



The Advocate

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A newsletter on children's issues

March 2009



Downturn Affects State Services for Children

The state's budget is, perhaps more this year than ever, the major legislative issue. With the slowed economy, the state faces the potential budget cuts.

Over the past two decades Tennessee has established public-private partnerships to implement essential "infrastructure" services for children and families – basic public supports developed in our child welfare, education, health, human services, juvenile justice and mental health systems. Many of these services and supports are interrelated, so weakening public structure resources in one system erodes the strength of the foundation in all systems.

Proposed budget reductions for 2010 would seriously erode the foundation of these partnerships. The American Recovery and Reinvestment Act (ARRA), frequently referred to as the Stimulus Bill, provides important financial resources to bridge from the current economic crisis to a more prosperous future. Stimulus dollars should be used whenever they are available to fund essential services during this recession because they must be expended in the short term. Their very purpose is in fact to help keep essential services in place. Using the stimulus funds now also reduces the amount of TennCare Reserve and Rainy Day Fund dollars required this year and saves them for next year and the year after, if needed.

No one wants the TennCare Reserve or Rainy Day Funds to be depleted, but it is hard to imagine a more valuable use of these dollars than ensuring we maintain basic public-private partnership services and supports. They provide children with opportunities to be healthy and grow and learn and become productive citizens. They enable children to remain with their families, succeed in school and become part of Tennessee's economic engine for the future. They do this by improving health and education opportunities and helping to reduce child abuse and involvement with child welfare and juvenile justice systems.

Tennessee legislators must provide the resources to continue basic public-private
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Calendar of Events

Events relating to helping children are available at:
www.tennessee.gov/tccy/webcalen.pdf.

TCCY

For more information on the Tennessee Commission on Children and Youth and its programs, check out the website at: www.tennessee.gov/tccy.

Tennessee Commission on Children and Youth

Downturn

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partnerships supporting children and families. Maintaining these public-private partnerships and these services and supports is essential for maintaining Tennessee's overall quality of life. Good stewardship demands we find a way to continue these vital services until the economy recovers.

Eroding the foundation of public-private partnerships supporting children and families will not only result in the loss of essential services and supports for vulnerable Tennesseans, it will further contribute to overall economic distress in the state with the loss of jobs for the hundreds if not thousands of people employed to provide these necessary services.

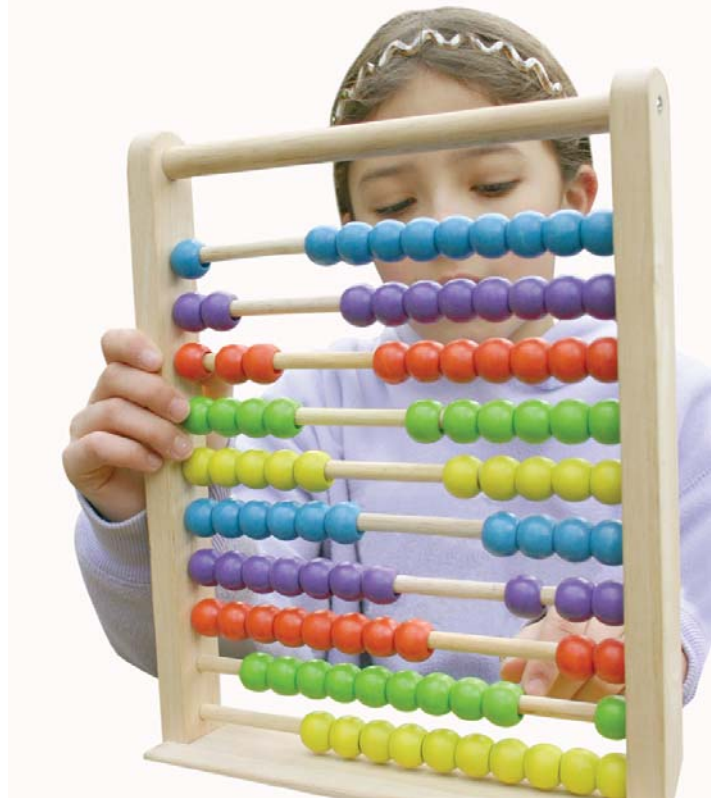
Fortunately, ARRA stimulus dollars will fund many programs for FY 2010. Advocates for services for children should express gratitude for these bridge funds, and demand other resources be devoted to service areas where stimulus dollars will not provide that bridge now and in FY 2011. Our legacy cannot be one of dismantling the public-private partnerships, the infrastructure of services for children and families in Tennessee. We must ensure its survival to support children and families and provide a brighter, more prosperous future for the state.

