



*100 years of serving our nation's children and families*

# Taking the “Special” Out of Special Needs Adoption: Developing a Concept for the Future

Centennial Topical Webinar Series

April 26, 2013

Note: for audio please dial 888-790-1821, pw: 3402475



# How the Heck Did We Get Here?

Presented at:

Taking the “Special” Out of Special Needs Adoption:  
Developing a Concept for the Future.

Children’s Bureau Centennial Webinar  
April 26, 2013

Penelope (Penny) L. Maza, Ph.D.  
Child Welfare Consultant  
[pennymaza@gmail.com](mailto:pennymaza@gmail.com)



# Historical Context

- The work of the adoption visionaries in the 1970's
  - Move focus from:
    - Long-term foster care to permanency (Oregon Project, Permanency Planning Project)
    - Healthy white infants to foster children
    - Voluntary relinquishment (surrender) to involuntary, court-ordered termination of parental rights
  - Underlying principle:
    - Every child is adoptable. The child's "adoptability" is a function of the agency's ability to find a home for the child. Therefore, the child is not "hard to place" but is a child "for whom it is difficult to find an adoptive placement."

# Solutions

- Providing financial assistance to meet adoptive children's needs.
- Presenting children in a more positive light to potential adoptive parents.
- Adoption Subsidy/Assistance
  - By the beginning of the 1980's, many States had adoption subsidy programs to provide financial support to a subgroup of children adopted from the foster care system.
  - Public L. 96-272, the Adoption Assistance and Child Welfare Act of 1980 established the Title IV-E Adoption Assistance Program, a non-means tested entitlement program based on the needs of the child.

# How many and who?

- There were no systematic data on how many children would be eligible for these funds. It was expected that they would be a very small percentage of the small number of adoptions.
- As an example of how challenging getting children adopted was at this time, one of the visionaries told me that, early on, the kind of child who would have been considered a child for whom it was difficult to find an adoptive placement would be a healthy white infant born to a mentally retarded mother.

# Labeling

- The barrier to how the children were presented to potential adoptive parents was found in labeling. Needed to find a “nice” way to describe the “hard to place” children because using the descriptive phrase “children for whom it is difficult to find an adoptive placement” was cumbersome. The visionaries decided on “special needs.”
- Federal adoption assistance forever linked the concept of “special needs” to adoption assistance eligibility. The statute let the States define special needs, but listed a number of categories as examples: member of a minority or sibling group, medical, physical, emotional handicap. These soon became “musts,” although States set their own criteria for age and some of the other categories.

# Today's Challenges

- Data and Practice
  - Through both improved data and practice, it became clear that almost all waiting children qualified as “special needs.”
  - By Federal Fiscal Year 2011, 90 percent of the approximately 50,000 children adopted from foster care received either State or Federal adoption assistance.
  - Who are the 10 percent?
  - Is this a distinction without a difference?

# Today's Challenges (continued)

- There are differences in the meaning of the term in child welfare vs. education, health and other fields.
- Nobody ever asked those to whom it applied whether they liked it.
- As currently used, it is a stretch to apply the term to some child populations about which there is growing interest and need for adoptive homes to meet their unique circumstances:
  - Early on: children who may have delayed health effects from in utero drug exposure, etc.
  - More recently, LGBT children/youth, non-English speaking children, children from dissolved international adoptions, etc.

