



**Statement by**

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Chairwoman Hagan, Ranking Member Enzi, and members of the Subcommittee, thank you for inviting me to testify. I am pleased to have the opportunity to share with you the Department of Health and Human Services' (HHS) response to two very serious issues confronting the field of child welfare: the practice of adoptive parents "re-homing" their adopted children and human trafficking.

I am Joo Yeun Chang, Associate Commissioner of the Children's Bureau. I have worked as a national advocate on child welfare policies both as a senior staff attorney at the Children's Defense Fund and immediately prior to my appointment to the Bureau, I worked at Casey Family Programs Foundation where I worked closely with state and local child welfare agencies. In my current role, I oversee the federal foster care and adoption assistance programs as well as a range of prevention and post-permanency initiatives.

### **Re-homing**

The term "re-homing", a term typically used by pet owners seeking new homes for their pets, has become widely used to describe the behavior of these parents who sought to relinquish care of their adopted children outside the purview of the courts or public child welfare agencies. In September 2013, the Reuters News Agency reported on its investigation of an online Yahoo group bulletin board known as "Adopting-from-Disruption." This bulletin board, and nine others like it that have been identified, were ostensibly intended to provide "a place where struggling parents sought support from one another." In a small but significant number of cases, however, these bulletin boards were used as a means for adoptive families to "advertise" and facilitate placements of their children with non-relative strangers. The adoption site highlighted in the article, on which 261 posts for re-homing children had been placed over a five year period, has since been shut down.

According to the Reuters article, nearly 70 percent of the children advertised for re-homing on the Yahoo bulletin board who were investigated were born overseas and are presumed to be international adoptees. Many of the stories highlighted in the Reuters' investigative series described parents who were unable to meet the complex emotional and behavioral needs that emerged post-adoption. Some of the parents interviewed reported seeking, without success, assistance from public child welfare agencies. These parents turned to online forums to advertise and facilitate the placement of their children without the benefit of safety and criminal background checks or a home study to determine the appropriateness of the placement. Instead these parents delegated to strangers the authority to make education and health decisions on behalf of their child through power of attorney documents.

Parents have a legal responsibility to protect and care for their children. Delegating responsibility for a child to a potentially unfit and unsafe individual through a power of attorney does not insulate parents from state laws regarding imminent risk of serious harm. The Reuters article suggests that children advertised on these message boards are often placed in unsafe environments and are highly vulnerable to exploitation.

The practice of re-homing is unacceptable, is clearly an act of abuse and neglect, and should receive the full attention of child welfare agencies.

Many of the key legal requirements relating to child abuse and neglect, guardianship and power of attorney, and adoption are determined by states. Under the Child Abuse Prevention and Treatment Act (CAPTA), states must have provisions and procedures to receive and respond to all reports of child abuse or neglect. CAPTA defines child abuse and neglect as, “at a minimum any recent act or failure to act on the part of a parent or caretaker, which results in the death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.” State laws then determine what constitutes abuse, neglect, abandonment, or exploitation of children. States also establish rules related to guardianship and power of attorney. In addition, states set the rules for domestic adoption and recognition of adoptions finalized in other countries, including criteria for the termination of parental rights and how advertising of an adoption may occur.

The prevalence of re-homing and adoption disruption/dissolutions is difficult to measure precisely as there are limited formal means by which this information is reported. Title IV-B of the Social Security Act requires that states collect and report information on children who are adopted from other countries and who enter into state custody as a result of the disruption of a placement for adoption or the dissolution of an adoption. These requirements apply only to those children and families that become involved with state child welfare agencies. Some information about adoption from foster care can be found in reports from the Children’s Bureau’s Adoption and Foster Care Analysis and Reporting System, and some information on international adoptions can be obtained from visas issued by the State Department. However, to our knowledge, there is no central registry or clearinghouse for information on private, domestic adoptions.

One thing I think the investigation by Reuters further highlights is the call for enhanced preparation, support, and post-adoption services for all adoptive families. We also recognize the great number of foster parents raising children that are unrelated to them without the benefit of adoption or guardianship.

Child welfare is largely under the purview of state laws. The federal government provides a minimum definition of child maltreatment, grants to support a range of prevention, intervention and post permanency supports, and technical assistance and guidance on a range of issues. For example, the Children’s Bureau released new guidance to the states on May 30, 2014 in the form of an Information Memorandum (IM) to help support children and families affected by disrupted adoptions.

This memorandum provides an overview of the practice of re-homing of adopted children, conveys concerns about this practice, and encourages state title IV-B and IV-E agencies to develop and promote the provision of post-adoption services and resources to adopted children and youth including those adopted internationally. Agencies were further encouraged to promote the availability of post-adoption services and resources through various means of outreach and information sharing to the adoption community.

The IM encourages states to develop and provide a continuum of post-adoption services for adoptive families, both domestic and international, so as to provide interventions and support before families are in a state of crisis.

The Children's Bureau issued two funding opportunity announcements this spring related to enhanced development and availability of post-adoption services that would be available for all adopted children and youth. These funding opportunities are intended to strengthen the relationships between adoptive children and families. This first funding opportunity, the National Adoption Competency Mental Health Training Initiative, is intended to improve the well-being of children before adoption and provide therapeutic post-adoption support. The second, the National Quality Improvement Center for Adoption/Guardianship Support and Preservation, is intended to establish a center to conduct projects with selected state child welfare systems to improve the behavioral health of adoptive children. A wide range of parties are eligible to apply under these funding opportunities including public and private agencies, universities, and state and local governments.