Demand for governmental services is, in the language of economics, countercyclical, meaning it rises when the economy is weakening. The need for financial assistance – Food Stamps, Families First and unemployment compensation – grows, but the need for other services does also.

Unfortunately, funding for state services is not countercyclical. The same economic downturn slowing our economy has reduced state revenues available for services. As previously discussed, the stimulus funds and other resources can help move beyond the current economic crisis.

Financial insecurity is a well-known stressor, and too frequently the lack of adequate coping mechanisms, skills developed through supports such as home visiting programs or other family support and child abuse prevention programs, contributes to child abuse. As financial stress has risen in the United States, the Washington Post and Reuters report child abuse hotlines and child welfare services saw increases in abuse reports and calls at the end of 2008. Substance abuse and mental illness, often exacerbated by stress, further complicated by loss of services and supports, also contributes to family disintegration.

Many of the public-private partnerships most endangered are in prevention services – those services and supports that most enable children to be healthy and supported in their homes and families. If these services are abolished, the downstream impact is likely to be more children who fail in school, more children with mental health and substance abuse problems, more children who come into the child welfare and juvenile justice state



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custody systems, and fewer children who are prepared to be active citizens and productive adults.

The following is a partial listing of funding for public-private partnerships for services and supports for children and families slated either for elimination of funding in FY 2010, or receipt of stimulus funding for FY 2010 with potential elimination of all funding in FY 2011. It provides insight into the seriousness of the potential loss of infrastructure by FY 2011.



Department of Children's Services:

- Family Support Services and Relative Caregiver Services;
- Juvenile Justice Court Prevention and Community Intervention Grants, Group Homes, and Youth Development Center Beds;
- Charging Counties for Over-Commitment of Children to State Custody (in excess of 200 percent of the state average for the dependent/neglect population and/or the delinquent population, subject to legislation);
- Contract Reductions in Residential and Foster Care, Family Support, Custody, Adoption and Child and Family Management Services;
- Child Health and Development (CHAD) and Healthy Start Home Visiting Programs, interdepartmental funding with program losses in the Department of Health.

Department of Education (while Pre-K and K-12 are protected, other losses are significant):

- Coordinated School Health Programs;
- Family Resource Centers;
- Safe Schools Programs.

Department of Health:

- Child Health and Development (CHAD) and Healthy Start Home Visiting Programs, interdepartmental funding lost from the Department of Children's Services;
- Teen Pregnancy Prevention and Shaken Baby Syndrome Prevention;
- Birth Defects Registry;
- Minority Health Initiative.

Department of Human Services:


- Family Services Counseling;
- Child Care Funding for Families At Risk of Becoming TANF clients.

Department of Mental Health and Developmental Disabilities (where some programs end June 30, 2009 without additional funding):

- Child Care Consultation and Early Childhood Network;
- Tennessee Respite Network;

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- Family Connection and Other Family Support Services;
- TeenScreen Program.

Tennesseans must come together to ensure we keep in place the public-private partnerships, the essential infrastructure for programs funded through the state departments serving children. The prospects for a bright future for many Tennessee children depend on these resources. 

Adoption Restrictions and Transitional Services: A Look at the Potential Effects on Tennessee Youth in State Care