# Questions

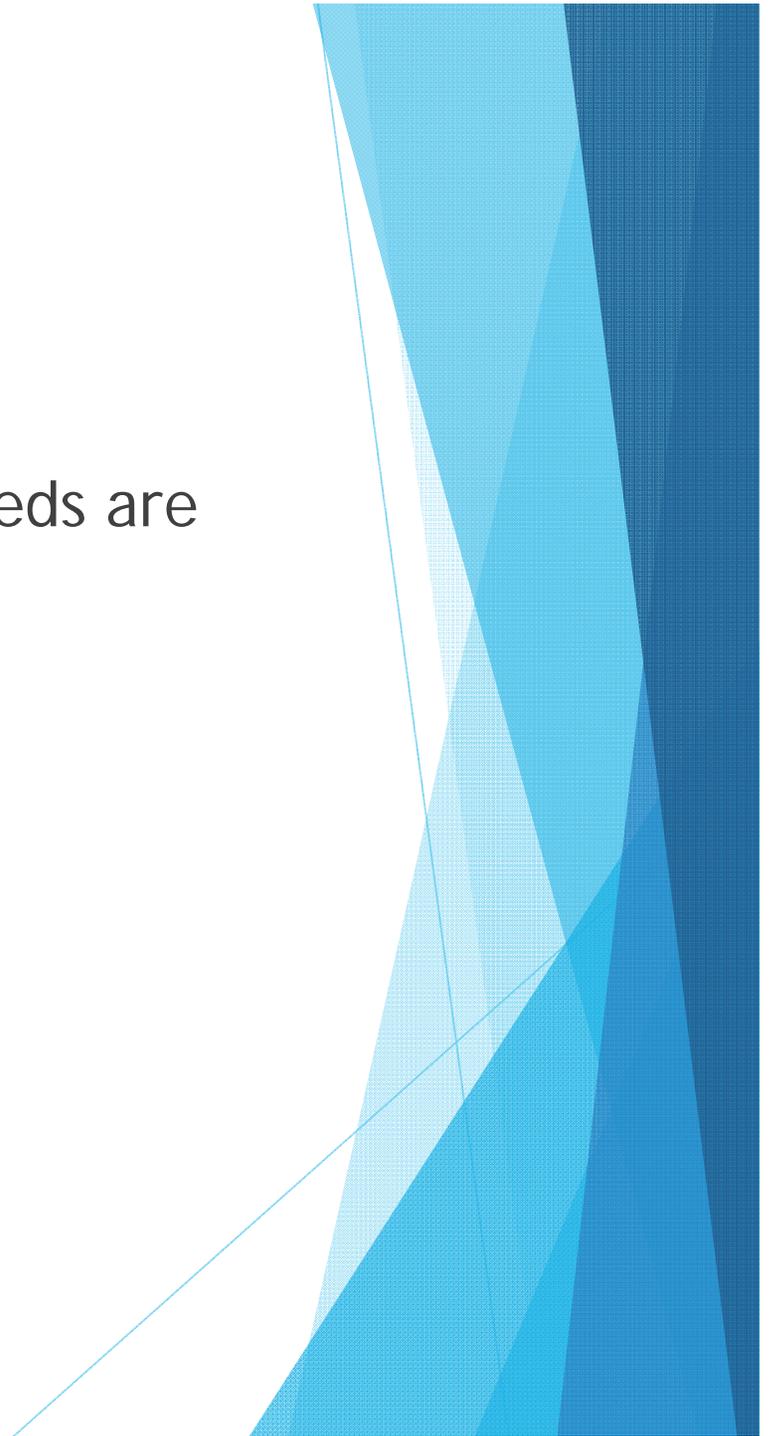
- Is it time to develop a new term?
- Do we need one at all to describe waiting children?
- If we need one, what should it accomplish?
- What should it be?



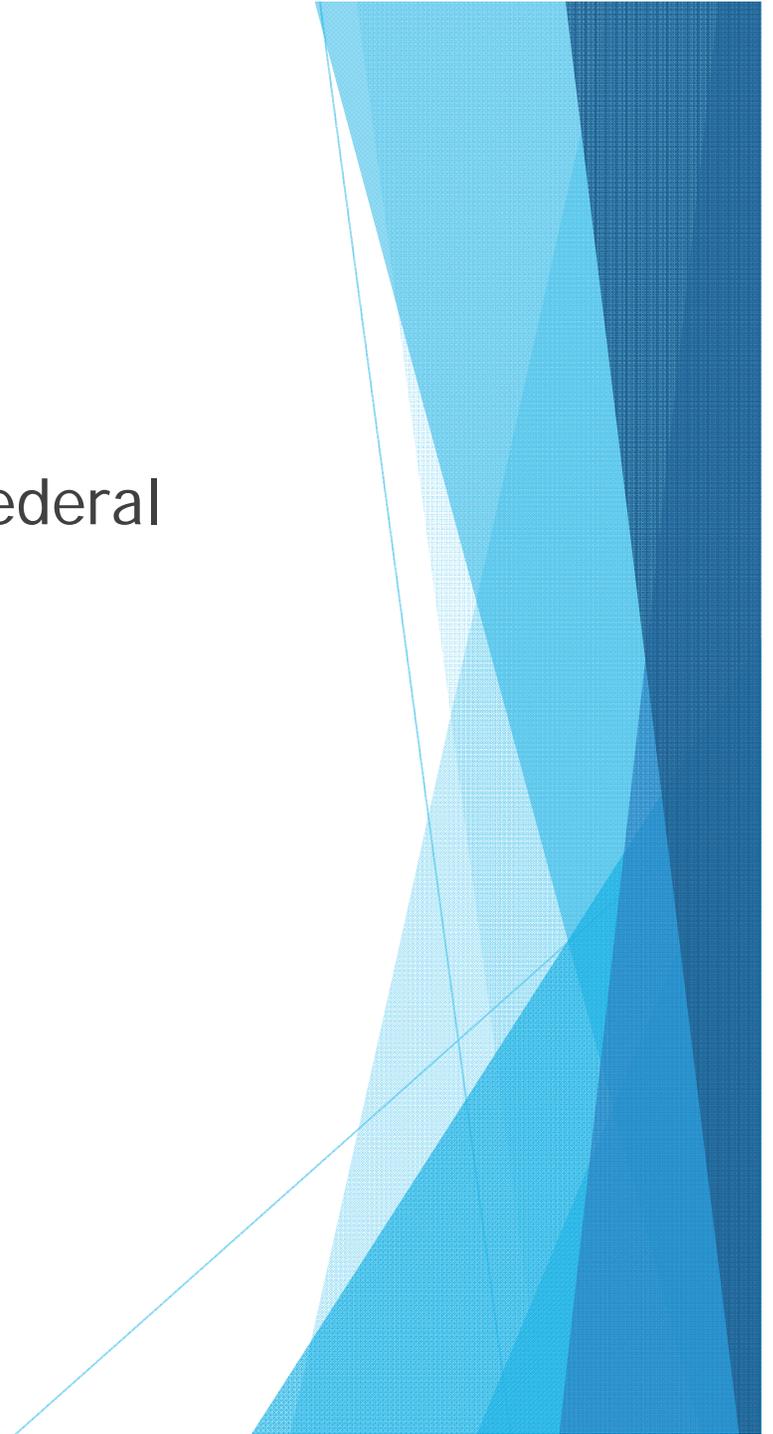
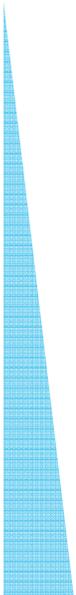
# Special Needs???

