

Intentions and Results

A Look Back at the Adoption and Safe Families Act

Preface: The Adoption and Safe Families Act (ASFA)

About this Paper Series

President Clinton signed the Adoption and Safe Families Act (ASFA) of 1997, Public Law 105-89 105th Cong., 1st sess. on November 19, 1997. The Act was the most significant piece of legislation dealing with child welfare in almost twenty years. It was passed in response to growing concerns that child welfare systems across the country were not providing for the safety, permanency, and well-being of affected children in an adequate and timely fashion. The ambitious new law aimed to reaffirm the focus on child safety in case decision making and to ensure that children did not languish and grow up in foster care but instead were connected with permanent families.

Twelve years after the law was enacted, the Center for the Study of Social Policy (CSSP) in partnership with the Urban Institute has led an effort to reflect on what has been learned about the intended and unintended consequences of ASFA and the degree to which its goals have been realized. Together we have co-sponsored a series of papers on the effects of the ASFA law and its implementation written from the distinctive perspectives of researchers, policymakers, advocates, and parents and youth with first-hand experience of the child welfare system. The papers in this series examine the consequences of ASFA for children and families and for the child welfare systems that intervene in their lives.

The work of analyzing legislation as far-ranging as ASFA inevitably will be partial. For every topic that we singled out for closer scrutiny, many more possibilities had to be passed over. If deciding on topics proved more challenging than anticipated, the process also produced more papers than originally planned because of the varied subjects and viewpoints deemed essential to any assessment of ASFA.

The series begins with a framework paper, co-authored by Olivia Golden and Jennifer Macomber. The framework provides an overview that summarizes the key features of the ASFA legislation, the major debates and controversies surrounding its interpretation and implementation, and the available data on its results. Five perspective papers follow, which capture the personal experiences and reflection of their authors: Parents—Lynne Miller, Jeanette Vega, Jackie Crisp, Lawrence Pratt, Deborah McCabe, Paulette Nelson, Bertha Marquez, Youshell Williams and Tracey Carter; Youth—Manny Sanchez, Natasha Santos, Pauline Gordon, Tamara,* Akeema,* Natalie Kozakiewicz, Jessica Wiggs, Wunika Hicks, Eric Green and Erica Harrigan. Each of these authors tells a unique and compelling story and provides a different perspective, such as the experience of a parent struggling to be reunified with her children while conquering substance abuse and of a teenager who spent most of her formative years in foster care. Reviews of the efficacy of the law and its subsequent policies frequently overlook the perspectives of the

* Name has been changed.

constituencies most directly affected. These parent and youth accounts poignantly demonstrate the complex impact of a federal law that influences decision making with respect to family composition and definition. Authors of the other perspective papers include one of the original drafters of the ASFA legislation (Cassie Statuto Bevan); a judge who has extensive experience in implementing and enforcing the law (Ernestine S. Gray); and the New York City Child Welfare Commissioner charged with carrying out the law's dictates (John B. Mattingly).

The next section of the series includes seven policy briefs by respected researchers and policy analysts. The briefs review crucial questions such as the impact of ASFA on special populations: parents with mental health (Barbara Friesen, Joanne Nicholson, Katharine Kaplan and Phyllis Solomon) and substance abuse (Sid Gardner and Nancy Young); families involved with the criminal justice system (Martha Raimon, Arlene Lee, and Philip Genty); those caught up in the immigration system (Yali Lincroft and Bill Bettencourt); and older youth (Jennifer Macomber). Other papers address the priority issues of adoption (Richard Barth) and preserving family connections (MaryLee Allen and Beth Davis-Pratt). The authors of these seven briefs draw heavily upon existing research in framing and supporting their analyses and recommendations.

This series is not intended to deliver a uniform message or arrive at a master list of findings. In fact, the authors often disagree with one another or draw different conclusions about both successes and continuing challenges within the child welfare system twelve years after the passage of ASFA. This lively give-and-take is to be expected when considering issues as important, sensitive, and difficult to analyze and regulate as state intervention into families' lives.

While many individual papers conclude with recommendations that reflect the author's perspective, the last part of the series presents recommendations that incorporate common themes that emerged from the entire project. While drawing on the insights of all authors, the summary represents the recommendations of the Center for the Study of Social Policy alone.

Legislating social policy that defines when the state has the power and the responsibility to intervene in family life for the sake of child safety is inherently difficult. There will perhaps always be a divide between those who believe the state is overstepping its authority and those who believe the state is not vigilant enough in executing its protective role. We need to know more about the short- and long-term impact of our decisions to fully assess whether our child welfare law and policy achieve the best outcomes for those most in need, while recognizing the often competing interests of individuals and groups affected by the law. We hope this series will promote and illuminate discussion and help to frame the next generation of policy reforms.

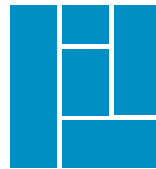


CENTER FOR THE STUDY OF SOCIAL POLICY

1575 Eye Street, NW
Suite 500
Washington, DC 20005
202.371.1565 phone

55 Exchange Place
Suite 404
New York, NY 10005
212.979.2369 phone

www.cssp.org



URBAN INSTITUTE

2100 M Street, NW
Fifth Floor
Washington, DC 20037
202.833.7200 phone

www.urban.org