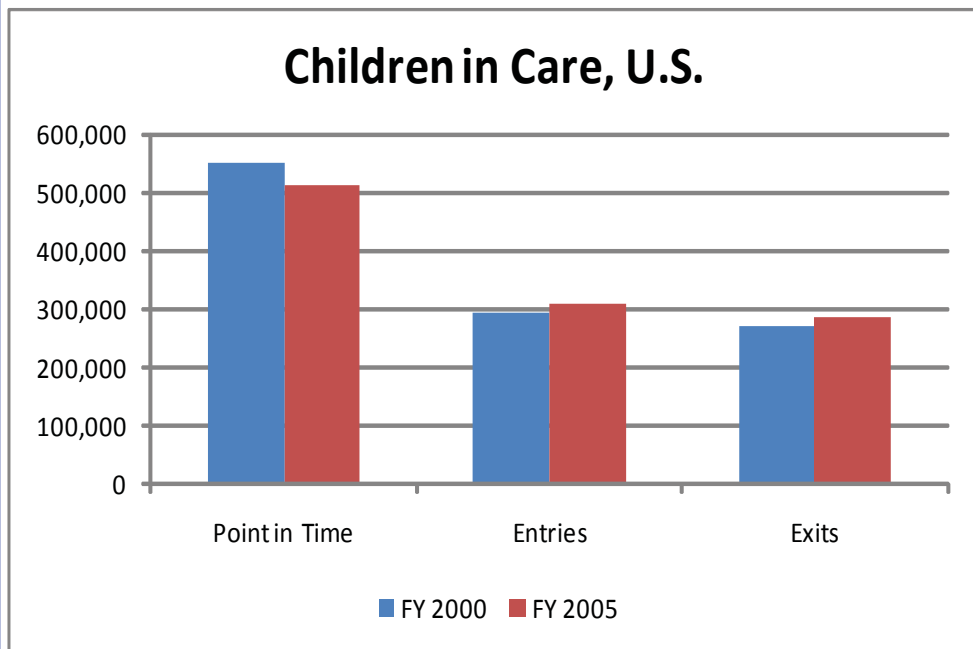
By *Stephanie Millard*

Tennessee’s 106th General Assembly has proposed two bills that could potentially affect youth in state care in major ways. The first would place restrictions on those eligible to adopt children in foster care based on marital status. The second would require the Department of Children’s Services (DCS) to provide transitional services to those in state care after they turn 18. What does sound, peer-reviewed research say of the consequences of these bills for both children looking for permanent, loving families and adolescents transitioning into adulthood?

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The Adoption Restrictions Bill

Senate Bill 0078/House Bill 0605 (2009), sponsored respectively by Senator Paul Stanley and Representative John DeBerry of Memphis, states, “The general assembly specifically finds that it is not in a child’s



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Adoption

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best interest to be adopted by a person who is cohabitating in a sexual relationship that is not a legally valid and binding marriage under the constitution and laws of this state.” In other words, this bill would prohibit any heterosexual or homosexual person from being eligible to adopt a child if he or she lived with and was in a sexual relationship with another person outside of marriage. Currently, same-sex marriage is not legal in Tennessee, so no homosexual couples would be allowed to adopt children in state care. The bill specifies that single persons not in a cohabitating relationship are still eligible to adopt a child, along with married couples.

It is the responsibility of DCS to go through a vigorous process to determine if a person or couple is fit to parent a child, based on such factors as financial stability, high relationship quality and the absence of domestic abuse. All people wanting to adopt are required to meet these criteria; no household structure is guaranteed to meet them. It depends on the individual behaviors. This legislation would shrink the adoption pool before even looking at any of those factors. Recent population changes also contribute to this shrinkage. According to the Census Bureau, more couples are choosing to cohabitate rather than marry. Marriage rates in Tennessee, like in the rest of the country, have been decreasing consistently since 2000.

What the Research Says

Regarding opposite-sex cohabitating couples, the research states that differences in child well-being between married and non-married couples do not exist when economic factors, relationship quality and other family traits are controlled for. One study looked at the well-being of over 10,000 kindergarteners with married parents as well as a variety of cohabitating couples (Artis, 2007). The researcher looked for differences between married and non-married families by removing the confounding effects of differences in economic resources, stability, maternal depressive symptoms, parenting practices and child characteristics. After removing those factors, the study found no significant differences in child well-being between the family types. Moreover, a similar study found that “living in a cohabiting household does not disadvantage children in terms of most outcomes, provided that the family’s socioeconomic standing and various aspects of family functioning are comparable to those of other families” (McGinnis, 2004).

In other words, adopted children are just as well-off in cohabitating households as in married homes, as DCS looks at all the factors controlled for in the studies to determine adoptive parent eligibility.

