-making will occur with children.

Judge Page alluded to the American Bar Association project on special needs adoption, which was co-chaired by ACNJ and DYFS. This project has gone statewide. It started in Essex County in 1984, and has moved on a county-by-county basis across the State, now finishing up in the central region of the State. The same issues came up in this project over and over and over again. The project looked at the court system, the legal system, and the social service system in terms of identifying and freeing children for adoption.

What we found about the courts was that cases involving children, especially those with which DYFS was involved, receive insufficient court time -- they are just not a priority for the courts -- very frequent postponements and delays. As Judge Page stated, it is very common to have a case started and have the second part of the hearing -- the testimony -- take place three to four months later, and not the next day. This continues not only on the child, but on the appeal level, too. When you look at a case that may be a year in litigation and two years in appeal, it is a very long time for a decision to be made about a child's future.

We also found that judges found termination of parental rights very difficult to decide. It is a hard and painful decision for some judges to make. In a lot of cases, it is tangled up with their own feelings about family and children. Delays often result while judges struggle with these issues. Also, as Judge Page alluded to, there is a problem with the way legal representation is provided to parents and children in termination cases. The courts use a system of appointing pro bono attorneys who not only don't know about child welfare, but who often are not involved in the family law area at all. They are appointed on a free basis to represent parents and children. Although they may be very well-meaning and motivated, it may not be an area of the law they know. What we found and what judges told us was that delays occur

frequently while attorneys ask for postponements and adjournments while they try to sort out what were the facts in the case and what was the law.

The ABA project, I think, addressed some of these issues. Meeting with each of the presiding judges of the Family Court in a county, usually brought about immediate changes in court scheduling and time. We participated in a project with the Young Lawyers Division of the State Bar Association to train pro bono attorneys on a manual which we wrote on child welfare cases. It was highly successful. We have trained over 100 attorneys. But it is not enough. Although we feel these efforts are encouraging, they are really not sufficient or long-lasting. They haven't been institutionalized into the court system. Judges change, just like social workers change, breaking down whatever system has been implemented to reduce the delay. As I said, training for the pro bono attorneys, although we think it is effective, cannot really replace the need for competent legal representation for indigent clients.

We have three specific recommendations which we think should be made: One is we believe that the Administrative Office of the Courts must provide some leadership to the Family Court to make children a priority in all cases involving children, but especially in termination of parental rights. I was very pleased to hear what Judge Page had to say about the Pathfinders' Report. If this report is released and has the full support of the Chief Justice and the AOC, it should go a long way toward addressing some of the issues we found in the project.

We believe the AOC should set some standards and time lines for the court to follow. The AOC guidelines for termination of parental rights put a lot of burden on the Division for when they have to submit cases to court and follow through on cases. They don't put that same burden on the

courts. There has to be some monitoring and tracking, as Judge Page described, to ensure that the courts are following through on these cases in a timely fashion also.

Second, we believe that children and parents should be afforded adequate legal representation in termination cases. During this legislative session, Assemblyman Charles introduced Assembly Bill No. 1803, which would provide funding to legal service programs to represent indigent parents and would also appropriate funding to the Public Advocate's Office to extend the Law Guardian Program. Currently, law guardians are appointed to represent children in child abuse cases. Even if that case were to continue on to adoption, the law guardian cannot continue to represent the child, and the child and parent are assigned volunteer attorneys. We believe there should be a Senate version of this bill -- there hasn't been one introduced as of yet -- and that this bill should be enacted. It requires funding, but not a huge amount of funding in relationship to the benefits it would provide.

The last area concerning the court system, is that we believe strongly that sufficient legal personnel must be provided to ensure that the legal process continues to function appropriately and effectively. In our project -- our county-by-county look at the Family Court -- we found that judges have the same overload in their work load as caseworkers do. Judges change frequently. The system of rotation does not impact positively on learning about the child welfare area. We believe there may be a need for more judges in the Family Court, specifically in some counties like Essex which have a tremendous number of cases that come before them, and that training has to continue in the child welfare permanency and adoption areas so that judges are familiar with this area of the law.

We also believe that staff resources should be looked at in the Attorney General's Office. As Judge Page indicated,

the Deputy Attorney Generals represent DYFS in termination cases. There are never enough DAGs. We understand, for example, that in Essex County the DAG has stopped filing termination of parental rights cases because they have a backlog of abuse cases and because they have some staff vacancies of their own. This is going to impact for several months on which children become free for adoption. More DAGs are clearly needed.

Last on the DYFS end, we think serious delays have resulted from a loss of paralegals. Although the current DYFS administration is committed to continuing this program, funding for staff shortages has impacted on the ability to fill these positions. We think this is very important.

Now, it would be nice to think that if all of these recommendations were implemented that that would solve the problem, but it really wouldn't. I think it would go a long way toward improving -- making the court system more effective, but, in fact, the State Child Welfare Code really does not provide the kind of support for decision-making that is necessary. Our Code is very confusing in parts, and really gives a double message to caseworkers who work with families on a day-to-day basis and make the decisions as to what the case goals should be for the child. Our Code says a number of things which I think are very confusing: One, they require workers to support and preserve families. That is in the preamble to Title 30, which is the Child Welfare Code. But they also require workers to act in the best interests of the child. As we have talked about already this morning, sometimes the best interests of the child and the best interests of the family are quite different.

They require workers to make diligent efforts to return a child to his family, but also require workers to seek adoption as an alternative in a timely fashion. The termination of parental rights statute has a provision saying

that termination can be pursued if a parent has failed to plan for the child for a year or more, yet there is no definition of what that adequate planning should entail.

These issues all impact on which children are considered for adoption. What we found in our project and in other efforts with DYFS, is that the children who tend to get considered for adoption are those who have a foster parent who is interested in adopting them. That pressure from the foster parent and the argument that Judge Page talked about, that the foster parent has become a psychological parent to the child, form the basis for many successful cases. Unfortunately, the children who need adoption the most -- those with no viable birth family nor with an adoptive family that is committed to them -- are often overlooked.

We have laid out here some Code revisions. We would love to see a comprehensive child welfare reform act in the next legislative session, and there are a couple of areas that we think should be considered. One is the termination statute itself. This is in Title 30, section 4C-15. It sets the standard for termination of parental rights. The original ABA committee proposed some amendments to this statute which would clarify best interests and codify other grounds for termination. It was very controversial and never introduced. Recently, Assemblyman Charles introduced Assembly Bill No. 2659 which also suggests an overhaul of this section. We have looked at that bill and have some concerns about certain sections of it, but think that the issue of termination of parental rights would merit a public hearing of its own.

If we were looking to revise this section, we would be very interested in seeing some language that would define best interests; that would place a much greater emphasis on parental responsibility; that would require not only that the parent plan for the child, but remedy whatever conditions led to the child's placement in the first place. We would look for

specific language concerning cases in which parental conduct or conditions such as substance abuse impact on parental ability. We would put some language in the Code that would give workers some direction as to what planning they should do with families, and also define, in a comprehensive fashion, what diligent efforts on the part of DYFS means.

Second, we think it is time to really look at our State's reliance on voluntary placements. Almost 80% of the children entering placement in our State do so on the basis of a voluntary placement agreement which the parent signs. There are some positives to using voluntary placements. In many offices they are encouraged because they set up a positive therapeutic relationship with the family, rather than an adversarial one.

But they also have many drawbacks. Parents have no legal representation when they sign a placement agreement. There is no other oversight except through the Child Placement Review Board. There are no time lines for how long a voluntary placement should last; it stays open-ended. There is no judicial monitoring at all of the placements. We think this needs to be looked at. We have done some research into what other states have done, and there has been a lot of activity in other states to limit voluntary placements or, in some cases, to prohibit voluntary placements. We don't think we want to go that far, but think it would be important to look at the use of voluntary placements, including provisions to define standards for when voluntary placements are appropriate to use, and to put some limits on how long a voluntary placement should last.

The Arizona code, for example, recently enacted a provision limiting voluntary placements to six months, and requiring at the end of the six months that the child needed to stay in placement; that the agency then had to go to court to get a court order to continue the placement. But it also has some language that directs the agency to look at alternative

planning for the child at that period, and not leave it open-ended when someone decides the decision should be made to look at adoption. We also think that any statutory provision in this area should clearly define what parents' rights are in negotiating a voluntary placement agreement.

We would also like to see a statutory provision that looks at children who were placed in and out of foster care by their families. For me, one of the most traumatic and alarming issues that came out of "Splintered Lives" was the frequent placement of children in and out of foster care. The families we looked at in our project had been known to DYFS for quite some time, and many of those children -- almost half of those children -- had been in repeated placements before. Reading those records it was not hard to anticipate that these children had a long future of uncertainty and disruption. We think we really need to take a look at movement of children in and out of foster care and what happens when a parent comes back to place their child for the second, third, even fourth or fifth time. We would like to see some limits on the use of replacement, and we would also like to see alternatives like adoption being considered at placement reentry if a parent is seeking to place the child a second, third, or fourth time.

In looking at this, we would like to see a prohibition against replacement on the basis of a voluntary placement agreement. In cases where a child is coming back into foster care, we would like DYFS to be required to seek a court order to replace the child. We would like to see some specific and shorter time lines for the case goal to be accomplished and the child returned home. We would like to see a requirement that the case be conferenced for adoption at the time of placement reentry. I am not saying that I think a parent cannot legitimately seek foster care as an alternative, but I think in the child's best interest it is also possible to look at other alternatives for the child at that time.

Lastly -- and we have heard this from many foster parents -- if we consider a legislative draft to limit reentry into foster care, we would like to see some language in the Code that states a preference that the child be placed with his prior foster parent, if possible, to ensure stability and continuity for the child. We have heard from many foster parents that children just don't go back to the foster parents who had them.

We have talked a bit about the DYFS adoption system. We feel it is a positive system, and would like to see it supported and strengthened through the staff supports, resources, and legal assistance they need. The Adoption Advisory Committee feels very strongly that the adoption program needs to stay independent and separate within the DYFS system. It is a centralized system that was a conscious decision many years ago. It has benefited the adoption program. We would not like to see that changed.

We would like to see more supports considered for adoptive parents. As you have heard already this morning, children needing adoption have many, many problems. The Division needs to make greater efforts to find homes for them and provide supports to adoptive parents to ensure that these children remain in stable, permanent placements.

We also are very interested in the Division's new permanency reform effort. We would like to see that fully implemented and followed through on.

Lastly in this area, we really think it is time to take a look at children who are not placed for adoption. There seems to be an increasing number of children who become available for adoption when they are older and have a lot of difficulty relating to an adoptive family. We would like to see some programs developed for them that would provide some stability for them in their future life with DYFS.

Our last area of recommendation involves the system of placement prevention. As I said, although we strongly support adoption as an important alternative for children in placement, we feel even more strongly that the State's primary responsibility must be to support families and prevent placement when possible. Only when those efforts are made should adoption be considered.

Our work over the last several years has convinced us that vulnerable families are not fully or adequately served by the child welfare system. Families often wind up on DYFS' doorstep because no other system will help them. Often they are the victims of poverty and homelessness, problems the Division is not equipped to handle. For these families, placement of their children becomes the only alternative, and then becomes a significant obstacle for them to obtain the return of their children.

We believe that the Division must make stronger efforts to ensure that families are not faced with placement needlessly. We believe this will have a direct impact on decision-making that leads to adoption. A comprehensive system of placement prevention can ensure that supports are offered early enough so that if the child does come into placement, the decision can be made to consider adoption at that period of time, not when the child has been in placement for a year or more.

We would like DYFS to look at their system of placement prevention services; to not look just at therapeutic services for families, but look also at issues concerning poverty and basic needs and substance abuse, the kinds of issues that seem to bring families to DYFS in the first place.

We would also like to see some legislation to define "reasonable efforts" to prevent placement. Judge Page alluded to this a little earlier. We are required by Federal law to make reasonable efforts to prevent placement of children into

foster care. Other states have enacted definitions of reasonable efforts in their state codes, which specify exactly what the agency must provide and how parents can access that. We would like to see those revisions made to our own Code, so that families are clear on what they are entitled to receive from DYFS, and that there are some clear indications as to what efforts are successful or what efforts have been met before the child can move on.

Lastly, we would like to see some assessment of why children come into placement; to link placement prevention clearly with the problems which result in children entering placement.

I thank you again for your efforts to hold this hearing. I think this Committee has really demonstrated a very strong commitment to the vulnerable children of our State, and this is one part of the many issues you have looked at in the past. We thank you.

SENATOR COSTA: In fact, we would like to see this Committee elevated to an "A" or a "B" committee so we can meet more often. Thank you, Ceil.

You made reference to doing something with children who do not get adopted and have grown up. Are you thinking of something like a Boys Town? That is what I would think of. I met with the administrator of Boys Town about a year or so ago. I understand that there are places here in New Jersey similar to Boys Town. Are you aware of them? Do you work with them?

MS. ZALKIND: Well, we have a lot of contact with different kinds of residential and group care facilities. I think over the last several years there has been a movement away from institutional or large group care, with the feeling that a family is more appropriate for a child. But, interestingly, when the Adoption Advisory Committee looked last year at children who were not successfully placed for adoption,

one thing we found was that these children had a lot of difficulty attaching to a family. They had suffered so much that they really didn't see themselves as part of a family anymore.

One of the programs that came up over and over again from people in the field who used it, was a program that DYFS has called "Teaching Families," I believe, which somewhat seems to me a more professional foster care network. I think they are on the foster care or group care level, but they are families, I believe, where at least one parent is paid a salary to stay at home. They have tremendous training support and therapeutic services that are available for the children. I do not believe that they exceed more than five children in the family. I think there are about 25 families in the State right now.

In talking to many people in our community, they seem to be very successful with children who cannot live in a family and some who could not even function in residential treatment. They did very well in this kind of a setting. Our preference would be something like that.

SENATOR COSTA: You know, when I looked at Boys Town -- I remembered it from the movies, you know, with Spencer Tracy -- I thought that was what it was still like, but it's not. It's changed completely like in residential homes, each one with sort of a mother/father figure, and those youngsters who are not adopted solely, but as a group, have a family. I think Julie Turner can address that -- the residential facilities.

Thank you so much, Ceil.

SENATOR LIPMAN: I just want to ask a question.

SENATOR COSTA: Oh, I'm sorry:

SENATOR LIPMAN: In the same line of thought, what happens to the children who are not adopted who get to be 18 -- up until, you know, 16, 17, or 18?

MS. ZALKIND: We have a lot of concern for that population of children. These are children who have been considered for adoption but who have not been placed. In fact, there is probably a larger number of children who have grown up in foster care, and who, for one reason or other, have not been considered for adoption and have stayed in the foster care system, or even children who are coming out of residential placements at age 18. We are very concerned about what happens to those children.

We have not done an assessment of what services the Division offers. Recently, we heard from a number of DYFS field offices that there are some problems with those services and, in fact, we have someone who has been in touch with us talking about children who become homeless after they age out of the foster care system.