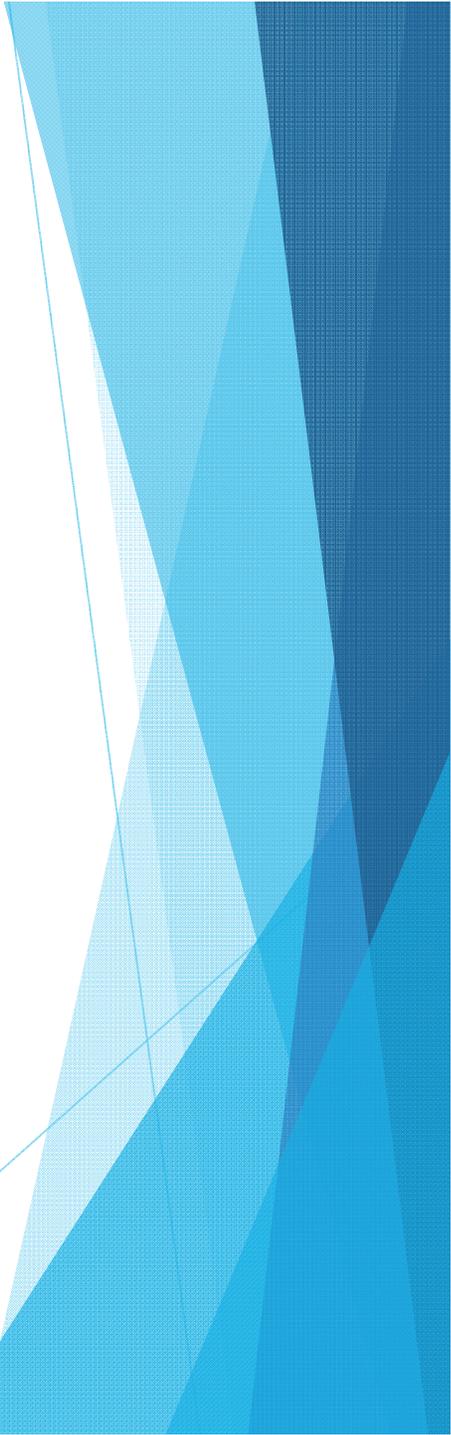
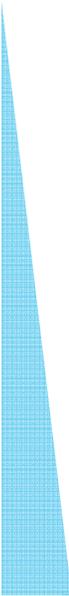
Amorphous and Undefined