Even more research exists on the effects of same-sex parenting, given its high level of public discourse. According to the American Psychological Association (APA), “families headed by gay and lesbian parents are as healthy as traditional families” (Dingfelder, 2005). The APA also rejected the claim that homosexuals are not adequate parents, citing no empirical basis for such a claim, and argues that “results of research suggest that lesbian and gay parents are as likely as heterosexual parents to provide supportive home environments for children” (Patterson, 2009). Furthermore, Wainright, Russell and Patterson (2004) found that psychosocial adjustment, school outcomes, romantic relationships and sexual behavior did not vary between teenagers with homosexual and heterosexual parents. Research has also found that children of gay or lesbian parents are no more likely to be homosexuals themselves than those raised in heterosexual families (e.g., Golombok & Tasker, 1996). In other words, sound empirical research suggests homosexual parenting produces children just as well

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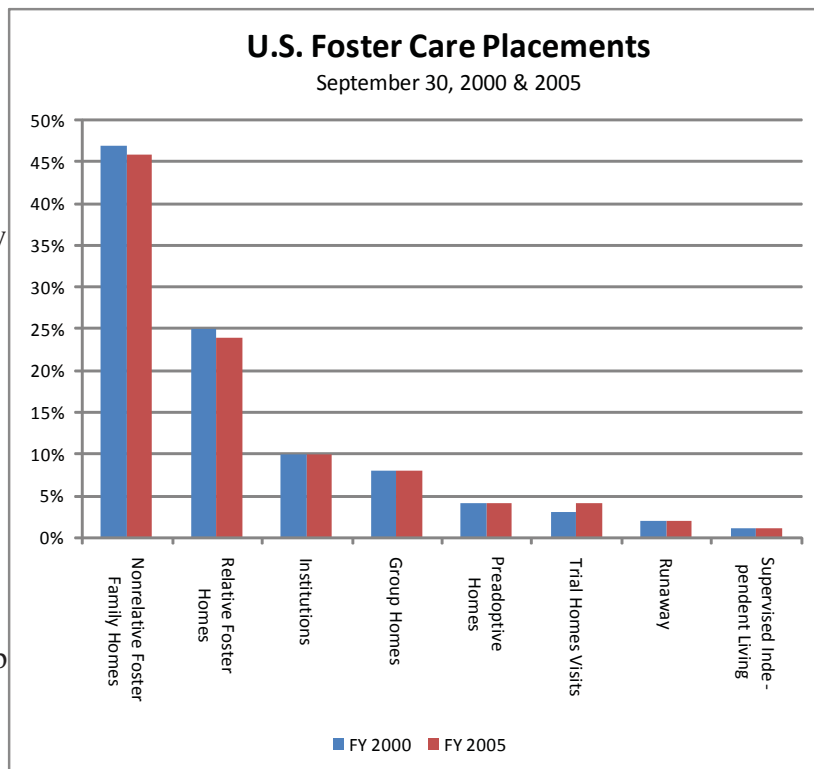
The Advocate is published by the Tennessee Commission on Children and Youth as an information forum on children’s issues. The Tennessee Commission on Children and Youth, an independent state agency, serves as an advocacy agency and information resource for planning and coordination of policies, programs, and services on behalf of the state’s children and youth. The 21-member Commission, appointed by the governor, works with other agencies and with regional councils on children and youth in each development district to collect information and solve problems in children’s services. To receive *The Advocate*, sign up on the website at www.state.tn.us/tccy/listserv.html or contact Fay L. Delk, Publications Editor, Tennessee Commission on Children and Youth, 710 James Robertson Parkway, 9th Floor, Nashville, TN 37243-0800. Phone: (615) 741-2633. Fax: (615) 741-5956. E-mail: fay.delk@state.tn.us.

Adoption

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off in every major developmental way as those raised by heterosexual parents. Parent quality, not sexual orientation, determines children's well-being. DCS takes steps to ensure children in state care are placed with adults fit to parent, and sexual orientation plays no role in the ability to parent.

Given what the research says about cohabiting parents, both heterosexual and homosexual, it makes no sense to deny those couples eligibility to adopt children in state care. These children need permanent, stable homes with parents to love and support them and limiting those eligible due to a lack of a marriage license will only harm the chances of DCS finding homes for them. Such legislation would, therefore, keep more youth in foster care until they age out at 18, which is not in the best interest of the state's children.