Our goal is to produce, through these funding opportunities, models of evidence-based services for all states in designing a successful system of pre- and post-adoption supports including in-home counseling, 24-hour call center support, 24-hour in-home crisis intervention, mental health services, and support groups.

In addition to a call for increased services and supports for adoptive families to prevent re-homing, the Reuters article also brought to our attention the need to provide guidance to the states on how to respond when parents place their children in dangerous situations. State laws determine what constitutes abuse, neglect, abandonment, and exploitation of children. States also establish laws related to guardianship and power of attorney. Finally, states establish the laws for domestic adoption and recognition of adoptions finalized in other countries, including criteria for the termination of parental rights and how advertising of a child eligible for adoption may occur.

The Children's Bureau, through the IM, encourages states to review their laws that govern these areas to ensure that the issues that arise through the practice of re-homing are adequately addressed. Some states are already amending their statutes in response to the practice of re-homing. For example, Wisconsin recently enacted a law that expands their existing prohibition of advertising a child for adoption to include electronic media, requires that delegation of parental powers to a non-family member for more than a year be approved by a juvenile court, and prohibits the unauthorized interstate placement of children. Louisiana passed a law prohibiting the practice of transferring custody of adopted children to unrelated individuals without court approval.

In addition to these activities, the Children's Bureau participates with the State Department, U.S. Citizenship and Immigration Services, and the Department of Justice in monthly calls related to broader re-homing issues. We are working with these agencies to develop collaborative strategies to encourage practice and policy changes and to assist states in developing supportive services.

## **Child Trafficking**

I would now like to turn my focus to the issue of child trafficking.

HHS is committed to ensuring that victims of all forms of human trafficking – adults and children; foreign national, citizens, and legal residents; survivors of labor and commercial sexual exploitation – have access to the support they need to foster health and well-being. The Children’s Bureau is an active member of the Administration for Children and Families and HHS working groups on human trafficking seeking to strengthen coordination across multiple programs and services within the Department and collaborating with federal partners through inter-agency initiatives.

Abused and neglected children are vulnerable to trafficking. Some trafficked children have had contact with child protection services in some form, either as current or previous wards of the state, as residents in foster care or group homes, or after running away from foster care. In some cases, they may even have been recruited and victimized by traffickers while they were receiving these services.

In order to better understand and serve child victims of human trafficking, child welfare agencies are strongly encouraged to build internal capacity to work with victims of human trafficking. Capacity building should include areas such as institutional education, staff training, supporting policies and procedures, appropriate screening and assessment tools, resource development, and data collection and analysis. Child welfare capacity building efforts can leverage the existing training and technical assistance available through the National Human Trafficking Resource Center, a 24-hour national hotline also supported by the Administration for Children and Families. Child welfare agencies should engage in system-wide outreach to support similar capacity-building efforts in other systems such as the runaway and homeless youth and juvenile justice areas. Child welfare agencies should also collaborate with existing community-based task forces, coalitions, and organizations focused on responding to human trafficking. With coordinated efforts in these areas, we hope to decrease vulnerability to trafficking among children and youth and to equip systems and services to identify and intervene early to address the needs of victimized young people.

There is a limited amount of aggregate data to identify the prevalence and characteristics of victims of human trafficking within the child welfare systems. Nonetheless, efforts to systematically measure the size of this (and the re-homing) population is crucial in understanding the scope of the problem. Similarly, while there are some emerging practices within child welfare systems, as well as other sources within the child protection community, there is still work to be done to create an evidence base on effective interventions and practices that promote better outcomes specifically for child trafficking victims. Building a more solid evidence base with better data will be necessary to all efforts to end trafficking.

The Children’s Bureau is committed to providing information to states and service programs to build greater awareness and better response to the problem of child trafficking. In June 2013, the annual Trafficking in Persons Report released by the Department of State noted a need for HHS to provide formal guidance to child welfare agencies on the prevention of and response to child

trafficking. In September 2013, we published the *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*. This guide is intended to elevate the issue and offer guidance to child welfare system service providers, based on current research and practice, to improve the collective response to this issue. This guidance acknowledges emerging knowledge and practices that systems and services can consider integrating into existing activities.

No single system can successfully combat trafficking. Preventing, identifying, and serving victims of trafficking require a multi-system, coordinated approach within and across local, tribal, state, and federal levels. That is why the Children's Bureau developed a funding opportunity announcement (FOA) titled "*Grants to Address Trafficking within the Child Welfare population.*" This grant is designed to continue the development of child welfare systems' response to human trafficking through infrastructure building, and a multi-system approach with schools, local law enforcement, juvenile justice, courts systems, runaway and homeless youth programs, Children's Justice Act (CJA) grantees, child advocacy centers, anti-trafficking organizations, and other necessary service providers. It is noteworthy that CJA grantees provide training to mandated reporters, and this grant program could provide an opportunity to increase training to various mandated reporters regarding trafficking.

We are also partnering with the HHS Assistant Secretary for Planning and Evaluation to fund a contract to examine the intersection of human trafficking with child welfare and runaway and homeless youth programs. This contract will identify a screening tool and protocol that can be used by youth serving programs to identify youth who are victims of human trafficking; pilot study the feasibility (viability), reliability, and validity of implementing this screening tool/protocol in child welfare and runaway and homeless youth settings; and identify data elements that can be collected and reported in order to better determine the extent of the problem and improve services to youth.

These examples demonstrate ACF's commitment to strengthening services to human trafficking victims found in the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States for 2013-2017*.

The Administration looks forward to working with each of you to address both of these crucial issues and improve services to some of our most vulnerable youth.

Again, thank you for the opportunity to testify today. I would be happy to answer any questions.