- ▶ Special Education and Special Needs are NOT the same

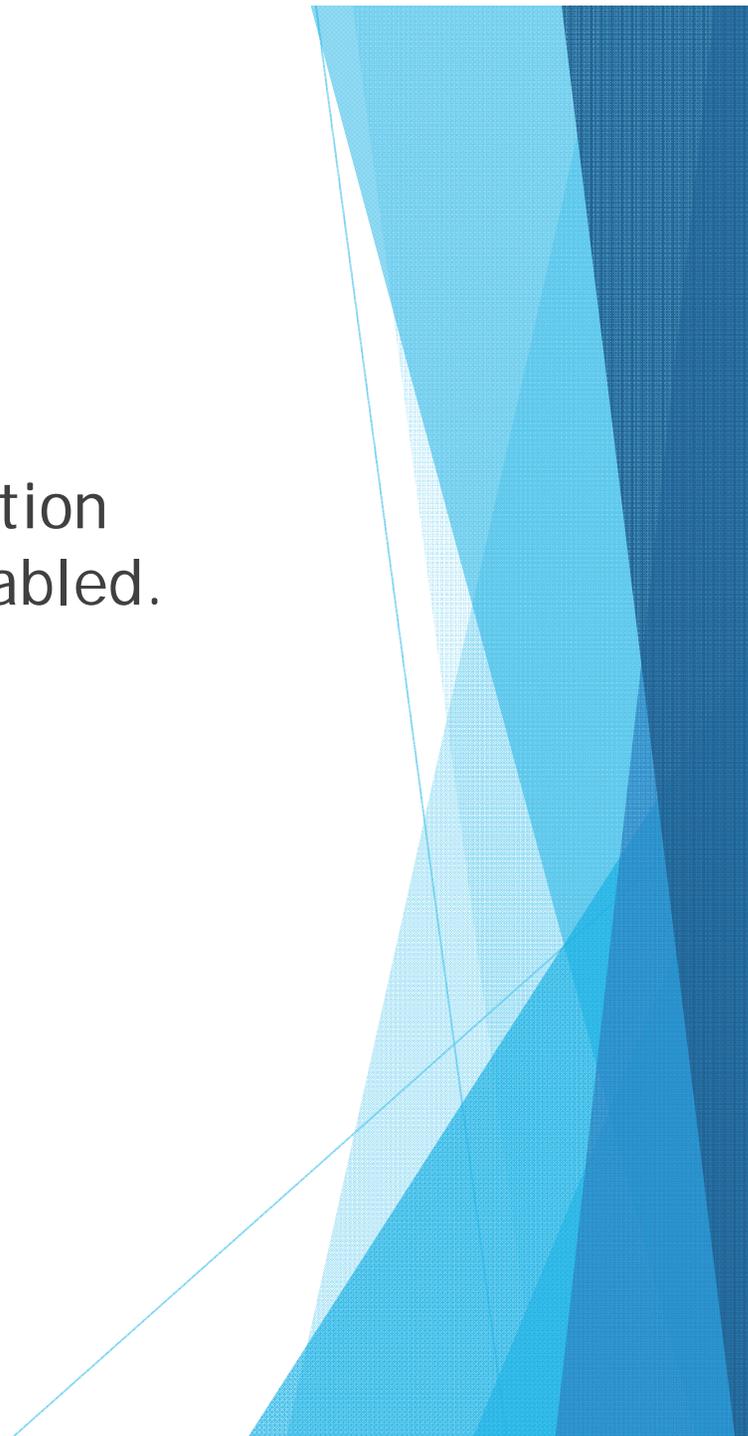


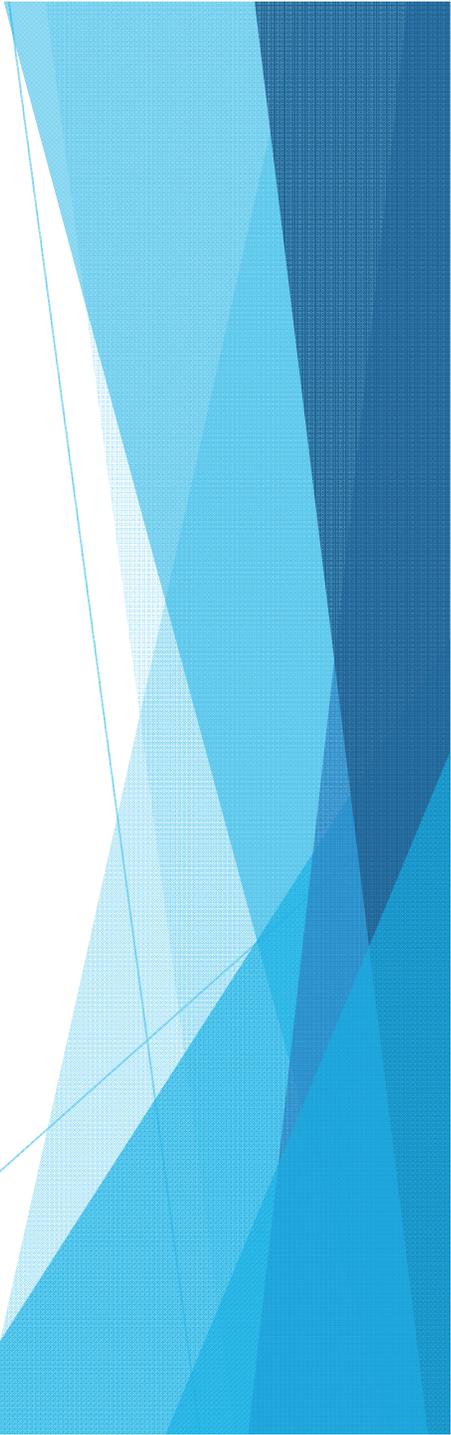
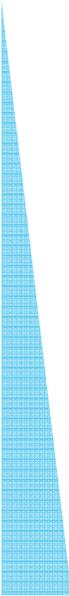
- ▶ Special Education is defined by federal law, refined by caselaw