SENATOR LIPMAN: Because they lose their foster homes even.

SENATOR COSTA: We passed a bill regarding the aging out of children.

MS. ZALKIND: Right. This Committee passed that bill.

SENATOR COSTA: Thank you, Ceil. I am going to ask Julie to come up to speak. At one o'clock -- or about five minutes to one -- we are going to call a recess for about one hour, and then we hope you will come back. We'll be back at two, so if you will all join us, we will get back to it.

JULIE TURNER: I am Julie Turner, Executive Director of the New Jersey Association of Children's Residential Facilities. Before I start on my formal testimony, I want to comment on a couple of things that have been brought up today.

One, the, what I would call "Splintered Lives III," or "Permanency," or whatever the whole title is-- I have been part of that committee from the start, and I think, just as you, I was equally dismayed at the original findings. A meeting was held, what, a couple of weeks ago, where it was

presented and, as I wrote Nick and Bill, I went sort of reluctantly thinking it really wasn't -- that I sort of had to be there, but I really wasn't expecting a great deal. This plan is a solid, realistic, pragmatic approach to dealing with decision-making. I would encourage you to hear about it, have a presentation on it, and provide the kind of support that is necessary. I cannot speak more highly than that. I commend Bill and Nick and the various people from DYFS who worked on it.

Secondly, at the opening, Senator Costa brought up a question about a Department of Children's Services. It is not just in the adoption area. Our children's services are so fragmented between divisions and departments, there is not, and cannot be the right kind of responsibility and accountability. Unless they are in one place, there cannot be the right kind of planning. From my standpoint, I think that any efforts are only sort of patchwork until we take a look at that. I hope that Governor-Elect Florio and whoever will be Commissioner of Human Services and so on, will take that as a high priority, and I hope the Legislature will act to encourage that.

SENATOR COSTA: Thank you. A separate division under Human Services, where it would have its own budget.

MS. TURNER: Whether it is a separate division, whether it is a department--

SENATOR COSTA: See, if it is not, then they have transfer of funds.

MS. TURNER: I know, I know. I agree. Maybe you all know how much is spent on children, but it is awfully hard for us to figure out because they are all so scattered all over.

SENATOR COSTA: That's right. I tried to get that information from the very beginning, and I found that it is so spread out.

MS. TURNER: Yes. I mean, when you said that children are served through the Department of Health in substance abuse things, but not all of them because-- Well, that is a whole--

Our facilities are seeing an increasing number of extremely disturbed, young kids coming into placement. Many of these youngsters could be adopted with appropriate support services. Some of the older children now require residential care after failing in multiple out-of-home placements. There are several problem areas which present barriers to timely and permanent adoptive placements of New Jersey children:

One, as I think Nick referred to, and Ceil, many of the children have serious problems as a result of poor prenatal environment. One, these are youngsters who have been born to mothers who are drug abusers, alcoholics, who have had poor nutrition, and/or who have lacked prenatal care. Two, the early childhood experiences in families which have been unable or unwilling to provide even minimally adequate care. Children may be the victims of severe and repeated physical and sexual abuse or severe neglect, and we are seeing this more often connected with the parents' substance abuse. And three, placement experiences now including multiple placements.

Two, in spite of the serious disturbances of many children which are difficult for even the most professional foster parents, children often have to fail repeatedly in multiple placements less restrictive before getting to the kind of a facility they need, to provide the structure to provide the treatment so that they are able to move on to a family. As a result of multiple placements, these kids are unable to trust adults and are unable to bond.

A few years ago -- I think you all know I used to serve on a Child Placement Review Board -- there was one little girl who came into placement when she was about eight, following some horrendous earlier experiences. In a little over a year she was in 19 foster homes. The board said to that caseworker early on, "We think she needs something more than bouncing around," and the caseworker said, "Oh, but a child that young should remain in the community." The child was

placed in an adoptive home. It blew up. She went into residential placement, where she needed to be.

Most recently -- and you sort of asked what happens to the youngsters -- I was at one of our member facilities. There is a teenager there who came into placement at age three. She has been in 42 placements. She celebrated a unique experience at that facility. It was the first place where she had been for a year.

There are some very special programs. People have referred to the pre-adoptive treatment homes. I would invite and encourage you to visit those. There are two in the State. There needs to be more. These are small, up to eight or ten children who are given some very intensive work to help them develop the capacity to trust and to bond. I think -- yes, Russ (referring to Russell Keep, in the audience) is here from Children's Aid, an adoption society. I think he can describe the program. I would encourage the development of more of those. I would also like to give a good deal of credit -- I think, yes, Rose is still here -- to Rose Zeltser from DYFS, who had the inspiration and pushed to have those developed.

Third, given the level of disturbance of some of the children, I think other people have alluded to the necessity of ongoing support, both pre-adoptive and post-adoptive. This kind of support needs to go on not just for a few months or for a year, but to be accessible throughout the adoption. Often you find youngsters who seem to adjust, and do adjust well initially, but as they come into adolescence they have a number of adolescent problems that are combined with issues related to adoption. There needs to be accessible the right kind of support to maintain the adoption.

They may also need -- and this is not an indication of failure of an adoption-- They may, at some point during the adoption, need a period of residential care. That does not

mean the adoption has failed. It means that these are youngsters who years ago would not have come into families and may need that kind of a period.

Four, I think it has been mentioned that it is essential that there be ongoing and significant recruitment, screening, and training programs developed focused on finding and developing families for the special needs children.

Ceil referred to the termination of parental rights. I would strongly urge you to look at the proposed legislation that came out of ACNJ and the Adoption Services Advisory Committee. The legislation, at this point, is inadequate and serves as a significant barrier for children having a timely adoption. Also I think referred to was the necessity for having sufficient staff, in the courts, DAG attorneys, and in the DYFS system. Time is so critical for kids. If two years is acceptable, they can be in six or seven placements and be destroyed.

I am going to talk specifically about the children who, as a result of either their early childhood experiences or of multiple placements, are unable to accept the closeness of living in an adoptive family; the children for whom permanency will not involve adoption. We see a lot of these youngsters. My guess -- and no one has ever done a real study -- is that at least a third or a half of the kids who are in residential at this point are kids who basically have no meaningful family. We have to make a commitment to say that we will develop small community programs able to serve these children on a long-term basis. Whether they are teaching families, or whether they are small group homes, these have to be in place for these youngsters. There has to be-- Usually there is a good deal of pressure, and understandably so, to say that placement should, in residential -- and residential includes group homes, obviously -- be short and for a time-limited period. It is a grave disservice to children who have gone through multiple

placements to say, "Well, you have been in a group home for a year, year-and-a-half, and you should be able to move on." These children need to be able to know that they have a place where they can stay, where they can grow up and have those kinds of supports.

Many of our children at age 18, 19 are really not ready to move out. Frankly, having kids, I am not sure how many are ready to move out without support even from regular families. We have to provide for the children who have bounced, who may have lost time in education. We have to provide the kinds of supports to prepare them to live independently in the community.

I would be happy to answer any questions.

SENATOR LIPMAN: The small group homes you were discussing-- Which ages would these take care of -- from eight or nine?

MS. TURNER: There were two I referred to. The pre-adoptive treatment homes are serving youngsters up to the age of 11. The purpose of these is-- They are intensively staffed. They work to enable the children to begin to know that they can trust adults. These are kids who have no reason to have known that before. These are for the younger children, where you want to try to move them on into adoption and enable them to do that.

The other I would be talking about would be for the older child for whom adoption is just not a possibility. This child--

SENATOR LIPMAN: So, the first home would be providing therapeutic services?

MS. TURNER: They would both have to be providing therapeutic services, but with a different kind of goal. The one would be the goal of moving the child to a permanent family. The other would be saying, "This is your permanent home. We will provide a small group," whether it is a teaching family, or whether it is a home where it is not necessarily--

SENATOR COSTA: Don't they have that right now, what they call "residential homes"?

MS. TURNER: There are group homes, but there is often not a commitment made to the child. If the child comes in at age 13 or 14, there is not a plan that says to the home, and particularly to the child -- where it is the most important -- "This is where you are going to be for four years."

SENATOR COSTA: This is family.

MS. TURNER: "This is your family. You aren't going to have to worry about another and another and another move. This is what the goal is. This is going to provide you with permanency," which is something our kids don't have in any other way.

SENATOR COSTA: Julie, thank you very much.

I have a question to ask Nick Scalera from--

MS. TURNER: I would like to reiterate, I would really love to invite you to see either of the programs. One of the pre-adoptive treatment homes is in Burlington County.

SENATOR COSTA: Right in my county?

MS. TURNER: That's your county.

SENATOR COSTA: Where is it?

MS. TURNER: It's Family Services of Burlington.

SENATOR COSTA: Oh, Mary Wells' group.

MS. TURNER: Mary Wells runs that, so it is rather near. The other-- It's not in Essex, but it is not too far. It's up in Paramus. I would love to invite you to come to them, because, see, I think they would give you a real feel for the kinds of children and the kinds of things that a program can do for them.

SENATOR COSTA: Thank you, Julie.

Senator DiFrancesco, who is not here, had a question for you: Would it be possible to require that all children's DYFS files contain, from the beginning, all necessary preliminary documents, should adoption become a viable option? That was his question, and I thought I would ask it of you.

MR. SCALERA: Senator, this is one of the specific provisions that is addressed by the foster care permanency reform initiatives that you have heard many of our advocates talk about, and I alluded to earlier in my testimony. I want to say, as Acting Director of DYFS, that I would be delighted to arrange a presentation for you and the members of your Committee, if you would be interested, on the components of the foster care permanency reform initiative. It includes a piece that shows the ways by which we have introduced a computerization system to go a long way toward reducing paperwork and serving as a specific aid to the workers on the local level, which has a big positive impact on the timeliness issue.

It is a comprehensive presentation. If you would be interested, I would be delighted to arrange that.

SENATOR COSTA: Yes, we would be interested. I would like you to work with Michelle Leblanc to set up a date when we have a session without having anything in the morning. Maybe we could do that that day, since we will be up here.

MR. SCALERA: I would be delighted to do that.

SENATOR COSTA: Also, I would like a copy of what you have in your blue book.

SENATOR LIPMAN: Yes, that would be interesting.

MR. SCALERA: Oh, sure, the photo--

SENATOR COSTA: All right, thank you.

We will recess now until two o'clock.

(RECESS)

AFTER RECESS:

SENATOR COSTA: I am going to call this hearing back, even though Senator Lipman isn't back. We will just go ahead, because this is all being recorded and the testimony will be available for all of the legislators.

The next person I would like to call is from the Foster Parents Association. Barbara Eigner is going to represent Sue Dondiego. Did I say your name correctly?

B A R B A R A E I G N E R: It's Eigner (repronouncing her name).

SENATOR COSTA: All right, thank you.

MS. EIGNER: Good afternoon, Senator. I would personally like to thank this Committee, as well as on behalf of the New Jersey Foster Parents Association, for holding this hearing today.

As a foster parent, and soon to be an adoptive parent, I can tell you the plan for children entering foster care is permanency through reunification with their birth parent(s), adoption, or other appropriate programs.

While this goal is commendable, the problem is that serious roadblocks occur along the way.

The New Jersey Foster Parents Association has appeared before this Committee many times. We have documented the types of children coming into foster care today -- infants born addicted to crack, cocaine, and alcohol or testing positive for the virus which causes AIDS, and young children and adolescents with serious physical, emotional, and medical problems. We have documented the need for foster parents to receive proper training, adequate reimbursement, and support services which would enable them to provide the quality care these children so desperately need.

When a child's case is transferred from a DYFS district office to an Adoption Resource Center, there is no magic formula available to wipe out that child's preexisting or existing emotional or medical conditions.

If the goal of adoption is to provide a safe, caring, permanent home, then adoptive parents need the same, or perhaps even more training, reimbursement, and support services than foster parents, for it is the adoptive parents who make a lifetime commitment to these children.

We believe the adoption process could be improved greatly with better up-front and timely decisions, supported by laws that clearly identify reasons and time frames for termination of parental rights.

We believe foster parent adoptions should receive the same priority as selected home adoptions. The level of uncertainty imposed upon foster families waiting to adopt a child is unfair to both the foster parents and the child. Until an adoption is final, the foster parents and child live in limbo, and at times find the case plan changed after being assured the adoption would take place. I, personally, know of a case where after five years there was a termination of rights. The judge, because the natural parents did want to appeal the case, ordered visitations, and the Division of Youth and Family Services does see that that child will probably be returning after five years.

SENATOR COSTA: To the parents after five years? I thought they would take into consideration the bonding of the child with the foster parents. They don't?

MS. EIGNER: They should. This may not be the norm, but this is happening. I just wanted to bring that to light.

The resolution to this problem lies in having a sufficient number of deputy attorneys general to litigate all adoption cases -- as was said before -- and sufficient judges to hear these cases in a timely manner.

We believe that all adoptive parents have a right to information pertaining to the child and the child's family. They have a right to know about the Subsidized Adoption Program and have documented, in the adoption agreement, financial and support services which are not only needed by the child at the time of adoption, but in future years.

One of the programs that DYFS has implemented to assist adoptive families is their Parent Advocate Leader Program, which Mr. Scalera testified on earlier this morning,

which is called PAL. Under this program, selected experienced adoptive parents serve as a link to other adoptive parents. While this program is certainly a step in the right direction, we believe it should be improved. We are recommending that the PAL Program be redesigned to ensure all prospective, new, and other adoptive parents easy access to an experienced, trained adoptive parent who can advise, inform and, if necessary, advocate for them.

At the present time, the New Jersey Foster Parents Association employs six foster home support workers -- trained foster parents who work out of a DYFS district office and assist in the recruitment and retention of foster homes. The program has been very effective, especially in the area of retention, in that many problems which could easily cause foster parents to drop out of the foster care program are resolved at a local level in a timely manner. While instituting this program in the Adoption Resource Centers will initially need additional funding, future recruitment and retention will be greatly enhanced.

SENATOR COSTA: I would like to ask you a question regarding the foster parents: You say you have a program whereby the foster parents can come, or get together and discuss their problems with their foster children?

MS. EIGNER: Well, we have monthly meetings, but what I referred to were-- We have foster home support workers. These workers work out of the district offices right next to caseworkers. If a foster parent has a problem, they can call one of these support workers, or we will call new foster parents. We will ask them, "How is everything going? Do you have any problems? Can we help you with anything?" We help them navigate the system. We help them if they need advocacy, if they need to help to advocate for the child. We will go in there and tell them what policy is and what their rights are as a foster parent.

SENATOR COSTA: How about the children? Are they ever asked anything? Is there a group where they can get together and discuss their feelings?

MS. EIGNER: Yes, we do have a new program that is called the--

S U E D O N D I E G O: (speaking from audience) The Youth Group.

MS. EIGNER: The Youth Group -- excuse me, yes.

MS. DONDIEGO: That is under DYFS.

