

**Testimony before the House Judiciary Committee**

**House Bill 893: Foster Parents, Kinship Parents, Pre Adoptive Parents, and Caregivers - Right to Intervene**

**\*\*Oppose\*\***

**February 18, 2021**

We have great respect and admiration for resource parents and others caring for children in the state's custody. However, we are concerned about unanticipated consequences of "HB 893: Foster Parents, Kinship Parents, Pre-Adoptive Parents, and Caregivers - Right to Intervene" that are not in the children's best interests. We agree that the insertion of, "Kinship Parents" wherever foster caregivers are mentioned is important. Kinship parents – typically called "formal kinship parents" to denote caring for a child in state custody - are those related by blood, marriage - or of the heart. These caregivers meet safety standards but aren't approved and reimbursed as resource or foster parents and ought to have the same legal rights. However, we oppose giving alternative caregivers the right to intervene as a party in legal proceedings involving the children in state custody.

When children enter Out of Home Placement, alternative caregivers have the difficult work of welcoming children into their homes and into their hearts, and then returning them to parents who may have fewer economic and emotional resources and a history of maltreatment. It's all too easy to default to a bias against biological parents, a feeling they are bad and undeserving people – after all, they harmed a child. However, in real life these parents, too, have typically been victims of maltreatment, been exposed to multiple traumas, and live in communities with inadequate housing and other supportive resources. Despite parenting that became unsafe, families of origin love their children.

Right now, alternative caregivers have the opportunity to be heard in court hearings, enabling the sharing of critical information. Children also have attorneys who represent their wishes, or if the child is deemed not to have considered judgement, their interests, and can also speak to the bond between the alternative caregiver and the child.

Giving foster parents the same legal standing as that of a biological parent – some from the day of a child's entry into foster care if the court allows it - on the other hand, has the potential to be damaging instead of helpful. Instead of encouraging the kind of teamwork and collaboration with the biological parent that works best for the children, giving equal legal standing has the potential of pitting foster caregivers against the parents of the children for whom they've agreed to provide temporary care.

While the voice of foster parents have been heard with respect to crafting this legislation, it seems apparent that the biological parents' voice has not. That's too bad; the initial goal is always reunification and we want parents to feel empowered, not disempowered. At least as important, children fare best when caregivers form partnerships with the children's parents, not take sides against them.

With respect to sharing information, there is no doubt that resource families and kinship parents are critical members of the team. It is imperative that all Information necessary to provide care to the child be shared with the caregiver, a requirement already in statute. Whether failure to share that information is a training or enforcement issue, without anything but anecdotal information the prevalence remains unknown, and the cause is hard to pinpoint.

Protected information is that which may be personal to the child's family, and not pertinent to the care of the child. Just as the information in a home study isn't released to a biological parent out of respect for privacy

concerns, details about a biological parent that are irrelevant to the care of the child may similarly remain confidential. Making the openness of this information a matter for the court to decide resonates as an opportunity to undermine and disrespect parents, and damage the kind of collaborative relationships that best serve children's interests.

As a result, we ask that you oppose HB 893: Foster Parents, Kinship Parents, Pre Adoptive Parents and Caregivers – Right to Intervene. This bill has the potential to promote animosity between foster caregivers and the parents of those the children they care for, conflict that is antithetical to the team work that best serves the children and results in achieving timely permanence. Releasing information relevant to the care of the child is already required, and no further legal action is necessary to make that possible.

To summarize, we believe that this bill, however well-intended, could unwittingly damage the children in our care, and that it's unnecessary because of the protections already in place for foster caregivers to have a voice in legal proceedings. As for releasing personal information unrelated to the child's care, biological parents are human beings deserving the respect of confidentiality. On the other hand, adding kinship parents wherever alternate caregivers are mentioned is sensible and long overdue.

Respectfully submitted:

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Legislative Chairperson