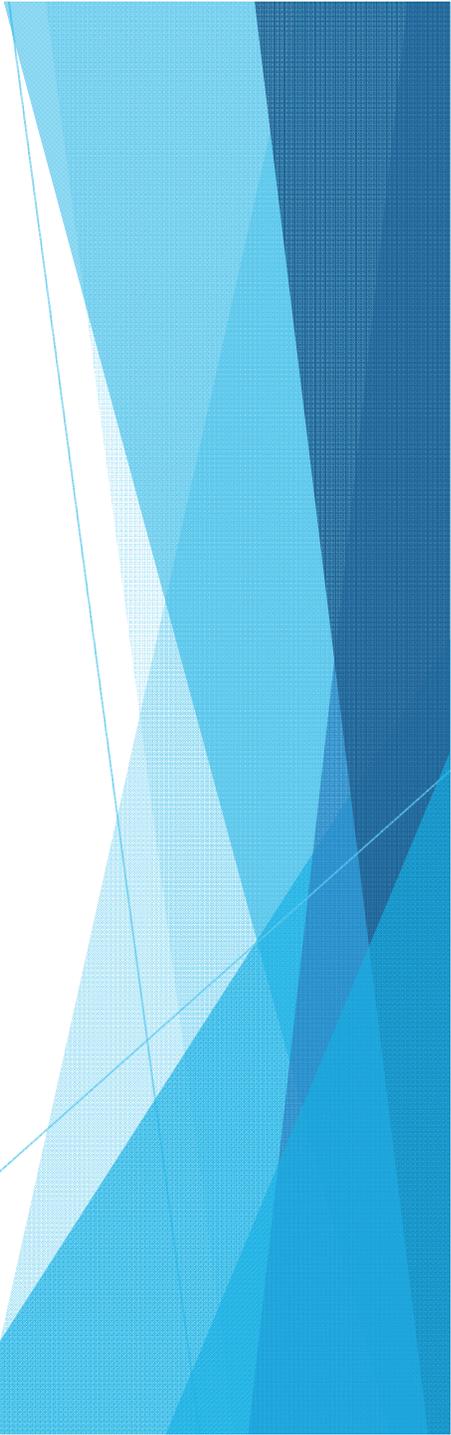
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- ▶ The term “special needs” is not used anywhere in the federal or state education laws. It is a euphemism, used when the term “disability” is not wanted.

A child may have a “need” in education matters, but not be qualified as disabled.



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  - ▶ The disabilities are listed in the federal law IDEIA (Individuals with Disabilities Education Act) and then copied into state school codes.
  - ▶ Disabilities which are NOT in the federal law might qualify a child for accommodations or services under Section 504 of the Rehabilitation Act, but not for special education services.

# Which “special needs” are special enough for Special Education?

- ▶ 1. Autism
- ▶ 2. Cognitive Disability
- ▶ 3. Deaf-Blindness
- ▶ 4. Deafness
- ▶ 5. Developmental Delay
- ▶ 6. Emotional Disability
- ▶ 7. Hearing Impairment
- ▶ 8. Multiple Disabilities
- ▶ 9. Orthopedic Impairments

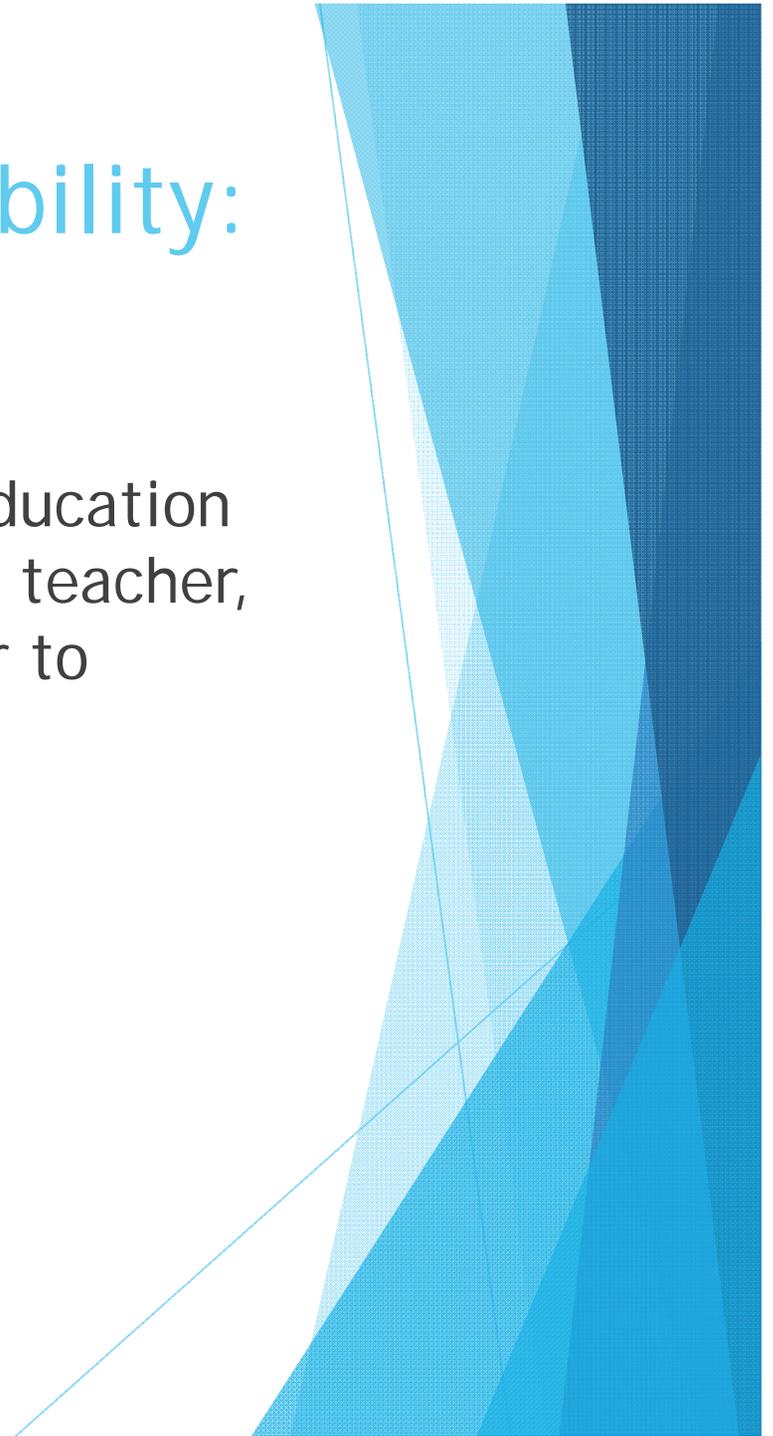
# Which “special needs” or special enough for Special Education?