The Transitional Services Bill

Senate Bill 0638/House Bill 0686, sponsored respectively by Senator Beverly Marrero and Representative Jeanne Richardson, both of Shelby County, requires DCS to provide certain services to a youth after he or she reaches the age of eighteen, if desired. The bills requires DCS to look at anyone in state care turning 18 "to determine if the person wishes to remain in the care of the department in order to complete high school or other educational training or for the purpose of receiving other services."

The bill goes on to say DCS will provide those services to the young adult until he or she either turns 21 or chooses to no longer receive those services, whichever comes first. The young adult can choose some services but not others, such as continuing to receive state health insurance but not a foster home. This bill will, in general, give those in state care more options and allow them to transition to complete independence rather than having to experience it abruptly. Again, it is important to look at what the research says on the subject.

The research looking at youth transitioning out of foster care overall suggests the period is difficult for these youth and can have rather calamitous effects without the availability of services. One longitudinal study followed youth who transitioned out of Wisconsin's care without receiving extended services. It found a significant number had major difficulties in transitioning to adulthood (Courtney, et al., 2001). Some even had run-ins with the law or found themselves homeless for a time. The study also found disproportionate unemployment rates among this group, and most of them could not obtain medical care when needed. Another study followed up with youth one year after transitioning into adulthood and found those still under the care of the state were doing much better than those who either opted to leave the foster care system or were forced out. These youth were more likely to be unemployed and not in school, to have had children they could not support,

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TCCY

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Adoption

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to have struggled with mental illness or substance abuse, to have been homeless or incarcerated (Courtney & Dworsky, 2006).

Moreover, when asked to describe a most successful transition process, those who went through the experience said:

- Having individualized plans that they were consulted about;
- Communication needed to be improved across the board;
- Increased collaboration is needed;
- Needs, including skills for and help with housing, money, health needs and strong relationships, should be met (Scannapieco, Connell-Carrick, & Painter, 2007).

Packard et al. (2007) looked at the cost-effectiveness of providing transitional services to youth after age 18. They found this community would have increased education and, consequently, income and would cost less in terms of Temporary Assistance to Needy Families (TANF) and prison than they do now. If every person who transitions out of state care received needed services and transitioned successfully, the cost-benefit would be a ratio of 1.5 to 1. If three-quarters of the population were successful, the ratio would be 1.2 to 1. Therefore, even if the transition services did not provide enough support to increase the standard of living for everyone, Tennessee would save by offering services to those between the ages of 18 and 21.

According to the research, these bills offering transitional services to those in state care would be beneficial to the individuals, the communities and the state. Ultimately, transition services legislation should be more specific about what transitional services will include, focusing on those services the research says are more likely to increase success of these youth into adulthood, including services to help with skills-building and fostering lasting relationships with adults. This legislation is definitely a step in the right direction and is supported wholeheartedly by the Tennessee Commission on Children and Youth.

Conclusion

These two bills, while each directly related to youth under Tennessee care, could potentially produce very different outcomes regarding their well-being. Based on the research, legislation limiting those eligible to adopt would be harmful to those in state care, as many more children would not be adopted and, therefore, would remain in foster care until they aged out. In contrast, the proposed legislation to require DCS to offer transitional services to youth who turn 18 would help them with the process of moving into adulthood, making it a more gradual process rather than an abrupt one that offers them no transitional supports. Several other bills proposed this session deal with youth in state care. A deeper look into these two bills shows the need for policy makers to look at the research regarding effective strategies for meeting the needs of the state's children.

Sources for this article are listed on page 9. 

Advocates Oppose Juvenile Sex Offender Registry Legislation

By *Kyle Balduf*

Legislators must strike a balance between the needs of youth and of the community. Frequently, solutions that appear reasonable have unintended consequences that undercut the aims of the legislation. One such issue is being considered by the Tennessee Legislature in 2009.

The Adam Walsh Act (AWA), which was enacted by Congress in 2006, included a uniform national sex offender registry and mandates minimum standards for all states regarding registration and community notification. One measure of the bill requires states to include the registration of juveniles age 14-18 for certain offenses in order to receive federal funding. While community safety, and particularly the safety of our children, is of utmost importance, this provision of the Adam Walsh Act could have some unintended and damaging consequences.