MS. EIGNER: Right, that is under DYFS; it is the Youth Group. These children do get together and they do discuss their concerns, their feelings, and they have a vehicle--

SENATOR COSTA: How often is that done, and how much use has it been? I mean, how often is it used?

MS. EIGNER: This is, from what I understand, a new program that is just coming about in the State of New Jersey. They are getting together now on a local-- Each county has its own chapter. They are just starting to form now.

SENATOR COSTA: I don't think a child, maybe in years past -- perhaps now that we are reaching out to them-- But, the child was never consulted on how he or she felt. Is it any different now? I recall seeing one of these-- I watch TV once in a while. There was a program where this young man wanted to adopt a child. The child had a hearing problem, and he discovered it because he cared for the child. In all the adoptive homes he was in -- the foster homes -- nobody ever knew. They thought he was dumb, but he just couldn't hear.

That is why I think my opinion of it -- my impression, I should say -- is that the child is never consulted. The focus here today is really to try to put the child first. I know we were all raised with, "Children should be seen and not heard," but with all the problems occurring in lives today, I think we better start listening to the kids a little bit;

listening to how they feel and what they feel, so we can try to make a better life for them and focus on children first, rather than adults first, because we can express ourselves and we can be heard. We can put pressure on different groups, but children can't. That is why I am discussing this about foster children; because they are the ones right now who go wherever somebody decides to send them. Even if they get attached to someone, they can be taken away. That must be a terrible thing. I know the greatest fear I had as a child, since my mother was 42 years older than I was, was that my parents would die, and where would I go? I had all these brothers and sisters, but still that bothered me.

So, imagine a child in a foster setting who has to go from one place to another, afraid to love because if he does he may just be plucked out, and nobody asks the child how he feels about it -- or do they?

MS. DON DIEGO: I would just like to-- I heard you speaking and I have a comment: I think I would agree with you, but I think the problem may lie over in this house, between the Senate and the Assembly, because there are many times that even if children are asked, especially when we are talking about adoption, or even in foster care to remain with the foster parent or not remain with the foster parent-- They may be asked, but they don't have any legal right for that to be part of the consideration.

SENATOR COSTA: That is why I am saying these things, Sue, because I want to get input from you, since you deal with it, and then see what we can do legislatively to make that so. I want to see the focus, as I said, on the child -- the good of that child -- because I am a firm believer -- and I have said it many times -- if we get them at the very beginning of their lives, we won't have the problems we have seen now as they get older. This is something that is so important.

MS. DON DIEGO: Right.

MS. EIGNER: I wanted to applaud your comments at the beginning of the testimony this morning about your wanting to have the State become a child advocate State -- a State looking toward the children. Personally, I feel that in too many cases the pendulum is swinging too far over to the parents -- the natural parents, you know, their rights. I don't think our judicial system is really taking a good look that these are children and they do have rights also.

SENATOR COSTA: Well, that is the whole purpose of this hearing. Thank you. If I can do something in that vein to make living in New Jersey a better place for the kids so they will have a brighter future, hey, that's all I need.

So, thank you for your input, because you work with the situations. I don't. I may think about it or hear about it, read about it, see it on TV, but I don't live with it everyday. That is why I come to you and why I am trying to extract anything I can right out of you.

MS. EIGNER: Also, when Judge Page was commenting on his--

SENATOR COSTA: On the termination of parental rights?

MS. EIGNER: Yes, his list of time frames of when a child enters foster care until they leave. I applaud, also, his trying to keep on schedule. Unfortunately, in all counties that is not the case.

SENATOR COSTA: That is why I asked him.

MS. EIGNER: Yes.

SENATOR COSTA: There are only two counties that do that, and there are 21 counties in this State.

MS. EIGNER: Personally, I know of a case where the child was entered into foster care at three months old. She has celebrated her fourth birthday, and she has not been adopted yet.

SENATOR COSTA: That's a shame. Is that because of parental termination, they can't find the father?

MS. EIGNER: Well, the mom named three fathers in that case.

SENATOR COSTA: Beg pardon? She named three?

MS. EIGNER: The mom named three different fathers that it could have been, and they had to look for all three.

SENATOR COSTA: They had to go to each one?

MS. EIGNER: They had to look for all three.

SENATOR COSTA: Now, doesn't that get absurd?

MS. EIGNER: Also, when he was talking about having -- when you book a case and they don't book consecutive days-- This same case, from the time they started the litigation until they ended the litigation -- and I'm talking about just court time-- He was talking days, weeks. I'm talking nine months -- nine months.

SENATOR COSTA: How could any judge or jury understand something when it is broken up like that? I just heard-- Yesterday I was listening to the radio as I was driving, and there was this rape case where it went for seven weeks. The father was testifying at the time, and he said that the jury ruled against his daughter, said that she wasn't raped, because he said in seven weeks' time the jury couldn't remember her testimony from the very beginning. That is what I thought of this morning as he was speaking about the fact that they hold a case and they just don't finish it. They start today, and they start again next month and the month after. In the meantime-- This is very sad.

I think we might be able to do that legislatively, and ask the courts by law to either start a case and finish it in an appropriate amount of time, continuous, or not start it until they can do that.

I also learned that in cases such as that, when you start a case you may change judges, and it's over and over again with a different judge until it just loses any impact it could have had at the very beginning.

I appreciate your testimony. Thank you.

Arnold Herman, Director of Foster Friends, Inc.

A R N O L D H E R M A N: My name is Arnold Herman. I am Director of Foster Friends. I am also a member of the Monmouth County Child Placement Review Board. My wife and I have been foster parents for the DYFS agency for more than 12 years.

I want to again thank this Committee for allowing me to testify on a subject that affects thousands of children in the New Jersey foster care system.

The problem with the New Jersey adoption program can easily be broken down into two categories. The first problem is in the requirement effecting termination of parental rights. Current laws covering termination are vague, fragmentary, and subject to contrary interpretations. Most of all, however, they are antiquated and counterproductive as a means of protecting children.

When the termination laws were written, legislators couldn't possibly imagine how they would one day aid bad parents, at the cost of harming innocent children. After all, how could these legislators envision a society where thousands of parents are alcoholics, drug addicts, or AIDS carriers? How could they fathom, even in their worst thoughts, a period of time when parents would dump newborn babies into trash cans or airplane rest rooms, and how could they possibly realize that the laws they were passing would make it possible for parents to retain rights to children they had abandoned, even when many years had passed without them having had an active role in the rearing of these children?

Current termination laws make a real mockery of the desire to protect children. Even in the most obvious situations, at least a year is allowed to pass before approval is given to pursue termination. Then another year to 18 months usually goes by while the paperwork and search for the second parent is completed. This time period can be lengthened by a

parent who disappears and reappears at will. In some cases, searches can involve multiple fathers, each of whom must be searched for and given an opportunity to plan for the child, if they request it.

Consequently, periods of from three to six years is a not uncommon time frame for completing the termination process. While this is going on, the child is usually in a foster home or foster homes, where he or she exists in a legal twilight zone, being supervised by everyone, but belonging to no one.

I want to insert here, Senator, we heard about time frames earlier today of eight months to two-and-a-half years in Essex County. I think it is important to note that these time frames are the time frames involved after a decision is made to go for a termination. Yet it may be a year, two years, even three years prior to that that the child is in foster care while the parents are "being worked with." So this eight months, as idealistic as it sounds, is not really eight months. It could be a year and eight months, two years and eight months, and of course, now you are talking about a year or two years or two-and-a-half years. From a viewer's standpoint, we see many cases where children are in foster care four or five years and termination has not yet been effected.

This problem could easily be solved with a law permitting termination of parental rights in cases where parents do not care for the children over a preset time frame. Our recommendation that this time frame be one year.

It is also my feeling that the responsibility for retaining contact with the DYFS agency be shifted from the agency workers to the natural parents or guardians. In other words, if a parent with a child in foster care doesn't take reasonable steps to do what they have to do to get this child back, that, in itself, shall be grounds for termination. Presently, I don't think any judge will grant termination just

based on the fact that the child has been in foster care a preset time. We are recommending that that be grounds.

I am not suggesting that the DYFS agency discontinue any of their services they offer to parents. I am, however, suggesting that these services be limited to parents who desire them. The logic of sending out a caseworker to locate a parent who does not want to be found, in order to force him or her to obtain help they do not want to receive, so they can take back a child they do not want to care for, leaves a lot to be desired. If the emphasis is ever going to be placed on working for the best interests of the child, a hard line is going to be needed in dealing with parents who deliberately abuse or abandon their children.

The other part of the problem revolves around the difficulty in obtaining adoptive parents once a child is free for adoption. Here, I suggest the problem is not in the laws, but rather in the practices that are used. Consider for a moment, with the large number of loving parents living in our State, why are so many children awaiting adoption? The answer, we believe, can be found in the procedures used by the DYFS agency, and other adoption agencies, in seeking out prospective adoptive parents. The search is limited to people who fit a very narrowly defined mold. Somewhere along the way it has been decided that only perfect people can be adoptive parents. In their desire -- which we all share -- to be sure a child is never placed for adoption in a bad or abusive home, agency personnel constantly overlook, discourage, or turn down people who would make very adequate adoptive parents.

I heard you mention very fondly before, Senator Costa, your parents. I was also raised by my natural parents. They were very good parents. They weren't perfect; they were good. I am convinced that if they were alive today and filed to be adoptive parents with the DYFS agency, they would be turned down, and I think a lot of good parents are turned down by DYFS and other adoption agencies.

In all fairness, agency personnel are not completely to blame for this problem.

SENATOR COSTA: May I ask, do you mean foster parents or adoptive parents?

MR. HERMAN: If they were to apply to be adoptive parents. I can even go a little bit further with that. My wife and I have been foster parents of 22 youngsters, some of them very, very difficult teenage girls. I am convinced that if we applied to be adoptive parents, we would be turned down.

SENATOR COSTA: Have you ever tried?

MR. HERMAN: No, we haven't. Taking in teenagers as we have, none of them have been available for adoption. They all had family ties, etc. We have gotten custody of several children in our home. Our thinking is contrary to the DYFS agency in many respects. For that reason, I know we would be turned down. I know other people out there are turned down for that very reason. We have documented this. If you want to pursue it, I can send you the information.

SENATOR COSTA: They might surprise you.

MR. HERMAN: In all fairness, agency personnel are not completely to blame for this problem. The abuse paranoia has swept our State during the past 10 years, and that has played a major part in the reluctance of adoption agency personnel to approve families as adoptive parents. Faced with second guessing and serious criticism if an adoption goes sour, many workers have set their own standards for approval. Often these standards are unreasonable and unrealistic.

This problem might be solved with more community involvement. Recruitment tactics and approval standards should not be determined entirely by social agency personnel. Applicants need to be cultivated and made to feel that they are wanted. Most of all, adoption agency personnel must realize that good parents come in many different ages, colors, and sizes, and they do not always fit a certain mold or pattern.

It does not make sense to keep a child in a foster home or institution while the never-ending search goes on for the perfect parent. Good parents with the ability to love is all most of us ever ask for, and that should be all that the adoption agency personnel look for also.

That completes my statement.

SENATOR COSTA: Are you finished, Mr. Herman?

MR. HERMAN: Yes, I am.

SENATOR COSTA: Thank you very much for testifying. I appreciate it.

MR. HERMAN: Thank you.

SENATOR COSTA: Scott Ailes, from the Family Service of Burlington County. Is Scott here? (affirmative response)

S C O T T A I L E S: My name is Scott Ailes. I am the Supervisor of the Adoption Support Program at Family Service of Burlington County. I have two adoptive parents with me, and I am very appreciative that they took the time today to be here with us. They are Odessa Cobb and Bernadette Steel. They are going to be making a few comments after I make my comments.

Can you hear me okay?

SENATOR COSTA: Yes, fine. I hope they can hear you in the back.

MR. AILES: Okay. I wanted to speak a little bit about some of the changing needs we see for adoptive children and families, and then a little bit specifically about a couple of the programs we have at our agency, and looking ahead, based on the changing needs of the children -- the changes we are anticipating we will need in those programs.

Before I do that, I want to just give a very brief overview of these two programs. The first program is the program I supervise. It is the Adoption Support Program. It is the Post-Adoption Counseling Program that contracts with the State to provide the mental health counseling for the southern seven counties, starting with Atlantic County and Burlington

County and running south. We have satellite offices in all of these southern seven counties. Our primary goal is to prevent adoption disruption, to help the children to overcome the profound multiple losses, to heal the scars of sexual, physical, and emotional abuse, and to help the children to re-emerge with a greater sense of security and belonging to a family, and at a greater sense of self-worth and appreciation of their own uniqueness.

In each contract year, the Adoption Support Program has consistently provided quality, cost-effective services and has provided the State with significantly more units of service than we were contracted to provide. In 1988, we provided 116% of our units of service, or 289 additional, primarily, therapy hours, and in 1989, we provided 114% of what we contracted to provide, or 422 additional hours of service, and we serviced 17 more families than the 150 we contracted to serve.

The Adoption Support Program, I am proud to say, has earned a national reputation as a model adoptive counseling program. It has been cited in such things as Federal requests for proposal. We recently published a book entitled, "When Love Is Not Enough," a handbook for mental health professionals working with special needs adoptive children. I would be happy to send a complimentary copy to the Committee.

SENATOR COSTA: Do you have one for each member?

MR. AILES: Yeah. This book is written in real simple language, and it really outlines some of the mental health issues that we try to address in helping the children to work through their losses, and how you work with an older child. I would highly recommend perusing that book.

We also recently got a Federal grant. One of the major causes of disruptions-- There are a number of causes, but one of them is the aftereffects of sexual abuse. You know, as a society, we have difficulty providing sex education to our children, and it is especially threatening and difficult to

deal with when it is a six- or seven-year old who has been conditioned to act in a sexual way and, unfortunately, has been exposed to this and is starting to act out, and the family really doesn't know how to deal with this. We just got a Federal grant to hire a half-time social worker to do more groups and to develop a network of groups in the southern seven counties -- support groups for the parents, as well as community education in this area.

The second program -- which has already been mentioned today -- is our Preadoptive Group Home. This program takes up to eight children who are the most seriously damaged children for a period of one year to 18 months, to help to prepare them for an adoptive family. This is much of what you have already heard today. They have a history of multiple losses, sexual abuse, and serious diagnoses of conduct disorders and attention deficit disorders.

Through the program, they gain social skills and receive tutoring beyond the regular school day; they are helped to grieve their losses and develop greater self-esteem and confidence, in order to help to prepare them for an adoptive family -- to help them to heal some and be more receptive to a family.

SENATOR COSTA: What has been the effectiveness rate of that program?

MR. AILES: I am going to talk a little bit more about what we feel that program needs. There has been a realization in the first-- It has been in operation for two-and-a-half years. For a number of these children, it might not be realistic that they would be able to go to an adoptive family. They may fall more into that category that we have been talking about of children who may do better in, like, a teaching family situation.