- ▶ 10. Other Health Impaired
- ▶ 11. Specific Learning Disability
- ▶ 12. Speech or Language Impairment
- ▶ 13. Traumatic Brain Injury
- ▶ 14. Visual Impairment



# Even With a Known Disability:

- ▶ The child **MUST** require special education services (from a specially trained teacher, using special techniques) in order to qualify for services.



# If the child does not require special education

- ▶ He or she may have accommodations for a disability under Section 504 of the Rehabilitation Act.
- ▶ So, SPECIAL NEEDS does NOT equate to SPECIAL EDUCATION

# Educators may very well not understand the “special needs” of child welfare

- ▶ And of course, Child Welfare workers may think that any “special need” requires special education
- ▶ On the other hand, the “acting out” we see from many children who have suffered life traumas may be seen as requiring MORE special education than is truly needed.
- ▶ Communication is the key - be very specific!!
- ▶ Remember school records are protected, and you may share on a need to know basis.

# WHEN IN DOUBT, ASK!!!!

- ▶ Ask the other person to define terms, be more specific, etc.
- ▶ Make sure you are speaking the same “speak.”
- ▶ Remember, “special needs” is a euphemism.
- ▶ Remember, “special needs” is not defined. It means many things to many people.
- ▶ Be descriptive about the child’s needs, and address the specific “need” of the child you are speaking about.
- ▶ When in doubt, ask again!!!

# The Use of “Special Needs” on adoptuskids.org Website

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*A Dis-service to Youth; Misleading for the  
Public*

**Kathy Ledesma**

*National Project Director, AdoptUSKids*

April 26, 2013r



# About AdoptUSKids

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- Multi-faceted Children's Bureau project
- Operated by AEA & its partners since 2002
- Mission:
  - Raise public awareness about need for families
  - Systems-changing tools & technical assistance to States, Tribes, Courts on diligent recruitment



# What do families who contact AdoptUSKids know about children who need families?

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Wikipedia:

In the United States, **special needs** is a term used in clinical diagnostic and functional development to describe individuals who require assistance for disabilities that may be medical, mental, or psychological.

## What do families who contact AdoptUSKids know about children who need families?

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### Wikipedia:

. . . [special needs] is a legal term applying in foster care in the United States, derived from the language in the Adoption and Safe Families Act of 1997. It is a diagnosis used to classify children as needing "more" services than those children without special needs who are in the foster care system. It is a diagnosis based on behavior, childhood and family history, and is usually made by a health care professional.

## States' use of “special needs” as AA qualifier

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Includes:

- “Older” (defined differently by State)
- Children “of color”
- Part of sibling group needing placement together (size of group varies by State)
- One of more physical, medical, emotional or mental “handicapping” conditions

# 45,000 children photolisted; nearly 20,000 placed for adoption

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- Special Needs?

- 61% of placed are children of color (including children of 1 or more race)
- 2/3 age 8 or over at photolisting
- 3/4 age 8 or over at placement
- 44% of placed children photolisted with one or more sibling
  
- But. . . fewer than 50% of placed children had an identified disability

# Active Registrations as of March 31, 2013

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– 4,749 children

## Featured Child

William, 13, of Nevada is a handsome young man with a great smile. He loves music and sports and can answer almost any question about them. He needs a loving, patient, and caring family.



[Enlarge Photo](#)

## Featured Siblings

United, 14, and Ronald "Junior," 9, are outgoing siblings from Kentucky who look forward to having a permanent and lifelong commitment from a forever family.



[Enlarge Photo](#)

– 3,812 families

## Adoption Success Story of the Farmer Family

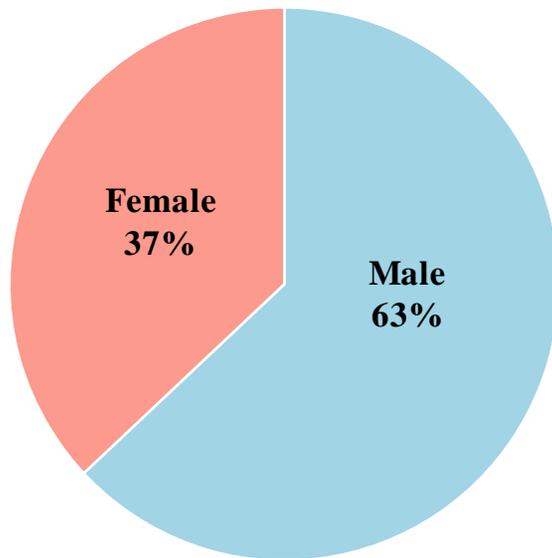
When Barry Farmer, 25, of Richmond, Virginia, first considered fostering, he didn't think beyond providing a temporary, loving home to a child in need. Now, a single dad of a 10-year-old boy he adopted through foster care, Farmer is looking to adopt as many as two more children.