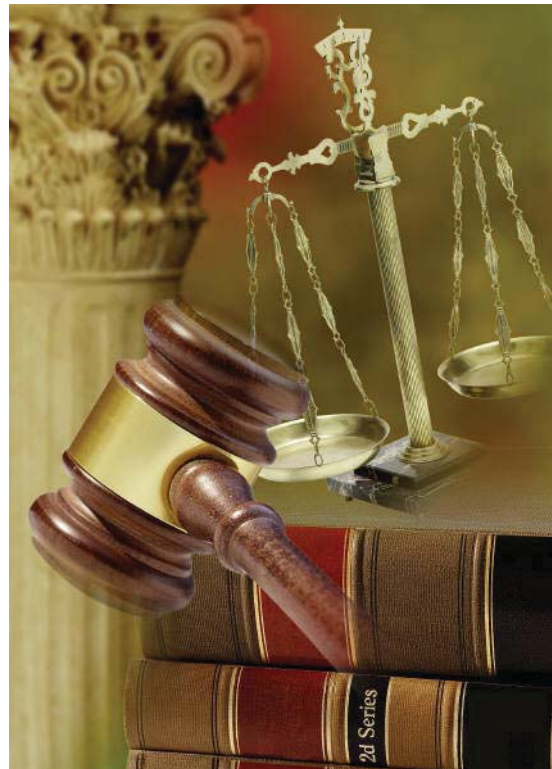
The State of Tennessee was recently granted a one-year extension to comply with the federal Adam Walsh Act mandates. Many other states are seeking similar extensions, and Senator Patrick Leahy of Vermont has written a letter to Attorney General Eric Holder requesting a blanket extension since no state to date has been able to meet all the statutory requirements of the Sex Offender Registration and Notification Act, which is part of the Adam Walsh Act. Federal legislators are currently revisiting the Adam Walsh Act and are asking some difficult questions.

The juvenile registry provision of the AWA is contrary to what is known about adolescent development. It assumes youth and adults have the same capacities.

Adolescent brains are not as developed as those of adults. Youth are biologically incapable of making decisions in the same way as adults, according to neuroscientists. The part of a youth's brain that deals with judgment and risk assessment is not fully formed.

Our juvenile justice system was created with the above realities in mind. Juveniles are typically more responsive to treatment. A 2002 review of 25 studies concerning juvenile sex offense recidivism rates reveals that youth who commit sex offenses have a 1.8 - 12.8 percent chance of re-arrest and a 1.7 - 18.0 percent chance of reconviction for another sex offense. The overwhelming majority of youth who commit sex offenses do not re-offend. Most children who offend are not sexual predators, and they do not meet the accepted criteria for pedophilia.

Adam Walsh requirements as applied to children are contrary to the core purposes, functions and objectives of our nation's juvenile justice systems in that they strip away the confidentiality and the overall rehabilitative emphasis that form the basis of effective intervention and treatment for children who offend. In Tennessee's



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current judicial system, children charged with the most serious crimes are already transferred to adult court and required to register on the Sex Offender Registry.

People who work with families and courts are concerned sex offenses may go unreported when families realize their children will have to register. In many cases the incident is intra-family and the victim may be a younger sibling or cousin, making families less likely to report, and children less likely to receive the treatment they need. Registration will disrupt families and communities across the nation because the requirements do not just stigmatize the child; they stigmatize the entire family, including parents and other children in the home.

Public registration and community notification requirements can complicate the rehabilitation and treatment of these youth. In some cases, children who are required to register have been harassed at school, forcing them to drop out. The stigma that arises from community notification serves to exacerbate the poor social skills many children who offend possess, destroying the social networks necessary for rehabilitation. Education itself is vital to reducing the risk of further criminal behavior.

Tennessee public policy should focus on the safety of communities and the best interests of children. Sex offender registration requirements for children serves neither purpose.

Resources

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- HUMAN RIGHTS WATCH, NO EASY ANSWERS: SEX OFFENDER LAWS IN THE U.S. 12 (2007), available at <http://hrw.org/reports/2007/us0907/us0907web.pdf>. NO EASY ANSWERS is the first comprehensive study in the United States regarding sex offender policies, their impact on public safety, and their effect on former offenders.
- Human Rights Watch, Sex Offender Laws May Do More Harm Than Good (2007), available at <http://hrw.org/english/docs/2007/09/06/usdom16819.htm>. The Human Rights Watch released the 146-page report on September 12, 2007. Id. In the report, the Human Rights Watch urges reform of the Adam Walsh Child Protection and Safety Act of 2006 (AWA), and recommends that states refuse to change their registration and community notification laws to meet the AWA’s requirements.