Some of the recent trends that I have seen-- First of all, we have mandated therapy now for all select adoptive

families coming from this State. Select adoptive families means families that have never known the child before they came together, as opposed to foster parents who knew the child for quite some time. This has increased the number of families that are being referred for counseling. We have seen a rise in the number of children being referred. While we are beginning to see-- Just by talking to the different people I supervise, I have seen more disturbed children, more children with neurological problems related to the substance abuse of the birth parent. I was just at a meeting yesterday. I don't know how much you folks have heard about the impact of crack upon children and the fetus, but it is the most-- It is much worse than heroin and some of the other drugs. The damage is just really alarming. It was one of the most sobering meetings I have been to in quite a while.

SENATOR COSTA: Is there a reason why someone who is on drugs becomes pregnant and does not terminate the pregnancy?

MR. AILES: Well, I think what is going on next-door might have something to do with it, you know, access to abortion. (referring to a meeting being held on abortion issues in the next room)

SENATOR COSTA: No, I ask that question because right now you do have access to abortion.

MR. AILES: I think--

SENATOR COSTA: In speaking to them, I guess maybe you haven't asked them why they would continue a pregnancy knowing they were on drugs, and what they were going to do to their children. Or, maybe the drug is so overpowering that they are not thinking of what is happening to the child. Do these people who have these babies -- these drug addicts-- Do they want the child after they have it?

MR. AILES: Well, I think the drug and all of the other social problems create a situation where they are not really able to look beyond their own problems. Just to give

you a few statistics that we heard out of New York City, there were 7000 crack babies born each year in recent years, and 5000 of those will go into the state system and not be returned to their parents. It's a phenomenal number. I haven't seen any figures for New Jersey.

There has been a shift in the whole system to try to have a family for every child, and I would continue to support that. I think more children are adoptable. I think organizations such as NATYAC-- I don't know off the top of my head exactly what that stands for, but it is a national organization for parents that have adopted special needs children. They provide conferences and additional training. With this training and support, more families are able to take difficult children, which both of the parents here today are going to speak a little bit about.

Specifically, the two programs-- There are just a couple of things I wanted to mention that we are seeing a need for. One is that at the group home, we are seeing a need for a little more funding for one-on-one staffing when the children are in crisis -- crisis being defined as suicidal or homicidal behavior, serious destruction of property, or making threats of physically harming other children or staff.

When one child is in a crisis like this in a home with a number of children who have very difficult pasts, it can kind of create a ripple effect on the other children. They can feel less safe. They can start to act out more aggressively. If we can bring in additional staff to work -- to be there for that child during the crisis period, we feel we could-- You know, that would be most helpful to the whole group home situation. We also see a need for-- We have a 10-hour-a-week, part-time social worker position, and we would like to see that expanded to provide more therapy.

In the Adoption Support Program, we are doing a support group for parents. That is one option we have while

people are on a waiting list. We do have a short waiting list, and we would like to be able to hire for another position to meet that need. We find that it is important to try to get therapy during the early stages when a child is first placed with a family, because sometimes if we come in three or four months after the child has been placed, some kinds of unhealthy patterns have developed, and the family is feeling more burned-out. Whereas, if we could have been involved sooner, we could have prevented that.

In closing, I would like to say that I am originally from the midwest -- from Michigan -- and I have been at Family Service for four years. It is really nice to be working in a State that places just a high priority on the needs of adopted children. At least when I go to conferences, some other states are envious of some of the counseling services we are able to provide in this State. I think a lot of that credit goes to some of the leaders we have in the adoption system, such as Fred Zigenfus, Rose Zeltser, and Ceil Zalkind, who you heard speak earlier.

I hope that we won't rest on our laurels; that we continue to look at ways to really place the needs of the child first. As part of this movement, I would also like to end by saying, we are not just seeing a need for some additional resources -- which we are seeing a need for -- but that we also see a need for more emphasis upon greater cooperation and communication between the different systems impacting upon the adopted child, including the schools, the ARCs, the district offices, the families, and, of course, ourselves as the mental health providers. With a greater spirit of partnership and an emphasis upon the needs of the children we all care for, we feel we can only do that much better a job.

SENATOR COSTA: What is the age group you have been putting out for adoption -- that you have been working with?

MR. AILES: Most of the children are older children. Children between five and eleven, I would say, are the largest group.

SENATOR COSTA: And have you been able to find successful adoptions for them?

MR. AILES: Oh, yes. We have a new program that Rose was really helpful in getting funding for, which is called the Bridge Program, which provides more intensive services. When a family says, "We've had it. We can't take it anymore. We want this child out," we have a social worker who can go to the home and work more intensively with them to try to salvage the placement.

SENATOR COSTA: I see. Thank you.

O D E S S A C O B B: I am Odessa Cobb. I am an adoptive mother. We have adopted two children to date, and we still have one child in our home where we are waiting for the results of testing and possibly classification.

Two of these children are special needs children. My experience with the agencies has been-- That's DYFS and the Adoption Resource Center and also the school system. I have been working with the schools. I have one child in a special placement school receiving very special care. My experience with the agencies overall has been fairly good. However, there are some areas where I think some things could have been done a little bit better, which would have made transition a lot easier, and would make it much easier for the parents to understand what they are in for before they become adoptive parents.

I think that is an area where we need more training prior to placement of a child, especially the special needs child. While the agency did offer some training, I feel it really was not enough to identify all of the areas in which you would be needing the support and the help and the knowledge to be an effective parent for that child.

SENATOR COSTA: How old are the children you adopted?

MS. COBB: I have an 18-year-old, who is now in the service and not at home.

SENATOR COSTA: How old was he when you adopted him?

MS. COBB: He was four.

SENATOR COSTA: Four?

MS. COBB: Yes. I now have a seven-year-old and an eight-year-old. These are the two children with special needs. For the most part, their settling in was good, and I did get quite a bit of support from the agency with counseling and with finding other services. However, I found that with the second child it was not forthcoming in the same manner. There wasn't that consistency. I did not know-- First of all, there wasn't a sharing of information about the child who was placed. There were reports somewhere in somebody's office that ultimately, as parents, we did not find out about until maybe four or five months later, after the child had been placed.

It is my feeling, along with some other parents I have spoken with, that had there been a good beginning, such as good training beforehand to let the parents know the type of problems the child was having -- an in-depth type of thing, not just a diagnosis or a label or whatever, or a classification, but an in-depth understanding of what this child's needs were going to be and what the parent would be faced with or what the parent could provide, or should provide--

I think these children would do well in society with that type of training for the parents. So I think it is very vital that we start off with a very good beginning. I don't think it is uniform at this time, because with the first child there was very good understanding. I received all reports. I knew exactly what was going on. I knew when I couldn't handle a situation and when I could, and I knew where to turn for help. I think that was very good. That child has made a lot of progress. His I.Q. in the past two years that he has been

with me has moved from mental retardation to a low average, and I am very pleased with that, and so is the child study team we have been working with.

That tells me that there can be a lot of help for the child with the proper preparation of the adoptive parents.

SENATOR COSTA: It seems more and more, from what I am hearing, that if all the organizations that deal with adoptive parents or foster parents-- If they could try to initiate a movement toward a voluntary group getting together of parents and/or children, that things could work out better. There would be a support system.

Does your child go to a special services school?

MS. COBB: I'm sorry, I didn't hear you.

SENATOR COSTA: Where does he go to school?

MS. COBB: He is in the Yale School in Cherry Hill. It is a school that places great emphasis on behavior modification. My son is neurologically impaired and hyperkinetic -- terribly active. He also has a lot of other problems to go along with those main things we just talked about. But he is coming along quite nicely, which brings me to the third area where I think we could use more support services.

I heard today several people mention the same thing; that after adoption these problems do not go away. When you have a child with special needs, they just don't disappear once you have had a visit with the judge and he says now that this is your child and you may care for it. The problem still exists, and there has to be planning, long term, for that child, with the parent, I think, and also support services to help the parent, because sometimes you do not see the total problem no matter how much training you get prior to that. You understand the dynamics, but for that particular child you will not see some things developing or coming out until he is older, until he reaches the preadolescent stage and the adolescent stage. Anyone who has had children will know that every child

goes through sort of a turmoil when they reach the preadolescent and adolescent stages.

SENATOR COSTA: Oh, yes. It's a tough time for kids, and for the parents.

MS. COBB: Even more so with a child of special needs. I think this really dictates to us that we need to look to long-range planning with the families. I didn't hear anyone here today say anything about studies that show how many families have given up, with the child going back into the system once he has been adopted. I don't think I heard anyone refer to that today. But that is an interesting point. I do know some children who have been adopted and are now back in the system. That is so--

SENATOR COSTA: Even after adoption they send them back?

MS. COBB: Oh, yes, yes. That is very sad.

SENATOR COSTA: Then what happens?

MR. AILES: It's adoption disruption.

SENATOR COSTA: What happens in that case? Are they unadopted? Is it like a divorce?

MR. AILES: Legally, it is like a divorce, but then we go back to trying-- DYFS goes back to trying to find another family.

SENATOR COSTA: Another family to adopt the child.

MR. AILES: They might need a period like a year or so in a group home to work through some of their anger.

SENATOR COSTA: Is there anyone here from DYFS who could answer that?

R O S E Z E L T S E R: (speaking from audience; no microphone) The question about disruption depends on how resolved the family is that they can't take the child back. Sometimes families come back to us after consultation and they want services for their children, particularly residential services. If a child has been acting out and they feel they

cannot cope with the child, they come back into the district office for servicing.

The best scenario is that the child goes into residential and/or gets whatever services. The Division district office then works with that family just like they would with any natural family, so that the child can be returned to the home or remain staying in the home.

SENATOR COSTA: May we have your name for the record?

MS. ZELTSER: Rose Zeltser -- Z-E-L-T-S-E-R.

SENATOR COSTA: And you are with DYFS?

MS. ZELTSER: I am the Assistant Administrator for the Adoption Program for DYFS.

SENATOR COSTA: Okay.

MR. AILES: She is one of those leaders I was telling you about.

MS. ZELTSER: There are some instances, though, where the families have given up and the children do come back into the system. However, depending on the child, if the child is young enough, we do attempt to replace that child in an adoptive home. If the child is older and it is decided that he really does not want adoption, or that his emotional problems are so severe that it would not be best for him, then we make alternative plans from there.

SENATOR COSTA: Thank you.

MS. COBB: There is one other area which I would like to talk about, and that is, with a special needs child and the long-term planning, I think the families-- I don't know about anyone else, but one problem we had was finding care. After school care for a child with special needs can be very costly and very often not adequate, to say the least. We had a problem with that. We had very good planning in the beginning, and also agreements to help us with after school care and also with special activities for a special needs child. At the time, it was very good and was agreed upon, but then a few

months past the adoption there were many, many questions as to, "Why are we doing this for you? You are the parent now. We should not have to be doing this kind of thing." These things were not forthcoming.

I think that is very sad, because if we have a child who shows progress and who is reaching for a potential or an expected goal, if we do not have the support services to help us, then that child-- It is going to take much longer to get that child to that point, if ever. I think that is an area where, even if it is no more than counseling, with someone trying to help you find placement you can afford, that kind of thing-- For instance, my child was started in one school, and he only lasted a month. This was a controlled environment with professional people. It was a very good school, but he only lasted a month there.

That is just to show you some of the problems we have with the children. As I said, those problems do not disappear once you have gone through the adoption, so you need a little bit of support services after the adoption, to kind of help the families so that you don't get into the situation where you feel overwhelmed, and you say, "Well, gee, I just can't handle this anymore," and that child ends up in the system again.

SENATOR COSTA: Thank you very much.

MS. COBB: Thank you.

SENATOR COSTA: May we hear from you now? Your name is Bernadette Steel?

B E R N A D E T T E S T E E L: Bernadette Steel, from Burlington County.

We have adopted two children who were in the system for over four-and-a-half years. They are natural brother and sister, but during that four-and-a-half years they were only in one foster home together. He was completely rejected by the mother, who had been a prescription substance abuser. She was a manic-depressive and had attempted suicide several times.

DYFS would, of course, try to help to get the family together, but any time she would come out of her rehabilitation she would only want Michele back with her, who was her daughter, and Earl stayed in foster care. Therefore their separation for this four-and-a-half years.

During that time frame, they would only get together maybe every two or three months for a Saturday afternoon with the social worker type environment.

SENATOR COSTA: How old are the children?

MS. STEEL: Excuse me?

SENATOR COSTA: How old are the children now?

MS. STEEL: She is just 11 now; he is 12-and-a-half. They were going on nine and seven-and-a-half when they were placed in our home. There are other siblings. One we do have communication and visitation with who was from the same mother and father.

One of the things I am looking for is something that was brought out this morning about foster care placement for these children. Earl was in nine foster homes in this four-and-a-half period. When he came to us he was in second grade. His school dossier was about as thick as mine when I was in high school when my father was traveling with the service. As I said, this child was only in second grade.

If a child has to be constantly placed into foster homes, he doesn't have a bonding process with anyone, and he comes-- In his case, he became a very introverted child. If it wasn't for family services, and the help we were getting through counseling with them, I'm not sure he would be opening up to us by now. But just in the past year he has finally started to open up. He trusts us. Part of it may be because we have had some emotional things happening with our family, and he realized, "Hey, if something happens, these people aren't going to put me out to another family. I am not going to be going anywhere. These people really do mean what they

say. They are going to love me. They are going to take care of me."

Because of Michele's problems with being placed for small periods back with the mother before she was really completely stabilized, she still has not bonded with us. I mean, there are times where she is okay, but like right now with the holidays coming on, everything goes back to the birth mother.

Earl has special needs. They are both in special education right now.

SENATOR COSTA: What school do you send them to?

MS. STEEL: Luckily, they are in Evesham Township. He has really started coming out. He is perceptually impaired. He has a neurological imbalance, probably from prenatal as well as postnatal care. He was premature. He is starting to come around, just in this past year since his bonding has started coming up. He is in a sixth grade classification, but he is doing fourth-and-a-half, fifth grade work. He is finally starting to get some "A's" and "B's," which he is very happy about. He only had one "D."

Around the time of the adoption becoming final, Michele started acting up. It ended up with my having to quit my job because I was having so many meetings with the child study team. She is in an emotionally disturbed classification now. She had been, with one of her placements back with her mother, sexually abused by one of the men she was living with.

This is one thing I want to say about Family Services and one of the things the State provides: She is starting to come around and open up and talk about it. I commend the State on the fact that they give this area attention for the children at a time when they are going to be needing it. But I agree with Odessa here that had we been more prepared-- There were times when I felt like giving up in the beginning, because I didn't know--

SENATOR COSTA: How many years now have you had them?

MS. STEEL: Three-and-a-half. We only had, like, four--

SENATOR COSTA: Apparently you have bonded with them already.

MS. STEEL: We only had four sessions for the pre-adoption placement. That process had gone on over a three-year period, but the four sessions, I don't feel, were adequate to prepare you for the type of emotional things you would have to deal with when you got these children.