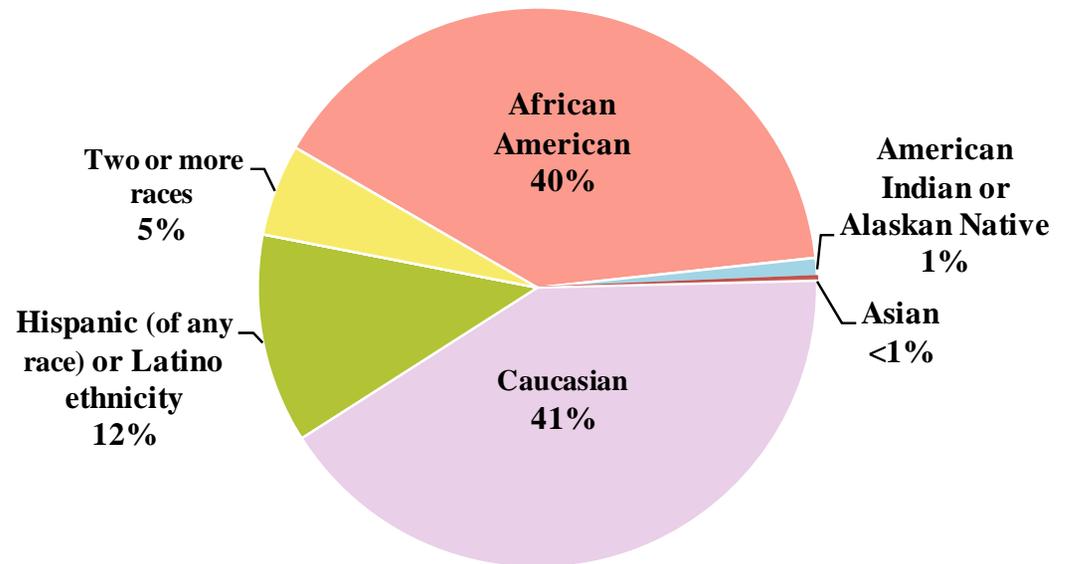
[Read more](#)

# Children Actively Listed and Waiting for Placement in Adoptive Homes\*

## Gender



## Race and Ethnicity†

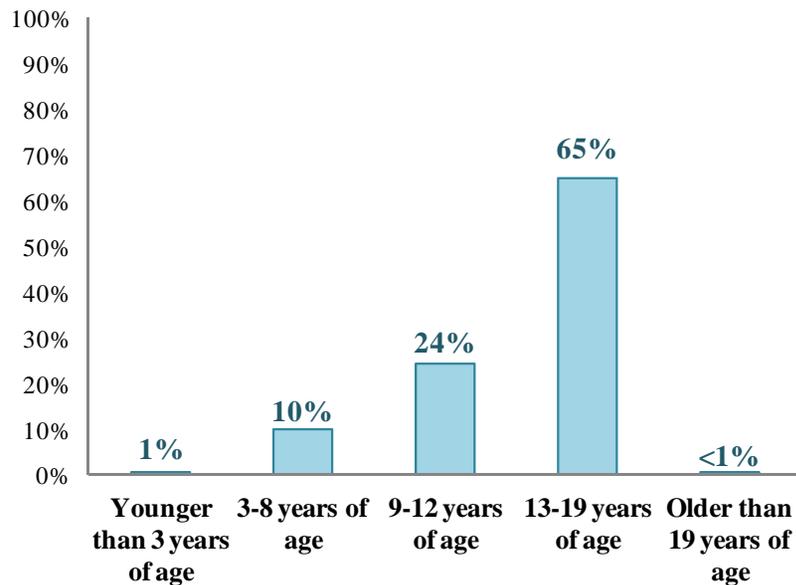


\*Summary characteristics are based on the group of 4,749 children actively listed on the AdoptUSKids website who were waiting for placement in adoptive homes as of March 31, 2013. All data were queried from the April 1, 2013 data transfer provided to the AdoptUSKids Evaluation Team by the AdoptUSKids Electronic Media Team.

