

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

TESTIMONY ON HB 2846

House Committee on Early Learning & Children's Services

January 24, 2008

Olympia, WA

Good morning Representative Kagi, and Members of the Committee. My name is Mary Meinig and I am the Director of the Office of the Family & Children's Ombudsman. We welcome this opportunity to comment on HB 2846.

- This bill establishes a process for adoptive parents to enter into voluntary out-of-home placement agreements for adopted children in crisis.
- The purpose of these voluntary out of home placement agreements is to respond to situations where the child's behavior, as a result of mental or behavioral issues, exceeds the adoptive parent's ability to safely and effectively manage the child at home. We know this phenomenon is all too real from the complaints we receive at OFCO on an annual basis.
- We appreciate the bill's recognition of the need for a cooperative relationship between parents seeking help in meeting their adopted child's mental or behavioral health needs, mental health professionals, and the Department of Social and Health Services (DSHS). This intent appears in several contexts: For instance, the bill sets forth that permanency planning for the child will be the joint responsibility of DSHS and the parents in consultation with mental health professionals; it also establishes that the rights and obligations of the parent as well as the child and DSHS will be set forth in the voluntary placement agreement. We believe this has the potential to lessen the stigma that currently exists for parents who are unable to manage their adopted children at home and need to temporarily place them out of the home.
- We support the establishment of this mechanism for placement and the bill's provision that parents would retain legal custody of the child while the Department of Social and Health Services would assume temporary responsibility for the child's placement and treatment.
- This bill may also provide reassurance to prospective adoptive parents who are concerned about what the future might hold for them as a family of an adopted child. They want to know that if they hit hard times with their adopted child who may have behavioral problems or mental health issues that could become exacerbated during adolescence, that the parents will be able to get the help they need through residential treatment. This may make them more willing to make a permanent commitment to a child than they might otherwise be.

- As you know, in OFCO's 2006 Annual Report, we highlighted the inadequacies of the current system's response to families of adopted children with mental illness and developmental disabilities. We made several findings that formed the basis for our recommendations for improvements. These were that:
 - It is a fractured system in which no single agency assumes leadership and responsibility;
 - The lack of a single agency that is ultimately responsible leads to a culture of passivity and avoidance;
 - The system is designed to avoid out of home placement --we agree that less restrictive alternatives should be tried 1st—which is what this bill requires-- but not to the extent that harm is inflicted on other members of the household in the interim;
 - It is a system that at best is onerous and fraught with delay. At worse, it is punitive -- in other words, whether intentional or not, families are frequently made to feel bad or ashamed that they cannot cope with their mentally ill children in the home (we have seen situations in which families were either threatened with or actually referred for criminal prosecution for abandonment of their child);
 - Help to families is not intensive enough at the front end so that by the time they come to OFCO seeking help they can no longer cope with their child remaining in the home and there is a risk that the adoption will be significantly disrupted.

- Perhaps most significantly, this bill provides under section 3 that DSHS is responsible for the costs of treatment to a child who is accessing services under a voluntary placement agreement. Funding of residential treatment will alleviate the financial stress many families face when trying to get their child the help they need.

We thank Representative Kagi and other members for their sponsorship of this measure and thank the Committee for this opportunity to testify.