I guess I am getting a little emotional here. I think we need a lot of services in the pre-adoption placement area. That is one of my main concerns. I think we still would have gone through with it, because we definitely wanted a family, but you have to be prepared, you know, for what these kinds are going to go through, what you are going to have to face.

SENATOR COSTA: I appreciate very much your coming here today to tell us about that.

The other child -- the other sibling -- is there any possibility of you adopting that child, too?

MS. STEEL: Oh, no. That is another thing with this-- I'm glad you brought that up. Michele had been in foster care with this other child at one time. Then when the mother had gone through rehabilitation and then DYFS took her back again because she was basically living on the street with no support for the child -- for Michele-- Instead of placing her back in that home with the sister and a foster parent she knew, they placed her in another home. That separation is something that she still has a hard time dealing with, especially when she found out that we would have taken her. But, because of the fact that this child had been with this family from the time she had been about three or four months old, and it was the only family she knew, they agreed to--

SENATOR COSTA: How old is she now?

MS. STEEL: She is now nine. There were two years between Michele and Denise.

SENATOR COSTA: Thank you very much. I appreciate it.

MR. AILES: I just want to say I agree with you about trying to develop the power that parents can provide for each other -- the help they can provide for each other. We are trying to encourage that. There are more support groups that the parents themselves are setting up. But also I agree with what you said about the counseling for these children and families serving a very needed and very important role.

SENATOR COSTA: Well, people such as Odessa and Bernadette are exceptional people in taking on the roles they have taken on. Any support that could be given certainly should be there.

MR. AILES: Yes, you're right. Thank you.

SENATOR COSTA: Carolyn Bacher, Director of of Permanency Planning Program, Children's Home Society. Did I say that correctly?

C A R O L Y N B A C H E R: Bacher (repronouncing name).

SENATOR COSTA: Bacher, okay, thank you.

MS. BACHER: I'm glad it's my turn.

SENATOR COSTA: Good.

MS. BACHER: I would like to say first that I have really been impressed with the level of caring and concern that you have shown, and the preparation you have gone through for this. I am also very pleased with what I heard the other people saying.

Let me tell you where I am coming from: I'm Acting Director of Social Services at the Children's Home Society, which is a private agency. We do our own adoptions. We also have two State contracts with DYFS. One of the contracts I personally supervised until a few weeks ago, and that was a Permanency Planning Program for abused, neglected, and abandoned children who are in DYFS' care. With this program we

had nine months to make a permanent plan for these children. We worked very intensively with them and with their families in an effort to either rehabilitate the parents so that the children could be returned, or to find extended families willing to take the children, or to prepare the children for the Adoption Resource Center so they would be free for adoption.

We also have a Post-Adoption Counseling Program in conjunction with the central region of the Adoption Resource Center, which covers Mercer, Ocean -- the whole central region. That is a program where we work with families which have adopted children anytime from when they first get the children -- the first day -- to when the child is 18 years old, dealing with any kind of problems that they are having. We also deal with pre-adoption, children who are in foster homes where the foster parents are considering adopting them, but maybe there is something going on that some counseling will help a decision to be made.

So, looking at these two State programs I found some difficulties which have already been mentioned, which I would like to address, which seem to go across the whole system. Significantly more children over the past several years are entering the system due to the crack epidemic. Although in our Intensive Services Program we work intensively for nine-month periods to try to reunify families, we find we cannot safely return the children to crack-addicted parents. These children, instead, are being referred to ARC for adoption. There are many more children going to ARC.

SENATOR COSTA: Are you having problems getting the terminations of parental rights?

MS. BACHER: Yes, and I will get into that afterwards. In this program, one of our difficulties is getting the children accepted by the Adoption Resource Center. Once they are accepted, we hear again in another two years when it is ready for court. We figure we have been successful if we have gotten them into the adoption system.

SENATOR COSTA: When you speak about a two-year time frame, they are not even addressing the time previously before they were accepted into that as part of the operation.

MS. BACHER: That's right; that's right. When we get these families, we work with them for nine months, sometimes longer, because of the things that happen, like having to search for a parent. Then you finally find the parent, and the parent says he or she wants to plan. So you have to start planning with the parent. It can go on for a long time, and then still the family is not in condition to parent the child, and we then move it on to the Adoption Resource Center. From that time, we have found that it is about two years until the hearing comes up for termination of parental rights. So we're talking about a long time.

SENATOR COSTA: Do you find that when you finally do find the parent that they are interested in adopting?

MS. BACHER: I have rarely found a parent who did not say that he or she was interested in parenting the child. I would say 99% of the parents say, "Yes, I want my child."

SENATOR COSTA: Is that the father of the child?

MS. BACHER: Yes.

SENATOR COSTA: Do they follow through?

MS. BACHER: No.

SENATOR COSTA: I see.

MS. BACHER: And a lot of the difficulty comes-- Then you have to show that you gave them all possible service and possible chances to come through. Sometimes -- many times -- it is not easy to determine whether they are following through or they are not following through. We work with very specific contracts with them that, for instance, you must visit with your child every other week. You must come for counseling once a week around parenting. You must find an apartment where you can live with that child within a certain amount of time. Many times it looks as if the parent is doing it, and then, as the time gets closer, they stop doing it.

So, it is very complicated to ascertain, because through it all, most of the parents have a caring for their child and want to plan for their child and, for one reason or another, they are not able to.

SENATOR COSTA: This is in an instance where the mother has said, "Put it up for adoption," and then you try to find the father?

MS. BACHER: Not necessarily, but sometimes. Many times these children have been removed from the mother because of abandonment or neglect or abuse, and the mother--

SENATOR COSTA: And when you find the father, do they usually know that they are a parent, or is it a surprise?

MS. BACHER: Sometimes. If they don't believe they are the parent, they can sign a denial of paternity, and that--

SENATOR COSTA: And that helps?

MS. BACHER: --is relatively easy. Sometimes some fathers say they had no idea that their child was in foster care, and that their family is willing to plan, and they give you a list of names of family members, which we then have to contact and work with.

SENATOR COSTA: Who may want to adopt?

MS. BACHER: Who may want to have custody of the child. Our way of thinking tends to be that a child is better off with his own family.

SENATOR COSTA: But, does it happen?

MS. BACHER: Well, when it happens, the child does not enter the adoption system. When it doesn't happen, you have gone a long time working with all of these people, trying to work something out, and it still does not work out, and then the child is moved toward adoption.

SENATOR COSTA: That is my question. I am trying to zero in on the success of any parent that is being sought where it works out happily ever after. What is the percentage?

MS. BACHER: What is the percentage? Well, I'll tell you—

SENATOR COSTA: I'm trying to relate what the percentage of success is as opposed to the process, the time going by and the child not being adopted, and the hurt that is happening to that child. You know, if it shows that the percentage of success is a substantial number, then I will withdraw my statement from previously, to say, "Hey, we've got to look for that parent," because it is going to turn out all right. But if it is not, I still go back to the premise that you should have a cap on the time you wait to find this parent, and just go ahead with adoption.

MS. BACHER: One of the things you are zeroing in on is finding the father and looking to the father and the father's family for planning. We have less of a problem with that than working with the mother, who is usually the custodial parent and her extended family as far as planning for the child. That is where we find the largest problem.

Many times we will find a father who has been peripherally involved, and he does have family, he does have parents who are willing to take the child or children. I think that when we find a father who has not been involved at all-- I can't remember a time when it worked out that that father was able to take the children -- where we felt we should give him the children, or his family the children. However, there are fathers who are peripherally involved, and then they come through.

Also, I mentioned crack addicts. Crack addicts are very difficult for their families. Many times you have other family members who would be willing to take the children on a long-term basis, because we are looking for permanent plans. However, they have been threatened by the addict. They don't want to get further involved with the addict. It is a very scary thing for the family. So these people who would be resources are no longer resources.

SENATOR COSTA: Then the child is used as a weapon.

MS. BACHER: The child is the victim. The child is really the victim.

SENATOR COSTA: The child is being used.

MS. BACHER: Yes. I'll tell you what we have found over the past few years. We saw 94 children last year in this program. Of the children who were removed from crack addict parents, there was not one who was returned to the parent from which he was removed, although we worked very hard and long and intensively with those parents. The only ones who were returned, were returned to extended family; for instance, the grandparents.

If there was no extended family, these children were moved on toward adoption because crack is very powerful, and it is very difficult for--

SENATOR COSTA: How long before you can get the termination of parental rights?

MS. BACHER: Well, we move it to ARC. Hopefully, within nine months from when we have gotten the case. After that, it is a good two years until the parents' rights are terminated.

SENATOR COSTA: Do you have suggestions as to what could be done, because that is a long time in a child's life?

MS. BACHER: Yes. I have a lot of suggestions. I think one of the things it boils down to is money -- more money for the Adoption Resource Centers. And, you know--

What I would prefer to do is go through my points, and then come to my recommendations, because they are all interrelated.

We're seeing more children coming into the adoption system and more damaged children. They tend to have had multiple foster home placements prior to coming to our services and once in our service. There are not enough DYFS foster homes, so these children are too often placed in inadequate

foster homes, while good foster homes become so overloaded that the usual nurturing abilities are severely hampered and we are burning out these good foster homes faster. When I say "inadequate foster homes," I'm talking about, for instance an 81-year-old woman who had five young foster children, including an emotionally disturbed six-year-old, who she couldn't even walk to kindergarten because she was 81 years old.

SENATOR COSTA: How do you place kids with someone like that?

MS. BACHER: There are not enough foster homes. She has been a foster parent for 100 years. The lack of foster homes is really serious. We keep getting more and more seriously disturbed kids into the system, and we need more foster homes.

There is a shortage of black adoptive homes, and the public system is overwhelmed by the large number of black children waiting. We find that the Adoption Resource Center is hesitant to accept new cases when there aren't enough adoptive homes for the children they already have waiting. So these new children who we are trying to get into the adoption system spend longer than necessary in DYFS foster care, many times becoming too old or too emotionally disturbed to be adopted by the time the adoption system is ready to work with them.

Too many of the children in the Adoption Resource Center system remain too long in DYFS foster homes, and what we are then faced with is psychological bonding ties that produce the dilemma of either recommending an adoption by their foster family that does not meet the long-term needs of the child, or removing the child from the foster family with whom he has become so bonded.

In the New Jersey courts today, the rights of the parent -- this has been said before today, but I would like to say it again -- are given precedence over the well-being of the child. Some parents who have proved themselves inadequate and

unreachable are given prolonged numbers of chances over a time frame that adds unnecessary additional trauma to the child.

We have become increasingly concerned about the long delays experienced in implementing adoption planning and the resulting harm to the children who have been referred to the Adoption Resource Center. The average length of time children have remained under supervision once transferred to ARC has been approximately two years, and maybe even longer if the court action necessary for involuntary termination of parental rights is particularly complicated.

We know that this is not by the wish of the ARC staff, but it is due to unwieldy caseloads for the ARC workers and by unwieldy Family Court caseloads. Compounding the problem is the reality that our Intensive Services Program workers' court testimony is given years later, based on information, observations, and experiences that the court then deems not sufficiently current or valid, thus necessitating the documentation casework to be done all over again. This long delay in implementing a permanent plan for a child can be extremely harmful to a child's emotional and mental well-being, and needs to be avoided if at all possible.

The DYFS foster parents are also under a great deal of strain during this long delay in attempting to allay the child's fears about his unclear future, and are at a loss to know what to say to interpret what will happen to the child and when the foster child can expect it to occur.

There is a major difficulty concerning timely acceptance by ARC of referrals of families whose children must be separated by termination of parental rights. Again, this is not by design or wish. It is by lack of money and unwieldy caseloads. We see ARC as being understaffed and overworked. They do not have sufficient numbers of adoptive homes for our children who have already been damaged by their life experiences.

Some DYFS foster parents hesitate to adopt. Usually if a child has been in DYFS foster care and is going to be transferred to ARC, we ask the foster parents, "Would you like to adopt this child?" Sometimes they have been in the home three years. Sometimes the foster parents are hesitant to adopt because they won't get the same level of service as adoptive parents that they get as DYFS foster parents, and the services they fear losing are residential treatment, camp, special schooling, mental health services, and day-care. Many of these foster parents live on marginal incomes, and it is difficult for them to afford costly services themselves for the children if they adopt. They are afraid to give up the safeguards of DYFS casework support and funding.

There is an ever-increasing need for post-adoption services because of the difficulties the children have in dealing with the effects of their life traumas and because of the difficulties they present to the families which adopt them.

Decisions to terminate parental rights are very difficult to make. It is difficult for everyone involved. I think that everyone involved is overly cautious because it is such a big step. Thus, the natural parents are given too many opportunities to assume their parental roles, delaying adoption at best, and precluding it at worst, as older children are harder to place in adoption. Also, natural parents are assigned public attorneys. Since many of these parents do not keep appointments, their attorneys go into court-- You know, we heard earlier about the difficulties getting a court date. They go into court without having seen their clients, and then the proceedings are delayed even further. So the children are the victims of their parents' inability to mobilize once again.

ARC needs more staff to recruit minority families for adoption. It takes more time to recruit minority potential adoption couples than to recruit for healthy white children. And it takes staff time and money to do it.

DYFS foster families need to be paid and treated like professionals. This will aid in recruitment of more quality caring foster homes, and will help to retain good caring foster homes. It is also appropriate compensation, given the extremely difficult children we ask them to parent.

More funds are needed for the ongoing training and support of families who adopt these difficult children. I would like to agree with the adoptive parents who just spoke that they need training before adopting, during adopting, all through the years that they are parenting these children whenever problems come up. Adoption is a lifelong situation.

SENATOR COSTA: It sounds like the ideal way. I am all for the ideal way, but I am also a realist, and you will never have enough money to do all these things. That is why I speak of support systems, or voluntary groups getting together.

MS. BACHER: Yes, yes. My recommendations are for greater funding for ARC services, so that the caseloads can be lowered, so that the children can be moved more quickly through the system, so that the work doesn't have to be redone; greater funding for Family Courts, so that there are more DAGs, so that the court papers can be written up, can be taken through court; greater funding for post-adoption services.

I think the people in the agencies are out there with the talent and the training and the ability to provide these services, and I think that each year there will be more and more needed since we are asking people to parent really difficult children.

I think we need greater funding for DYFS foster care services. I see us as approaching a real crisis in foster care, and this crisis will harm these children.

And I would also like for all of us to reexamine the criteria for termination of parental rights in view of the skewed priority of parental rights at the expense of the child's well-being.

SENATOR COSTA: Thank you so much. I appreciate your waiting this long, too.

We have two more people we are going to hear -- on my list anyway -- or three more people. Troyce Dunson, Family Service Specialist 1, Division of Youth and Family Services.

MR. SCALERA: Senator?

SENATOR COSTA: Yes? You're back, good.