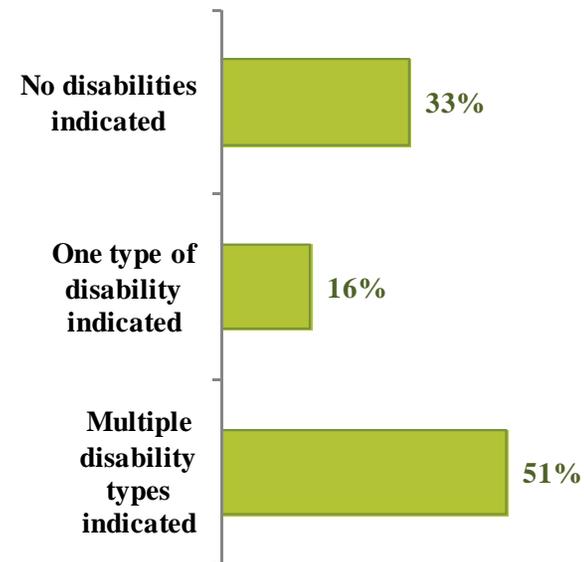
†According to The AFCARS Report: Preliminary FY 2011 Estimates as of July 2012 (19), "Using U.S. Bureau of Census standards, all races exclude children of Hispanic origin." As such, AFCARS records children of Hispanic ethnicity exclusively in the Hispanic category. As such race categories indicate the race of non-Hispanic children and children of Hispanic origin are included in the "Hispanic" category regardless of race.

# Children Actively Listed and Waiting for Placement in Adoptive Homes\*

Age



Disability Status†



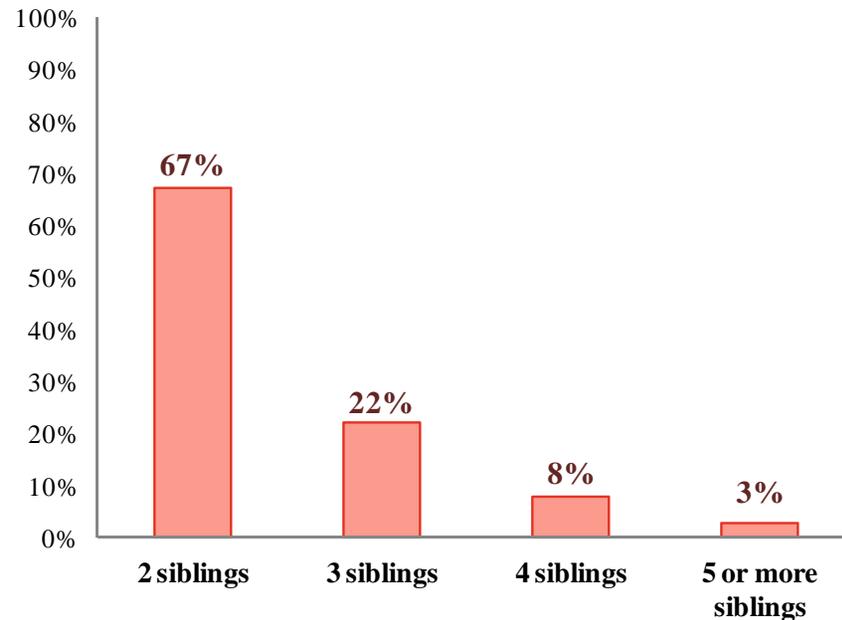
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† In indicating on the AdoptUSKids website the level of a child's disability, professional users are not required to reference clinical diagnoses, but rather may choose a disability categorization and severity level based on their perception of a child's abilities. This may result in an overestimation of the number of children with some level of disability. To address this potential overestimation, children registered on AdoptUSKids with 'no' or 'mild' disability were considered to have "no disability"; children with 'moderate' or 'severe' disability were categorized as "having disability".

# Children Actively Listed and Waiting for Placement in Adoptive Homes\*

- Approximately 22% of children waiting are photolisted in a sibling group with at least one of their siblings.

Sibling Group Size



## 4,700 children currently photolisted

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In summary, by most States' AA-qualifying definitions, these children would be described as having special needs

- 59% children of color (including 2 or more races)
- 65% age 13 or older
- 22% photolisted with one or more sibling

. . . even if they had no physical, medical, emotional or mental “handicapping” condition

## Good News: Use of “special needs” on decline

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- “Special needs” mentioned in 160 individual child profiles & 13 sibling profiles (<5% of photolistings)
- 59 mentions in (hundreds of pages of) text
  - 10 caseworker stories
  - 11 family stories
  - 22 mentions in State pages

# Impact of “special needs” label on youth in foster care

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## Meet Elbert



## Special Needs?

- 21+ years in KY foster care
- Part of a sibling group
- In college – on track to career in social work
- Marathon runner
- Writer
- Advocate and voice for foster youth



# AdoptUSKids

*Together we hold their future*



**888-200-4005 • [WWW.ADOPTUSKIDS.ORG](http://WWW.ADOPTUSKIDS.ORG)**

*AdoptUSKids is a service of the U.S. Children's Bureau, member of the T/TA Network, and supported through a cooperative agreement (grant #90CQ0002) between the Adoption Exchange Association and the U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.*

# Discussion



## **For more information**

**(including a copy of today's slides and a webinar recording)**

<http://cb100.acf.hhs.gov/webinars>

**To join our LinkedIn Discussion group, search “Children’s Bureau Centennial Webinars Discussion Group from your LinkedIn account or email [elizabeth.mertinko@icfi.com](mailto:elizabeth.mertinko@icfi.com)**

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