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While the official summary idealizes HB23-1024, **the truth is it will bring terrible unintentional consequences for vulnerable children**. Below are some of the main points against this legislation, along with a small sampling of the available research, although there is much more that can be easily found.

- 1) If our primary purpose is to protect the best interests of children, the proposed legislation wantonly ignores two essential considerations:
  - a) The preeminent importance of attachment<sup>1</sup>. This has far-reaching implications. An overwhelming preponderance of research shows the following:
    - i) The trauma caused by disrupting key attachments can have significant, lifelong effects, influencing how people are able to form future relationships<sup>2</sup>. The fact that attachment is “ordinary” does not mean it should be ignored, is any less precious, or is any less detrimental if damaged<sup>3</sup>.
    - ii) Outcomes are significantly worse when placements are more numerous<sup>4</sup>. The proposed legislation wisely seeks to limit placement changes, which it will successfully do when more initial placements are with kin. However, this bill will also force traumatic, unnecessary, additional placement changes in situations when the child was already secure. For example, a kinship placement option is found after a child has already been placed for ten months with a foster family who is a permanent option, and the foster child is already securely attached to the foster family. This bill would increase the likelihood of a harmful placement change that otherwise wouldn't have occurred. More placement changes are proven to correlate to incarceration in adulthood<sup>5</sup>, poor physical health, poor executive functioning and academic achievement<sup>6</sup>, and behavior problems<sup>7</sup>; this bill will cause more placement changes for foster children who otherwise would not have been moved.
    - iii) Even infants placed with foster families at birth begin to form preferential relationships with the people who care for them most often within 4 months<sup>8</sup>. Waiting 12 months for foster parents to be able to intervene is far too long, especially because young children cannot advocate for themselves. More information makes it more likely a court will make the right choice, especially when that information is from people who know the child best.
    - iv) The longer a placement is, the more traumatic a separation from primary caregivers can be once an attachment has formed. Therefore, when placement changes are appropriate, they must be done as early as possible in a case to minimize trauma to children. Furthermore, caregivers should consider gradual transitions when this would minimize trauma. This legislation leaves no room to consider these factors.

<sup>1</sup> Lieberman, A.F., & Van Horn, P. (2008). *Psychotherapy with infants and young children: Repairing the effects of stress and trauma on early attachment*. New York, NY: Guilford Press

<sup>2</sup> Miranda, M., Molla, E., & Tadros, E. (2019). Implications of Foster Care on Attachment: A Literature Review. *Family Journal*, 27(4), 394–403

<sup>3</sup> Shpiegel, S. (2015). Resilience among older adolescents in foster care: The impact of risk and protective factors. *International Journal of Mental Health Addiction*, 14, 6–22

<sup>4</sup> Fisher, P.A., Mannering, A.M., Van Scoyoc, A., & Graham, A.M. (2013). A translational neuroscience perspective on the importance of reducing placement instability among foster children. *Child Welfare*, 92, 9-36.

<sup>5</sup> Jonson-Reid, M., & Barth, R. P. (2000). From placement to prison: The path to adolescent incarceration from child welfare supervised foster or Group Care. *Children and Youth Services Review*, 22(7), 493–516. [https://doi.org/10.1016/s0190-7409\(00\)00100-6](https://doi.org/10.1016/s0190-7409(00)00100-6)

<sup>6</sup> Leathers, S. J., Spielfogel, J. E., Geiger, J., Barnett, J., & Vande Voort, B. L. (2019). Placement disruption in foster care: Children's behavior, Foster parent support, and parenting experiences. *Child Abuse & Neglect*, 91, 147–159. <https://doi.org/10.1016/j.chiabu.2019.03.012>

<sup>7</sup> Aarons, G. A., James, S., Monn, A. R., Raghavan, R., Wells, R. S., & Leslie, L. K. (2010). Behavior problems and placement change in a national child welfare sample: A prospective study. *Journal of the American Academy of Child & Adolescent Psychiatry*, 49(1), 70–80. <https://doi.org/10.1016/j.jaac.2009.09.005>

<sup>8</sup> Smariga, M. (2007, July). *Visitation with infants and toddlers in foster care: What judges and attorneys need to know*. (Policy & Practice Brief). American Bar Association/ZERO TO THREE.

b) The fact that foster parents, especially with young children, often know the most about the child's needs. There seems to be a condescending preference for decisions to be made by "the professionals," which fails to acknowledge the following:

- i) Foster parents are paid and extensively trained for their work. As such, they are professionals.
- ii) Most of the other professionals spend very little time with foster children, often less than an hour per month. Many of the professionals making decisions about children's lives have never met those children. Foster parents spend many waking hours every single day with their foster children.
- iii) Because of the limited child-specific knowledge of the other professionals, their tendency to be overwhelmed and to therefore deal in generalities, pressure from superiors to achieve certain broader systemic goals, and other factors, the other professionals sometimes recommend a course of action that is not in the child's best interests. In this way, foster parents are a "last line of defense" acting on a child's behalf.
- iv) Devaluing foster parents' voices is contrary to our democratic values. Taking the time to hear others' perspectives can be inconvenient, inefficient, and even costly. However, our society must be able to withstand the inconvenience of divergent voices, especially when they provide information regarding the care of vulnerable children. Pride comes before a fall, and this legislation smacks of hubris, the glaring condescension of so-called professionals who think they corner the market on knowledge of child welfare.

- 2) We already have a shortage of foster parents. This bill further disenfranchises and silences foster parents, which will likely exacerbate that shortage.
- 3) An absolute preference for kin is appropriate for initial placement, but not placement changes. Those considerations are more nuanced because of the importance of attachment.
- 4) In addition to ignoring attachment, firm language about kin preferences is too absolute. The current CRS 19-3-702 (6) does a much better job of considering key factors and incorporates more nuance. Other important variables that should be considered, such as the timing of placement change, whether the child knows the kin, whether the kin is connected to the rest of the family and/or the child's community, the age and development of the child, and how close of a relative the kin is. For example, a grandparent who has regularly been a part of the child's life should probably be more preferred than a second cousin twice removed who has never met the child. *Based on the wording of these proposed changes, here's what could happen: a great-aunt living on the other side of the country who was estranged from her family and had never met her infant great-niece could be found late in a case after the baby was already securely attached to her foster parents. Even though the child's parents want her to stay with the foster parents, partly because her sibling resides nearby with friends of the foster parents, that child could be taken from everything she knows and given to the great-aunt simply because she is kin. Sound unrealistic? That exact scenario happened two years ago in Larimer County under **current law**. This proposed legislation now makes situations like that much more likely.*

5) The definition of *kin* in CRS 19-1-103:

"Kin", for purposes of a "kinship foster care home" or for purposes of "noncertified kinship care", may be a relative of the child, a person ascribed by the family as having a family-like relationship with the child, or a person that has a prior significant relationship with the child. These relationships take into account cultural values and continuity of significant relationships with the child.

- Including *relative* and *kin* in proposed legislation is redundant. All relatives are kin by definition.
- Once foster children have established a family-like relationship, foster parents should be considered to have "a family-like relationship with the child." However, judges will interpret this inconsistently, and some will ignore it entirely.