MR. SCALERA: Troyce Dunson is a worker in one of our Division's Adoption Resource Centers. She works out of the Bloomfield ARC. This is her first time ever testifying before any legislative committee, so as you can imagine she is a little bit nervous. I told her I would come back and provide some moral support for her. I assured her she was in a group of friends. I just wanted to say that. I am just going to sit here for moral support.

SENATOR COSTA: Thank you. Well, we're glad to have her here. You can hold her hand, too. It's all right.

MR. SCALERA: Troyce?

T R O Y C E D U N S O N: Good afternoon. My name is Troyce Dunson, as Mr. Scalera has recently identified. I am a Family Service Specialist 1 with the Division of Youth and Family Services Adoption Resource Center in Bloomfield. I began my social work career with the Division in 1979 as a caseworker in a Newark District Office. For five-and-a-half years, I had a generic caseload. For one year, I was a permanency planning worker. My job was to protect children from abuse and neglect, to offer supportive and rehabilitation services to the families. All efforts were made to maintain children in their own homes, but when necessary, children were placed in foster care. My effort then was to make every endeavor to safely reunite the family.

If a child could not be returned, my job was then to prepare the family and the case and the child for transfer to the Adoption Resource Center, to ensure this child the right to

a permanent home. My work in the regional office in Newark for one year was as a volunteer training coordinator. This included working with foster parents' buddy captains. I also worked for the Special Response Unit of the Division, responding to referrals of abuse and neglect and crisis intervention, nights, holidays, weekends when the district offices are closed.

I am also on the Black Adoption Home Task Force to recruit black adoptive homes for black children waiting for homes to call their own. I assumed my present position as a processor in the ARC during August of 1987. I consider the adoption work to be the final stage of permanency planning for children.

I have given thought to the differences and similarities of my generic work with children in foster care and my adoptive work. Both deal with separation, laws, grief, and both need identity work. But in the generic work, because of the high caseloads, my efforts were centered around crisis intervention work. Now in the adoption phase, I must deal with the same issues, but in a finalization stage.

The average caseload in my office is higher than mine. As a Family Service Specialist 1, my caseload is slightly lower because I co-lead a support group at the adoption office for children, to help them to understand and express their concerns related to adoption. It also gives them an opportunity to interact with other children who have similar experiences, fears, and feelings. I also have a specialized caseload. Like the children serviced by my co-workers in all four Adoption Resource Centers, most of the children come through the foster care system. Many are older children, minority children, especially black males. Many are part of a sibling group. Some have AIDS or other medical problems. They have all suffered abuse, neglect, or abandonment. They are our special needs children, and most act out their emotions because of the pain, violence, grief, and loss they have suffered.

In some cases, a child may fit into two or more of these factors. These multi-problem children comprise my caseload of 22 children. I am here to give the Committee an overview of the work I do as an adoption processor in the Division. Examples of my cases include a child who witnessed the ongoing torture and mutilation of a sibling, which finally resulted in the sibling's death. This child was unable to speak about the trauma he witnessed, but acts out aggressively. In another case, a three-year-old died of AIDS. She was the youngest of a sibling group of seven. I am currently working with a four-year-old who sexually acted out so severely in the community she could not be maintained in a home or school, and she had to be placed in a residential treatment center.

Next, there is a 14-year-old boy who was successfully discharged from a residential treatment center to a selected adoptive home, but he continued to harbor deep, unresolved issues around his birth parents so that he could not accept his new home. This resulted in adoption disruption, and he was once again placed in a therapeutic setting.

These are just four of my 22 children, but I would like to discuss with you very briefly five of my other children and what happened to them. They happen to be part of a sibling group of eight between the ages of two and 18. I have been dealing with almost all of the special needs stated before with this family. Where does an adoption worker begin her work with this family? Well, I started by reading the case records, which consisted of 14 volumes. I learned as much about the children's history as I could. This knowledge is essential to form trusting, productive relationships with the families and to the formulation of a meaningful case plan.

Using the information in the case record, I developed my team, which is all the people I will need, to become involved in the case plan. In this case plan, as in all case

plans, my team is a strong, supportive supervisor who has administrative support. It included the eight children, each of their foster parents, three caseworkers of siblings residing in other counties, the birth family, the litigation specialist, the paralegals, the DAGs, and the school, the therapist and, in this case, a court-appointed special advocate.

Over the next several months, I met with a child and his or her foster family to introduce myself, to share information, to answer questions, to discuss the work to be done, and to assess each child and foster parent's commitment to adoption. The issue for each child became clear early. The younger two were closely bonded to the foster parent, who was fully committed to adoption. The 12- and 13-year-olds had very strong ties to their birth family, and were consumed by feelings of anger, grief, and loss. They developed patterns of running away, poor peer and adult relationships, poor academic achievements in school, lying, and stealing.

The 10-year-old had conflicting feelings of loyalty between his birth family, who neglected and abandoned him, and the foster family who provided him with the nurturing and stability he had grown to depend on. The family, however, was not permitted to adopt for fear of increasing his conflicting loyalties. The seven-year-old was less in touch with his grief and loss over separation from his birth parents, but was devastated over the loss of his siblings who had been his parental figures during his infancy. Despite that, he slowly became attached and bonded to his foster parents, who were committed to adoption.

The two older children -- 16 and 17 -- were angry and hurt that their birth parents rejected them. It was clear that they needed to go on with their lives. However, they felt the responsibility for the birth family's inability to remain intact, as they had tried so hard to be the caretakers of their siblings and of their birth parents.

While I was doing work with the children and the foster parents, my team was in motion. The paralegals did a legal search for the birth parents. They located the father. The mother's whereabouts was unknown. The DAG filed a motion in court. The school provided reports on each child's progress, and the therapist and I had ongoing communication. I met often with my supervisor. We brainstormed on what to do next and how best to do it.

We decided that an important part of the case plan was life book identity work. A big part of life book work is just preparing everyone for the actual task and the emotional responses that will surely follow. When doing life book work with children, you recreate ghosts from the past, people the children had left behind, their birth family. That includes their grandparents, their relatives, their siblings, also previous foster families, therapists, and sometimes even previous caseworkers.

You help the children to identify their loss and express their feelings with the support and consent of the foster families. In many cases, such as my sibling group of eight, the children had never been given permission to express or share their devastating grief. Life book work, in this case, was no easy task. I began by getting the support of the three other case managers, the court-appointed special advocate, my supervisor. I obtained the therapist's support for the children, to work with them and deal with the repercussions that would surely follow. Most importantly, I worked long and hard getting the cooperation and support of each foster parent.

Next, we planned a huge sibling visit with seven of the eight children and all the foster parents and caseworkers. There were tears, there were hugs, kisses of joy. There was grief, there was loss, and tears of pain. The foster parents supported each other and shared parenting tips and bragged

about their child. They were surprised to learn that the stubborn streak they interpreted as passive/aggressive seemed to be a personality trait of all of the children.

The children talked about times they shared together, relieved to know their memories were real and not just dreams. The older children told the younger ones some very upsetting family secrets, and each foster parent was there to comfort and console their child. Life book work was begun. Each child took home photos, addresses, phone numbers of each sibling. You would have thought that we had given them a million dollars.

Following this, I again touched base with each therapist and our DAG to keep them abreast of what was going on. Within days, I had to speak with each child's foster parent to give them support and also to hear from them how each child was reacting. One important person was now available to do this life book work with, and that was the birth father. I met with him and his teenage girlfriend. I had to confront him and his actions, and tell him that I was petitioning the court to terminate his parental rights, so that his children could have a permanent home through adoption. An even more difficult and seemingly impossible task to be completed, was for me to get his support and cooperation in this case plan. Difficult, yes; impossible, it wasn't.

With the help of my team, another sibling visit was arranged; this time to include the birth father. First the children and the foster parents arrived. The visit was carefully orchestrated. One caseworker was with the foster family to prepare them for the visit, to be supportive, to answer questions, although each family had been prepared ahead of time and decided to meet the birth father. Last minute anxieties were high. The children, my supervisor, and I met privately in another room to give them an opportunity to share their fears and anxieties and excitement, without having to worry about hurting their foster parents' feelings. Divided loyalties are tough.

When the birth father arrived, he met the children, myself, and my supervisor. This was an emotionally tense meeting. Each child was desperately seeking attention and acknowledgement from their father. The older children helped the younger children. The father was able to admit his shortcomings and gave permission for the children to love their foster parents. In his own way, he gave them permission to be adopted.

One at a time, each child brought a foster parent into the room and introduced them to their birth father by first name only. More pictures were taken. We ended with a visit of 28 people around a table sharing pizza.

Once again, I had to follow up the visit with the therapist, our DAG, and the foster families. We went to court and the birth father voluntarily gave up his parental rights to five of his eight children. The 12- and 13-year-olds were later reunited with him, and the 17-year-old remained with the foster family in long-term care. The 10-year-old attended one of our groups. He finally resolved his feelings of split loyalties and wanted very much to be adopted. His foster parents were also anxious to adopt him, and because of their involvement in the visits and the life book work, they felt it helped them to relate, understand, and accept this child. The seven-year-old's foster parents now maintain contact with some of the siblings and have committed themselves to continuing the contacts. The two- and four-year-olds no longer have visits, but their foster parent will share their life book and experiences with them as they mature. They are also open to sibling visits in the future.

While this case may be considered a success, it took the work of a committed team which remained intact. Not all foster parents are willing to work a case plan such as this. Not all birth parents are willing, and can voluntarily allow their child to move on. But one thing I am absolutely sure of: Every child has the right to a permanent home.

We must maintain public awareness and concern about the shortage of foster homes and adoptive homes, especially for blacks and interracial children. We must continue having adoption hearings and explaining the problems, so that we can provide adequate services for children needing adoptive placement. And we must act on the problems.

I commend you on these hearings. I thank you, I thank the Adoption Resource Center, and I thank Nick Scalera for sitting here with me.

MR. SCALERA: I think you did very well.

SENATOR COSTA: Thank you very much. That's wonderful. It points out how important it is for children to be in a home setting of their own, to feel they belong. Can we clone you? You did a good job. Thank you so much. Thank you, Mr. Scalera.

I am going to call now Kathy Harris. After that we have Russell Keep, and that will be it for today. You're not Kathy Harris.

R U S S E L L K E E P: No. Kathy Harris had to leave, so I will just call to the attention of the--

SENATOR COSTA: What is your name?

MR. KEEP: My name is Russell Keep, your final speaker. I am also with the Children's Aid and Adoption Society of New Jersey. I am the Director of Residential Services.

I will call to the Committee's attention that Kathy Harris, and also Grace Sicto, the Director of the agency, submitted a statement to the Committee on their concerns about adoption. I won't read that out loud, since you already have a copy of it.

I would like to bring up several points. I want to impress on the Committee that if you want children to be heard, there are going to have to be some fundamental changes. At Children's Aid we believe there must be a new definition of

what is a reasonable effort to reunite a family.

Now what is deemed reasonable in the courts and social agencies is absolutely unreasonable in the life of a child. The burden of proof must shift from the child -- as represented by DYFS usually -- to prove incompetency of his parents, or her parents -- must shift to the parents to prove that they are competent, constant, and caring. When that shift in the burden of proof is accomplished, the whole system will be energized and the best interests of the child, as well as the so-called "beyond best interests of the child," will begin to be served.

To facilitate such a shift in the burden of proof, children should be given standing in court. They should have full personhood, legal personhood, that they, too, can evoke due process, which Judge Page spoke about. He said, "Due process must be given to the adults, to the parents. It is a very important constitutional right." Children must have that constitutional right, as the due process that is now currently being given to parents is often purchased to the detriment of the children.

Thirdly -- and facetiously perhaps -- there should be a circuit court of adoption, a traveling court vested with the interests of parental rights termination and the adoption process. Adoption should not be fit into the general Family Court with all of its various problems and pressing urgencies, which obscure the real problem for children who are caught in the law's delay, and those are the children who are up for adoption or are in jeopardy.

Finally, on a programmatic note, Children's Aid and Adoption runs a program under the auspices of the ARC Unit of DYFS for severely disturbed children. This is one of the programs which was mentioned earlier by Julie Turner, a program of a group residence for eight children who have been severely disturbed, whose rights have been terminated, and who are up for adoption but for the level of their disturbance, which precludes living in a family.

We feel that this is an extremely important program. We have had 11 children in the program to date. Five of them have been placed with identified adoptive families. Five of that 11 are still in the home pending adoptive placement, and one of the children had to be referred to a psychiatric hospital because of the level of his disturbance. We feel it is a successful program because it takes children in between the ages of five and eleven and works with them to grieve -- to learn how to grieve and to also learn how to attach. It is not a mysterious process. There are ways to effectuate attachment, and that is the model we work on. If a child stays beyond the years when he can develop an attachment and begins to head toward adolescence and separation, the child is then removed from our attachment home and placed in one of our group homes for adolescents where the therapeutic process is toward separation and individualization.

The importance of this program is that it provides children with a way to recover from the trauma. We think of the program in a medical metaphor, in that it is an intensive adoption care unit. The children are there to be given this very intensive care so that they can return to family life again.

One of the aspects of the program which you may find interesting is that we have a volunteer program that provides extra adults in the program. We have three child care workers on at all times, and we also have a volunteer on at all times. Into this volunteer program we insert pre-adoptive parents; parents who want to adopt difficult children. They come into our program, not as a couple but individually. They are not identified as adoptive parents. They come in and work as volunteers, learning how to work with disturbed children, and in the process bond to one of the children and then elect to adopt that one. This has happened on four occasions so far, and it is a very successful way of, one, training pre-adoptive

parents, and two, allowing them to become attached to, and interested in a child in a very natural situation, not at an adoption party, or not in a DYFS office, or not in a very artificial situation, but right where the children live.

We would like to urge the State to consider opening more of these homes and using as funding for these homes the funds that are now spent on sending very disturbed children out-of-state for treatment. We feel that the level of care and psychological treatment that we provide in this facility would be comparable to any hospital setting, except for the most psychotic of children, and that by bringing children from out-of-state back in and using those resources to develop this type of treatment home for children, the children would-- By using those funds, we would be able to do it for less money than can be done out-of-state, and the children would be in-state where the pool of adoptive parents is who they may someday be adopted by.

It would provide a continuity also because, as I said, when children become too old for this particular program, they then go into our regular group home program for adolescents, but they don't lose the ARC support, they are still up for adoption even though they are now in an adolescent program that is geared toward their own individual development. If by any chance they cannot be adopted, or are not adopted, they then stay with us through 18, or graduation from high school, and then are able to go into a program we have for aging out children, and can stay with us until 21, if that is necessary, to get them on their feet and get them going.

Thank you very much.

SENATOR COSTA: Thank you for testifying. I appreciate-- Although you called it a facetious remark about a circuit court of adoption -- a traveling court -- it is not such a bad thing. It would get them around to just apply themselves to the adoption procedure.

At the present time, we heard it spoken of that it could take weeks, and they are not continuous days for adoption.

MR. KEEP: Yes.

SENATOR COSTA: Is there any way we can see to it that a case, when taken on, can be resolved in continuous days?

