The Adoption and Safe Families Act of 1997: A Policy Analysis

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May, 2015

- At the time that ASFA was passed, there were 516,000 children in foster care, up from 262,000 in 1982 (U.S. Department of Health and Human Services [U.S. DHHS], 1997).

- According to data gathered from 22 states in 1996, the median length of time in care was 1.93 years, and 18% of children had been in care for five years or more (U.S. House of Representatives, Committee on Ways and Means, 1998).

- To lower the foster care population and shorten children’s stays in foster care, ASFA (ASFA, Pub. L. No. 105-89) proposed to:
  - Promote adoption through the use of cash incentives for states for finalized adoptions.
  - Fast-track permanency through the establishment of time-limited family reunification services (12 months).
  - Provide specific time-frames for permanency hearings and the termination of parental rights.
  - Institute concurrent permanency planning
  - Redefine the reasonable efforts clause that was required under the Adoption Assistance and Child Welfare Act of 1980 (ASFA, Pub. L. No. 105-89; AACWA, Pub. L. No. 96-272).
Goals and Implications

The Policy Analysis: Goals

- To identify the issues dealt with by the policy: Nature and causes of the issues
- To identify the overt and covert objectives and value premises of the policy
- Determine the effectiveness of ASFA’s strategies
- Examine the effects that ASFA has had on children and families of color.

ASFA: Implications for Social Work

- Child welfare workers represent the front line of implementing foster care policy into practice.
- Child welfare workers should be well-versed in ASFA policies and the effects that such policies have on impoverished families and families of color, including:
  - Assessment of economic and environmental factors
  - The way in which current drug and public assistance policy disproportionately affects these families.
  - The manner by which these factors combine to affect a family’s ability to access services.
Child Welfare Legislative History: 1950-1997

  - Reoriented child welfare goals toward preventative services, reunification and permanency.
  - Required that child welfare agencies make reasonable efforts to reunify a child with their family, but did not define reasonable efforts.

- Anti-Drug Abuse Act of 1986
  - Instituting mandatory sentencing lows; 5 years for first time offenders. (Davis, 2011)
  - One gram of crack-cocaine carried an equal sentence to one hundred grams of powder cocaine. (Davis, 2011)

  - Limited welfare aid to impoverished families to maximum of five years.
  - Thrust many families into poverty, children placed in foster care due to neglect.
Summary of David Gil’s Policy Framework

Section A: Issues Dealt with by the Policy

Section B: Objectives, Value Premises, Theoretical Positions, Target Segments and Substantive Effects of the Policy

Section C: Implications of the Policy for the Operating and Outcome Variables of Social Policies
Methods: Data Collection

- The researcher used a nonprobability, purposive sampling method, using primary sources such as the Adoption and Safe Families Act legislation, government databases and congressional hearings. Secondary sources were also utilized, including peer reviewed articles, books and other scholarly materials.
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- **Value Premises Explicit Values**

- **Value Premises: Implicit Values**
  - ASFA implies that children’s rights prevail over parental rights, also evidenced in PRWORA (PRWORA, Pub. L. No. 104-93). Both laws emphasize personal responsibility among citizens to pull themselves out of poverty and away from the child welfare system (H.R. Res. 867, April 30, 1997, at H2023).

- **Theories or Hypotheses Underlying the Strategy/Provision of the Policy**
  - **The Psychological Parent (Erikson, 2000)**
    - Erikson (2000) theorized that, because children have a different sense of time than adults and have a need for continuity, children need a consistent and nurturing relationship with at least one caregiver.
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Intended Effects of ASFA
- As of 2012, there were 399,546 children in foster care, which shows a 21.2% decrease from 1996 figures (U.S. House of Representatives, Committee on Ways and Means, 2000; U.S. DHHS, 2013a).
- As of 2012, the median length of stay has continued to decrease from a median of 19.8 months in 2000 to 13.4 months in 2012 (U.S. DHHS, 2003; U.S. DHHS, 2013b).

Unintended Effects of ASFA
- As of 2012, children eligible for adoption waited approximately 28.6 months to achieve permanency, which marks only a slight decrease from 2000 statistics (U.S. DHHS, 2003).
- Racial disproportionality was not addressed. As of 2012, 9.6 out of every 1,000 children in foster care were African American, while only 4.2 out of every 1,000 children in foster care were White (U.S. DHHS, 2013b).
Strengths and Challenges of the Policy

- **Strengths**
  - Promoted permanency by instituting concurrent planning, which helped to shorten stays in foster care (U.S. DHHS, 2007).
  - Redefined reasonable efforts clause under AACWA of 1980, which clarified reunification efforts requirements for caseworkers (ASFA, Pub.L. No 105-89).

- **Challenges**
  - Failed to address racial disproportionality in the foster care system.
  - Instituted mandatory termination of parental rights requirements, and added state incentives for adoptions, but failed to outline adoptive parent recruitment plans or additional funding (ASFA, Pub.L. No 105-89).
  - With shortened timeframes for permanency, caseworkers saw an increase in pressure to work cases quickly, when caseloads were already well above manageable levels (Yamanatani, Engel & Spjeldnes, 2009).
  - Failed to recognize that the combined effects of PRWORA, ASFA and the Anti-Drug Abuse Act would propel impoverished families of color into the foster care system (Davis, 2011; Stein, 2003).
  - Failed to recognize the need for individualized case plans. At present, many families receive standard case plans, which require them to access sometimes unnecessary or expensive services. Impoverished families struggle to meet these requirements (Osterling, Lee and Hines, 2012).