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New Foster Care Alumni Group Formed

Young people who aged out of foster have a formed an organization to make life in state custody better for those who follow them.

In Tennessee, 400 young people age out of foster care each year, according to the organization. Unfortunately, these youth, without family support and often with disrupted and inadequate education, face daunting challenges.

The organization, a state affiliate of Foster Care Alumni of America, is building momentum and establishing a statewide network. Months after forming as a chapter, the group has at least 75 members, according to Joshua Conner, a youth member of the Tennessee Commission on Children and Youth and the president and one of the organizers of the Tennessee chapter. The organization is setting up its structure and recruiting new members.

“Our own individual healing is not enough,” Conner said. “We are also organizing a statewide network of activists committed to making foster care a priority for state and local officials, community leaders and individuals.” Conner said the group is working to establish support groups in every county in the state.


Tennessee is a pioneer with this organization, which has the support of the Casey Family Programs (the founding sponsor), the Annie E. Casey Foundation, and the Pew Charitable Trusts. The national organization has two goals:

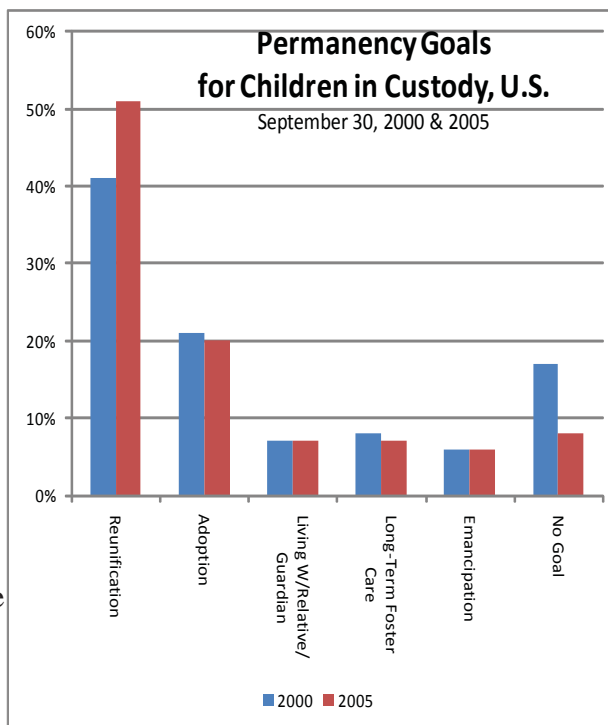
- To connect the 12 million foster care alumni community to form a supportive extended family that shares a culture and experience;
- To transform foster care practice and policy through advocacy.

The Tennessee chapter opposes Senate Bill 78, which would limit the types and number of families who would be able to foster and adopt (explained more fully on page 2). The group is also supporting the Walk Me Home fund-raiser.

A reunion picnic for foster care alumni is scheduled for July 27; more information about the event will be available on the group’s website.

Membership in the organization is not limited to foster care alumni, although organizers are working to assure that a majority of the membership has personal experience in foster care. Contact the group for information about membership and other activities.

To contact the group, contact the Foster Care Alumni-Tennessee Chapter at PO Box 150146, Nashville, TN, 37215, (615) 294-0654 or TNChapter@fostercarealumni.org. The organization’s website is <http://www.fostercarealumni.org/TNchapter>, and it also has a page on Facebook. 



Foster Parent, Alumni Group Supporting Walk Me Home Events

Foster parents speak out for the children in their care and to advocate for foster parenting through the Tennessee Foster Adoptive Care Association, Inc.

The organization also supports and manages the Roy Carroll Foster Children's Memorial Scholarship Fund, named for a former foster parent. This fund pays the fees to allow foster children to go to camp, including sports and band camp.


The Tennessee group is participating with the National Foster Parent Association in the Walk Me Home...to the Place I Belong, a nationwide walk for foster care. The Nashville fund-raising walk will be at Bicentennial Mall on May 2. For information about events in Chattanooga, Knoxville and Memphis, as well as the Nashville event, contact www.walkhome.org/site/PageServer?pagename=findawalk.