MR. KEEP: I have no answer for that. I am not a legal expert.

SENATOR COSTA: Oh, well, we will look further. Thank you very much. I appreciate it.

Thank you everyone. Is there anyone else who wishes to say anything? (no response) Once again, thank you. I hope we are able to come up with something that will make life a little better for the children of the State of New Jersey.

(HEARING CONCLUDED)

APPENDIX



ASSOCIATION FOR
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TO: The Honorable Catherine A. Costa, Chairperson
Members, Senate Committee on Children's Services

FROM: Ciro A. Scalera, Executive Director
Cecilia Zalkind, Assistant Director
Association for Children of New Jersey (ACNJ)

DATE: December 7, 1989

RE: Testimony for the Public Hearing to Examine the Problems
Facing New Jersey's Public Adoption Program

It would be possible to come before you today representing ACNJ and the Adoption Services Advisory Committee and present a glowing report on the public adoption program in New Jersey. Adoption practice has changed dramatically in a relatively short period of time. Children who twenty years ago would not have been considered for adoption because of their age, race or special needs now routinely find loving, permanent families. Individuals interested in caring for a child can become adoptive parents -- one no longer needs to be white, married and middle class to adopt. Adoption has taken its rightful place as an important element of a comprehensive, effective child welfare system.

Significant efforts have also been made by the Division of Youth and Family Services (DYFS) to improve decision-making for children in foster care. In the Splintered Lives project, we described a weak, fragmented, crisis-oriented decision-making system for

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children in foster care which ultimately impacted on the timely movement of children into adoption. In response to our project, DYFS committed itself to an in-depth, comprehensive permanency reform. The results, announced in a public briefing several weeks ago, were impressive and, if fully implemented, should result in more timely and appropriate case planning for children in foster care.

Despite these achievements, however, children still spend too long in the limbo of temporary foster care until the decision is made to free them for adoption. It is not uncommon for a child to be in foster care for several years before being considered for adoption. For many children it takes even longer, especially if they are placed repeatedly by their families in and out of foster care. For these children, foster care is very often a series of placements in which they never have the chance to become part of a family of their own.

The impact on the child is devastating. The constant rejection, separation and loss the child experiences impacts on his ability to ever relate to a family. The Adoption Advisory Committee recently looked at the children who could not be placed for adoption in the state and discovered that they had one common characteristic: almost all had suffered repeated re-placements. These children lost the ability to believe that any adult could care for them. For them, adoption came too late.

The responsibility for this failure lies with several different entities. Children are not a priority of the courts. Aside from some dedicated, courageous judges who are not afraid to make hard decisions, the courts still regard parent's rights as paramount and hesitate to take the final step in freeing the child for adoption. Current state statutes do not provide sufficient support for this kind of decision-making. Code revisions are long overdue.

The public adoption program also bears some responsibility. Despite the Division's strong commitment to adoption and recent permanency reform efforts, adoption must still compete for resources, staffing and support within the broader system of services that DYFS provides. The extraordinary needs of children needing adoptive placement require even greater efforts and support.

Placement prevention has not been a priority for our state. A comprehensive system of placement prevention services is needed so that children do not end up in the adoption system merely because the child welfare system has failed them and their families. Adoption is an appropriate alternative for children only after all efforts have been made to keep them with their birth families.

Our testimony today addresses four specific areas of recommendations: the need to make children a priority of the courts, the need for statutory amendments to support effective,

timely decision-making, the need to strengthen and support the DYFS adoption program and the need to develop a comprehensive system of placement prevention in order to effect more timely decision-making for children.

A. CHILDREN MUST BECOME A PRIORITY OF THE COURTS

ACNJ's involvement with the American Bar Association Project on Special Needs Adoption identified several court and legal barriers to adoption planning for children. As we took the project county-to-county across the state, the same issues emerged over and over again. Cases involving children, especially those in which DYFS is involved, receive insufficient court time. Postponements and delays are frequent. DYFS rarely receives priority in court scheduling, either on the trial or appeal level.

Many judges find termination of parental rights cases difficult to decide. The issues are complicated, especially for judges who are unfamiliar with child welfare. For many judges, the decision to terminate parental rights is personally painful. Delays often result while they struggle with these issues.

Contributing to these delays is the fact that children and indigent parents are appointed attorneys on a pro bono basis in termination of parental rights cases. The courts utilize a list of attorneys admitted to the Bar in their county and assign cases at random to

attorneys who have little knowledge of the child welfare system. Cases are frequently postponed while the attorney attempts to understand the issues and provide adequate representation.

The ABA Project successfully addressed some of these delays. Meeting with the Presiding Judges of the Family Court in each county usually resulted in immediate improvements in scheduling and court time. The Pro Bono Attorneys Training Manual, written by ACNJ, has been distributed through the county courts and utilized in training sponsored by the Young Lawyers Division of the State Bar Association, resulting in a group of trained attorneys willing to represent parents on a pro bono basis. Training focused on the permanency needs of children has been provided to judges.

Although encouraging, these efforts were not fully sufficient or long-lasting. The county-by-county effort has not been institutionalized across the state. Judges change, resulting in the breakdown of systems implemented to reduce delay and necessitating continued training. Training for pro bono attorneys, although effective, cannot replace the need for competent legal representation for indigent clients.

Greater efforts are needed to make children a priority of the court system. The following are several specific recommendations to enhance timely decision-making through the legal process:

1. The Administrative Office of the Courts (AOC) must provide leadership to the Family Court to make children a priority.

Based on the recommendations of the ABA Project, the AOC should issue a directive to the courts setting standards for termination of parental rights cases and defining appropriate timelines for judicial decision-making. This directive should clearly give cases involving children, especially termination of parental rights cases, priority over other court matters. Further, the AOC should provide ongoing training to judges on child welfare, permanency and adoption issues.

2. Children and parents in termination of parental rights must be afforded adequate legal representation.

During this legislative session, Assemblyman Charles introduced Assembly Bill 1803 to provide funding to legal service programs to represent indigent parents in termination cases. The bill also appropriates funding to the Office of the Public Advocate to extend the Law Guardian Program to children in termination of parental rights cases. Currently, law guardians are appointed to represent children in child abuse cases and cannot continue even if the case moves to termination.

This bill should be enacted as it would create a pool of trained attorneys whose responsibility will be to provide legal

representation to parents and children in such cases, thereby reducing delays in the litigation process.

3. Sufficient legal personnel must be provided to ensure that the legal process functions appropriately and effectively.

Throughout the ABA process, the issue of the need for more judges in the Family Court came up repeatedly. Caseloads in the Family Court are very high, resulting in significant backlogs and delay. Attention should be given to the need for more judges in certain counties to handle the increasing number of cases.

Insufficient staff resources are a serious issue in other aspects of the legal system. DYFS is represented by the Attorney General's Office in termination of parental rights and child abuse cases. Their caseload has also risen, resulting in delays in filing cases. We understand that in one county the DAG has stopped filing termination cases to catch up on a backlog in abuse cases and to cover vacancies in the DAG's office. More DAG's are clearly needed.

On the DYFS end, serious delays have resulted from a loss of para-legal staff. The four ARC offices utilized para-legal staff to draft complaints and other legal documents. Staffing shortages and the hiring freeze resulted in a loss of these positions. Although DYFS is committed to continuing this program, additional resources are needed to fill the positions.

B. THE STATE CHILD WELFARE CODE MUST BE REVISED TO SUPPORT EFFECTIVE, TIMELY DECISION-MAKING

Although improvements in the court system will assist in reducing delays for children needing adoption, they will not be fully effective without statutory changes. The state's child welfare code, embodied in N.J.S.A. 9:6-1 et seq. and N.J.S.A. 30:4C-1 et seq., has several confusing, outmoded provisions. Further, although the code is premised on the best interest of the child, what constitutes best interest has never been clearly articulated. Very often parent's rights take precedence over children's rights, even in the most dramatic or problematic situations.

This confusion in the code has a serious and direct impact on case practice. Caseworkers are given a series of double messages. They are responsible to support and preserve families but also to act in the best interest of the child. They must make diligent efforts to return a child to his family but are also obligated to seek adoption as an alternative in a timely fashion. They can pursue termination of parental rights if the parent has failed to plan for the child for a year or more yet there is no clear definition of what adequate planning should entail.

These issues all impact on which children are considered for adoption. The cases that tend to get considered are those in which

a foster parent is interested in adoption. This outside interest, coupled with the argument that the foster parent has become the child's psychological parent, forms the basis for many successful termination cases. Unfortunately, the children who need adoption the most -- those with no viable birth family nor with an adoptive family who is committed to them -- are often overlooked.

Revisions to the code are long overdue. ACNJ has some specific suggestions for provisions that must be amended as well as new statutory provisions to be enacted to strengthen decision-making for foster children.

1. The termination of parental rights law must be amended to clarify the standards for termination and to offer more protection to the child and family.

An important aspect of the ABA Project was its recommendations to amend N.J.S.A. 30:4C-15 which sets the standard for termination of parental rights. The committee drafted a comprehensive proposal to amend the law by clearly defining best interest and by codifying other grounds for termination. A somewhat controversial proposal, it was never introduced. Recently, Assemblyman Charles introduced Assembly Bill 2659 which also proposes an overhaul of this section. This issue merits a public hearing.

ACNJ believes that amendments to this section must include:

- A more comprehensive definition of best interest.
- A greater emphasis on parental responsibility, requiring that the parent not only plan for the child but remedy the conditions that led to the placement.
- Specific language concerning cases in which parental conduct or condition impacts on parental ability.
- A comprehensive definition of "diligent efforts".

2. Statutory changes are needed to limit the state's reliance on voluntary placements.

Almost 80% of the children entering placement in our state do so on the basis of a voluntary placement agreement signed by the parent. Although voluntary placements are encouraged because they establish a therapeutic rather than an adversarial relationship with the family, they also have several drawbacks. Parents have no right to independent legal representation when signing a voluntary placement agreement. No legal oversight is provided except when the case is reviewed by the child placement review board.

There are no specific standards for which placements should be voluntary other than the parent's willingness to sign the agreement. There are also no limits on the terms or duration of the placement. Judicial monitoring does not occur, except for oversight through the child placement review board. Unlike a court-ordered placement, the voluntary placement is open-ended.

Other states have acted to limit or, in some cases, to prohibit voluntary placements in favor of a court-ordered placement system. ACNJ recommends enacting a new section in Title 30 to limit the use of voluntary placements, including provisions to:

- Define specific standards for the use of voluntary placement agreements.
- Limit a voluntary placement to a specific time, preferably not to exceed six months.
- Require DYFS to return the child or seek a court order to continue the placement at the end of the specified time.
- Clearly define parents' rights in negotiating a voluntary agreement.

3. New statutory provisions are needed to address the issue of children who are placed in and out of foster care repeatedly by their families.

One of the most dramatic and alarming issues that came out of the Splintered Lives project was the frequent placement of children in and out of foster care. The cases reviewed for the project indicated that the families had been known to DYFS for some time, often years, before the children entered placement. Many of these children had experienced multiple placements in the past and seemed destined to a future of uncertainty and disruption.

This is an issue that needs attention. A child's re-entry into foster care should not be treated as an initial placement. The prior history must be considered in setting a case goal and in developing plans with the family. Alternatives like adoption should also be considered at placement re-entry.

Statutory provisions should include:

- A prohibition against re-placement on the basis of a voluntary placement agreement. DYFS should be required to seek a court order to re-place the child.
- Specific and shorter timelines for the case goal to be accomplished and the child returned home.
- A requirement that the case be conferenced for adoption at the time of placement re-entry.
- A preference that the child be placed with his prior foster parent, if possible, to ensure stability and continuity for the child.

C. THE DYFS ADOPTION PROGRAM MUST BE SUPPORTED AND STRENGTHENED

Adoption services within DYFS have been a strong, consistent area of practice. Many innovative initiatives have been developed by the adoption program which have enhanced and strengthened the delivery of adoption services. This program has a national reputation for quality, innovation and professionalism.

The needs of the children and families served by the child welfare system have placed greater demands on the adoption program. With the greater emphasis the Division has made on permanency, more children are being referred to the ARC offices for adoption planning. These children usually have very special needs and have spent considerable time in the foster care system. They also tend to be older and minority children for whom finding adoptive parents is far more difficult.

ACNJ and the Advisory Committee believes that the DYFS adoption program must be supported and strengthened to keep the program functioning effectively to meet the needs of the increasingly more difficult-to-place children needing adoption.

1. The adoption program must continue to be a priority of the Division of Youth and Family Services and be given the supports it needs to function.

It is clear that adoption is a priority of the current DYFS administration. The adoption program must continue to receive sufficient staffing, resources and legal supports to function effectively. We believe strongly that this commitment must continue to ensure that all children needing adoption find a permanent family.

We also strongly support maintaining the current administrative

structure of the adoption program within DYFS. In the early 1970's when adoption practice was evolving, a decision was made to separate the adoption function from child protective services. There was agreement that adoption could not and should not compete with protection. This decision enabled the adoption program to develop an independent and strong identity.

Each new administration, however, discusses whether it is appropriate for these services to remain separate. We believe that this structure is necessary to the functioning of the program and encourage the Division to retain the adoption program as a separate, centralized model.

2. Further program development is necessary to ensure that the children needing adoption are successfully placed.

Much has already been said about the extraordinary needs of the children now needing adoption in our state. Further efforts must be made to ensure that these needs are met. Recruitment and outreach efforts must be expanded, especially for special needs children, minority children, sibling groups and older children. In October, the DYFS Director discussed plans for a Black adoption recruitment campaign. We support this effort and are willing to offer our assistance to this endeavor.

Additional supports to adoptive families are also important. The

extraordinary needs of children needing adoption require extraordinary families as well as extra supports from DYFS. Post-adoption services should be expanded and the adoption subsidy program re-examined to determine if it is comprehensive enough for families interested in adopting special needs children.

It is also important to provide stability for children who cannot be placed for adoption. There are an increasing number of "at-risk" children who have failed repeatedly in adoptive placements because their problems are so severe. These children need stable, appropriate living arrangements. The Teaching Family Program, a statewide network of specialized foster homes has been a successful placement resource for these children. We would support the expansion of this program.

3. The Division's new permanency reform effort must be fully implemented and maintained.

We are impressed with the Division's recent permanency reform effort. If fully implemented, this effort will result in an integrated system of case practice for children in foster care beginning with placement entry and continuing to family reunification or adoption planning. This system ensures that the necessary information is collected to enhance decision-making, that cases are reviewed appropriately and in a timely fashion and that parents are given every opportunity to participate in the decision-

making process.

We applaud the Division's efforts and hope that these plans will continue to be supported in the coming months. We also join with DYFS in seeking the resources, such as sufficient computer capabilities, which will allow this effort to be fully effective.