Additional Tennessee sponsors include the Advocacy Program, Agape Means Love, Banc services group, Camelot Care, Youth Villages, Adoption, Support and Preservation, Catholic Charities, OmniVisions, the Tennessee Department of Children's Services, Harmony Adoptions, Stern Family Law and Cumberland Hall-Chattanooga.



Tennessee Foster Adoptive Care Association's website is www.tfaca.org. The Tennessee Foster Parents' Bill of Rights can be found at www.tfaca.org/rights.html.


NOTE: TCCY as a general rule does not promote fund-raisers but included this one because of our support for improved services for foster children and empowerment for foster care alumni. 

Federal Legislation Adds Options to Serve Older Youth, Increase Adoption Support

Federal legislation gives states more options in serving older youth and increasing adoption and other types of permanency. The state's responsibility for children in foster care who could not return to their home and have not found an adoptive family generally ends at age 18. The Chafee Foster Care Independence Program, begun in 1999, extended some services to children age 18 and over. In 2008, the Fostering Connections to Success and Increasing Adoptions Act expanded services for children in care. Its goal is to improve outcomes for children in care and improve incentives for adoption.

The federal legislation would allow states to extend foster care and adoption assistance to individuals up to age 21 who are:

- Completing secondary education or equivalent credential;
- Enrolled in an institution providing post-secondary or vocational education;
- Participating in a program to promote or remove barriers to employment;
- Employed for at least 80 hours per month; or
- Incapable of doing these activities due to a medical condition.

In some cases, the law also allows states to choose to continue adoption assistance or guardianship payments up to age 19, 20 or 21. In addition, the law gives states options to provide kinship guardianship assistance for families. It also administers grants to provide services for families in kinship relationships, including funding for a kinship care ombudsman; requires states to exercise due diligence in locating other adult relatives when children are removed from parents; lowers licensing standards on a case by case basis for family foster homes; improves professional training; requires "reasonable efforts" to place siblings together; and sets up programs to improve educational stability and health care coordination for children in care. 



CASA Programs Expand Since 2006

Each year at this time, TCCY weekly updates advocates about the activities of the Tennessee General Assembly. They are encouraged to observe the progress of legislation and budget proposals and let legislators know how children and communities would be affected. It is equally important to occasionally look at their impacts.

Advocates can thank the Legislature for a success. In 2006 it increased Court Appointed Special Advocate (CASA) funding by \$150,000 to support the creation of new programs in 10 counties. This change resulted from legislators who respected the program and wanted it in their regions coupled with the efforts of advocates led by TCCY and the Tennessee CASA Association.

Since the passage of the budget increase, the number of counties with CASA programs increased from 26 in January 2006 to 37 in January 2009, according to Cheryl Hultman, executive director of the Tennessee CASA Association, Inc.

“That growth is mainly due to the fact that the \$15,000 has been available for beginning counties,” Hultman said. “It provides a base of funding from which they can build.”

This increase in programs means more children are being served. During the first half of FY 2009 (July to December, 2008), the number of children served (3,405) nearly equaled the total for all FY 2006 (3,490).

The number of children served increased 12 percent per year between FY 2006 and FY 2007 and again between FY 2007 and FY 2008. As new projects have matured, however, the number of children has mushroomed.

The 37 counties are served by 21 programs, five of which began in or after 2006. Tennessee CASA programs began in the middle 1980s, with the first being in Davidson County. The number grew steadily over the years but speeded up after the new legislation.

TCCY shares the goal of having all children in state custody have access to a CASA volunteer. Although there are limits to the money TCCY has available for CASA programs, advocates can work to expand CASA programs in Tennessee in the future.

Court support is the first step in creating a new CASA program. As is suggested by the name, “Court Appointed,” volunteer CASA advocates must be appointed by the court. If the judge is supportive, local supporters can begin the other steps – getting community support and setting up a new program.

Advocates in counties without programs can contact the Tennessee CASA Association by phone at (615) 220-3990 or (866) 498-1864 (toll-free) or e-mail at tncasa@bellsouth.net. The agency’s website is www.tncasa.org. 