D. GREATER EFFORTS MUST BE MADE TO DEVELOP A COMPREHENSIVE, EFFECTIVE SYSTEM OF PLACEMENT PREVENTION

Our testimony today has focused on the end result for many families involved in the child welfare system. Although we strongly support adoption as an important alternative for children in placement, we feel even more strongly that the state's primary responsibility must be to support families and prevent placement whenever possible. Only when all such efforts are made should adoption be considered.

Our work over the last several years has convinced us that vulnerable families are not fully or adequately served by the child welfare system. Families often wind up on DYFS' doorstep because no other system will help them. Often they are the victims of poverty and homelessness, problems the Division is not equipped to handle. For these families, placement of their children becomes the only alternative. Unfortunately the problems that resulted in the placement also make reunification far more difficult.

DYFS must make stronger efforts to ensure that families are not faced with placement needlessly. This will also have a direct impact on the decision-making that leads to adoption. A comprehensive system of placement prevention services can ensure that family supports are offered early enough so that if the child does enter placement, other alternatives, like adoption, can be considered on a more timely basis.

1. The Division must develop and implement a comprehensive program of placement prevention services.

Some program development has already occurred in this area. The DYFS Family Preservation Services Program has been implemented in several counties to offer in-home, crisis-oriented, therapeutic services to prevent placement. The impact of this program should be assessed for possible expansion. Similar placement prevention services provided by private agencies on a contract basis with DYFS should also be assessed and expanded.

The Division should also consider the nature and effectiveness of these services. In Splintered Lives, the children who entered placement came from poor families faced with considerable economic obstacles in providing food, shelter and adequate care for their children. Therapeutic services, however necessary, will not be

effective as long as basic needs are an issue. Initiatives should be developed to provide these services to families as well.

2. Legislation should be introduced to define reasonable efforts to prevent placement.

The federal Adoption Assistance Act (P.L. 96-272) mandates states to make reasonable efforts to prevent placement. Federal funding for foster care is dependent on this determination. The federal law, however, does not define what these reasonable efforts should entail.

Other states have enacted provisions in their own codes to further define reasonable efforts. California and Massachusetts, for example, have utilized such provisions to address the state's obligation when family homelessness, a serious issue in New Jersey, results in placement. It is time to define what constitutes reasonable efforts in our own code. Such provisions should include:

- A specific list of services that DYFS is obligated to provide to a parent before placement can occur.
- The clear responsibility of DYFS to co-ordinate services with other systems such as Public Welfare.
- The parent's right to receive such services.

3. The Division should undertake an assessment of the factors that result in the placement of children into foster care in order to provide appropriate preventive services to families.

It was clear from the Splintered Lives project that an assessment is necessary to determine which children enter foster care and why. In our project, neglect, parental substance abuse, poverty and family homelessness were significant factors that resulted in placement.

In order to plan and provide appropriate services more effectively, DYFS must understand the characteristics of the families coming to the agency for services. This information would also be invaluable in assessing the effectiveness and appropriateness of services the Division is currently providing through its field offices or contracted services and will assist in long-range planning efforts.

CONCLUSION

We appreciate the opportunity to present our ideas to you today and commend the Committee's continued commitment to the vulnerable children of our state. Your efforts will ensure that these children find loving, permanent families and have a chance for a decent childhood and a healthy, productive future. This is every child's right.



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TESTIMONY ON PROBLEMS IN NEW JERSEY'S PUBLIC ADOPTION PROGRAMS
SENATE COMMITTEE ON CHILDREN'S SERVICES
December 7, 1989

I am Julie Turner, Executive Director of the New Jersey Association of Children's Residential Facilities which represents fifty group homes, residential treatment centers and shelters serving approximately 800 abused, neglected, troubled and/or handicapped children. We are seeing increasing numbers of very young extremely disturbed children. Many could be adopted with appropriate support services. Some older children now require residential care after "failing" in multiple out-of-home placements; they have never had a permanent and loving family. There are several problem areas which present barriers to timely and permanent adoptive placements of New Jersey children:

1. Many of the children have serious problems as a result of 1) a poor prenatal environment (including mothers who are drug addicted, alcoholic, poorly nourished, and/or lacking pre-natal care); 2) early childhood experiences in families which are unable or unwilling to provide even minimally adequate care; such children may be the victims of severe and repeated physical and sexual abuse or severe neglect (often connected with the parents' substance abuse); and 3) placement experiences including multiple placements; The "perfect" white infant of yester years is now an older, physically and/or emotionally disabled child who is often from a minority group. Programs serving adoptive potential children must reflect these significant changes.

2. In spite of the serious disturbances/handicaps of many children which are difficult for even the most "professional" foster parents, children often have to "fail" repeatedly in multiple "less-restrictive" foster home placements prior to being placed in a residential treatment facility; these children are unable to trust adults and are unable to bond. A few years ago when I served on a Child Placement Review Board, an eight year old was in nineteen foster homes in a little over a year; in spite of these repeated failures in a family setting, the case worker was unwilling to consider residential treatment because "a young child belongs in the community." This severely damaged child was ultimately placed in a residential treatment center out of state. I recently heard of an adolescent who entered the system at the age of three; after forty-two placements, she is in a residential program where she "celebrated" her longest placement of one year! These very troubled children must be identified earlier and provided the necessary stability and intensive treatment in a residential facility (such as the Pre-Adoptive Treatment Homes) so that they are able to move into a family.

3. Given the level of disturbance of some of the children, adoptive families may need considerable help and support in order to parent the special needs child. There are families willing to accept very troubled and/or handicapped children; however, they may need specialized services including counseling, family support groups, respite care, and/or residential care at various times during the adoption to enable the adoption to succeed. The Holley Center after care program (in which children are moved from the residential treatment center to trained families which are provided intensive

support), while not an adoption program per se demonstrates that seriously disturbed children, after receiving intensive residential treatment, can succeed in families with the necessary support services. Such programs should be expanded to include adoptive families. It is essential that funding is available to provide ongoing support for adoption of high risk children.

4. Recognizing that the majority of children who are available for adoption are minority, older, member of sibling groups, and/or emotionally or physically handicapped, it is essential that significant and ongoing recruitment, screening, and training programs focus on finding and developing families for these youngsters.

5. Termination of parental rights and the adoption process are lengthy and time consuming, placing the child at risk of multiple placements. While there must be a balance between the rights of the parents and of the child, too often it appears that the child's needs are subservient to the philosophy of family reunification. Time is critical in the life of a child. Families who have subjected a child to repeated and severe sexual abuse-families who have been unable or unwilling to deal with their own serious substance abuse (particularly cocaine and crack addiction)- are given repeated "one last chances", while the child loses his/her chance for a permanent and loving home. The current termination of parental rights legislation must be revised. Sufficient personnel (in the DYFS Adoption Resource Centers, the Deputy Attorney General office, the courts) must be available to prevent unnecessary delays.

6. While I do not have statistics, it is the impression of many members that a higher percentage of adopted children require residential care; this is not surprising considering many of the children's early life experiences and disabilities. That a child may need extensive treatment at some point during his/her childhood is not an indication that an adoption has failed, but rather reflects the willingness of families to accept children who years ago would have grown up in institutional care.

7. It is essential that professionals have training in and be sensitive to certain issues specific to adoption. Teachers, social workers, therapists, residential providers, judges can benefit from such training in pre-and post-adoption issues and in issues concerning termination of parental rights.

8. Tragically, there are some children who, as a result of brutal experiences in their own families and/or multiple placements, may never be able to accept the closeness of living in an adoptive family; while we must do all that we can to prevent this and to provide remediation for these youngsters, we must also develop small community based group home/treatment home programs to provide a permanent and caring home for these children where they can not fail and where they can be provided the skills to function successfully as adults.

The Senate Children's Services Committee is to be commended for taking a leadership role in holding hearings to identify issues and problems in the provision of children's services and today in adoption. While there are no easy solutions to the complex problems, I am hopeful that this hearing will be a first step in a process to help ensure permanent and loving homes for New Jersey children.

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Executive Director

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TESTIMONY FOR ADOPTION

The Children's Home Society of New Jersey, a not-for-profit statewide child welfare agency, presently contracts with DYFS for two programs which involve adoption - Intensive Services Program (ISP), a permanency planning program for abused, neglected and abandoned children presently in DYFS foster care, and Post Adoption Services, a counseling and evaluative program for children in pre-adoptive homes and those who have already been legally adopted. In addition, we have our own unplanned pregnancy, foster care and adoption program statewide. The following trends I will share greatly impact on the children and families in both DYFS contracted programs.

1. Significantly more children over the past several years are entering the system due to the crack epidemic. Although in this service we work intensively for a 9 month period to try to reunify families, we find we cannot safely return children to crack addicted parents and these are the children being referred instead to ARC for adoption planning.
2. The children referred currently to DYFS adoption services are significantly more damaged than previously seen and tend to have had multiple foster home placements prior to coming into our services and during our ISP services.
3. There are not enough DYFS foster homes. Thus these children are too often placed in inadequate foster homes, while other good foster homes are so overloaded that their usual nurturing ability is severely hampered and we are burning these good homes out faster.
4. There is a shortage of black adoptive homes and the public system is overwhelmed by the large number of black children waiting. ARC is hesitant about accepting new cases when there are not enough adoptive homes for the children they already have waiting. These "new" children, who are not yet accepted by ARC spend longer than necessary in DYFS foster care, many times becoming too old or too emotionally disturbed to be adopted by the time the adoption system is ready to work with them.

5. Too many children in ARC's system remain too long in DYFS foster homes. We then are faced with psychological bonding ties that produce the dilemma of either recommending an adoption by a foster family that does not meet the long term needs of the child or removing the child from the foster family with whom he has become so bonded.
6. In New Jersey courts today, the rights of the parent are given precedence over the well-being of the child. Some parents who have proven themselves inadequate and unreachable are given prolonged numbers of chances over a time frame that adds unnecessary additional trauma to the child.
7. We have become increasingly concerned about the long delays experienced in implementing adoption planning and the resulting harm to children who have been referred to ARC. The average length of time that the children have remained under supervision once transferred to ARC has been approximately two years and may be even longer if the court action necessary for the involuntary termination of parental rights is particularly complicated. We know this is not by ARC staff's wishes, but due to unwieldy ARC caseloads and family court caseloads.
8. Compounding the problem is the reality that our Intensive Services Program worker's court testimony given years later is based on information, observations and experiences that the court then deems not sufficiently current nor valid, thus necessitating all the documentation casework to be redone. This long delay in implementing a permanent plan for a child can be extremely harmful to the child's emotional and mental well being and needs to be avoided if at all possible.
9. The DYFS foster parents are also under a great deal of strain during this long delay in attempting to allay the child's fears about their unclear future and at a loss to know what to say to interpret what will be happening to him/her and when the foster child can expect it to occur.
10. There is major difficulty concerning timely acceptance by ARC of referrals of families whose children must be separated by termination of parental rights. Again, due to ARC staff's unwieldy caseload size, not their wish.
11. ARC is understaffed and over-worked. They do not have sufficient numbers of adoptive homes for our children who have already been damaged by their life experiences.

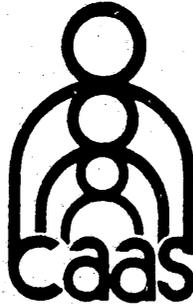
12. Some DYFS foster parents hesitate to adopt because they won't get the same level of service as adoptive parents that they get as DYFS foster parents. The services they fear losing are residential treatment, camp, special schooling and mental health services. These foster parents live on marginal incomes and it is difficult for them to afford costly services themselves for the children if they adopt. They are afraid to give up the safeguards of DYFS casework support and funding. Creative solutions are possible hereby altering adoption subsidy criteria.
13. There is an ever increasing need for post adoption services because of the difficulties the children have in dealing with the effects of their life traumas and because of the difficulties they present to the families who adopt them.
14. Decisions to terminate parental rights are very difficult to make. Everyone involved is overly cautious, giving the natural parents too many opportunities to assume their parental roles, thus delaying adoption at best and precluding it at worst as older children are harder to place in adoption.
15. Natural parents are assigned public attorneys. Since many of these parents do not keep appointments, attorneys go into court without having seen their clients and the proceedings are delayed even further. Children are the victims of their parents' inability to mobilize.
16. ARC needs more staff to recruit minority families for adoption. It takes more time to recruit minority potential adoptive couples than to recruit for healthy white children.
17. DYFS foster families need to be paid and treated like professionals. This will aid in recruitment of more quality caring foster homes and will help to retain good caring foster homes. It is also appropriate compensation given the extremely difficult children we ask them to parent.
18. More funds are needed for the ongoing training and support of families who adopt these difficult children.

RECOMMENDATIONS

1. Greater funding for ARC services
2. Greater funding for family courts
3. Greater funding for post adoption services
4. Greater funding for DYFS foster care services
5. Re-examine the criteria for termination of parental rights in view of the skewed priority of parental rights at the expense of the child's well-being.

Carolyn Bacher

Carolyn Bacher
Acting Director of Social Services



To: Honorable Catherine A. Costa
Senate Children's Services Committee

From: Kathy Harris, CSW, Supervisor of Adoption Services
Children's Aid and Adoption Society of New Jersey

Date: December 7, 1989

Re: Public Hearing on Adoption

CAAS is a voluntary, not for profit, child welfare agency serving five counties in northern New Jersey. Adoption Services focuses on counseling services related to all aspects of adoption work and assisting the mother in any other area of personal need.

CAAS wants pregnant women to have counseling to protect themselves and their child. We are concerned they will seek adoption through the gray or black market in order to receive financial assistance during pregnancy and hospitalization. When a birth mother contacts CAAS expressing interest in planning adoption for her baby, she asks questions about assistance with paying medical costs of pregnancy, delivery and hospitalization. When the birth mother understands she will not be able to have private physicians care for her and the baby, we find she turns towards private adoption which does not provide counseling. Counseling on options for parenting the child or placing for adoption is critical to help the mother arrive at an early and informed decision regarding her baby. Grief and loss counseling when she surrenders her baby for adoption is also an extremely important aspect of our counseling service. CAAS recognizes the new legislation called NJ MOMS is a step in the right direction. Our concern remains that many women do not accept state funded "welfare" care when private care can be financed in the black and gray market adoption arena.

Another barrier we are experiencing more frequently is excessive delays in the placement of babies because of the father's rights issue. The termination of parental rights is becoming increasingly difficult when a birth father who is not able to physically care for his child contests the adoption plan. Many of these fathers are serving extended jail terms. The child languishes in foster care while the legal process to terminate parental rights drags on. Children who experience repeated bonding and attachment breaks become emotionally disturbed and eventually unadoptable. The courts must make early permanent decisions for children before they end up in expensive residential programs.

CAAS wants to compliment the State of New Jersey for being the first in the nation to fund POST ADOPTION COUNSELING SERVICES. These services allow anyone in the adoption triad to receive adoption counseling. This service is provided by experienced adoption specialists. PACS counseling prevents adoption disruptions and maintains the stability of adoptive families as they grow up. Post Adoption Counseling Services provides ongoing outreach to prevent crises in adoption related cases.

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