



## **Isaac's Law**

The adoption process can be slow, sometimes taking longer than a year. This largely administrative activity swallows precious time that foster children, especially older kids, don't have to waste.

Older kids are among the most difficult to place in a permanent home and face terrible odds without a family. Twenty-five percent of children who "age out" of foster care will immediately become homeless upon turning eighteen.<sup>1</sup> Eighty percent of young men who age out of the foster system will be arrested by age 26, and eighty percent of young women will become pregnant by the same age.<sup>2</sup>

When someone decides to adopt an older teen into their family, it can, literally, be a lifesaver. But if adoption proceedings drag on beyond the child's 18<sup>th</sup> birthday, the child will age out of the system without a permanent home even though a family was in the wings ready and willing to adopt. That is a tragedy.

Gen Justice solved this problem in Arizona by advocating for a law streamlining adoption proceedings for teenagers 16 or older. This new law requires the adoption process to take six months or less while maintaining safeguards for the teenager's safety, such as a home study and inspection and obtaining the child's consent.<sup>3</sup>

In many cases, the family adopting a teenager from foster care is a teacher, social worker, or attorney who helped the child and has already established a bond. By allowing the expedited adoption in these safe and limited circumstances, we provide permanency for children who need it most.

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<sup>1</sup> *Supporting Older Youth in Foster Care*, National Conference of State Legislatures, 10 Dec. 2019. Retrieved from <https://www.ncsl.org/research/human-services/supports-older-youth.aspx>.

<sup>2</sup> *Id.*

<sup>3</sup> Ariz. Rev. Stat. § 8-112(F); Ariz. Rev. Stat. § 8-113(H).

## **Foster Child Special Education Act**

The nation's opioid and meth crisis has resulted in more and more children diagnosed with physical and developmental disabilities as a result of in utero drug exposure.<sup>4</sup> One study showed that over half of children in foster care have either, or both, a developmental or mental health disability, making them eligible for special education programs guaranteed by federal and state law and offered through public schools.<sup>5</sup>

Parental consent, however, is required before special education services, such as specialized instruction for learning disabilities, speech therapy, or life and job skills instruction for older children, can be provided.

This was an insurmountable barrier to many Arizona children in foster care.

When a child is removed from a parent due to abuse or neglect, the parent usually retains the right to make educational decisions for that child. Frequently, though, the parent does not make efforts to be involved or the parents' whereabouts are unknown. With no parents to consent, foster children were left unevaluated, unsupported, and unable to benefit from the myriad of services offered for children with disabilities through our public schools.

Gen Justice successfully advocated for a new state law that allows the child's foster parent to consent to special education services if the biological parents are unwilling or unable to participate on behalf of the child.<sup>6</sup> Arizona's foster children now have access to all available education services to meet their needs.

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<sup>4</sup> *Infants with Prenatal Substance Exposure*, NCSACW, U.S Department of Health and Human Services. Retrieved from <https://ncsacw.samhsa.gov/resources/substance-exposed-infants.aspx>.

<sup>5</sup> *Youth with Disabilities in the Foster Care System: Barriers to Success and Proposed Policy Solutions*, National Council on Disability, 23 June 2016. Retrieved from <https://ncd.gov/publications/2008/02262008>.

<sup>6</sup> Ariz. Rev. Stat. § 8-514.08.

## **Family Search and Child Stability Act**

When a child is unable to safely live at home, federal law encourages placing the child with a biological relative. Before 2018, though, the state made little effort to find relatives in a timely manner. As a result, distant relatives would surface late in the process when a child was being moved into a new and loving home, resulting in unnecessary delays and additional moves for the child.

The Family Search Act, passed in Arizona in 2018, requires the child protection agency to make a diligent search for relatives within 30 days after the child is taken into care.<sup>7</sup> The goal is to prioritize placing foster children with safe relatives immediately, minimizing the time the child spends in care or the amount of times a child is moved. To ensure compliance, the results of this search must be shared with the court.<sup>8</sup>

Hand in hand with the Family Search Act, the Child Stability Act allows foster families to be considered as an adoptive home if it is in the best interest of the child.<sup>9</sup>

In Arizona, when an infant or child up to 3 years old has been living with a foster family for more than nine months, the foster family essentially becomes “kin.” Because they have a significant and long-standing relationship with the child, the court can now consider whether a foster family is best placement for the child, rather than an automatic move to an extended relative who the child may not even know.

The Family Search Act and Child Stability Act works to provide stable and loving homes for foster children as soon as possible by prioritizing the search for relatives but allowing children to remain with long-term foster families when it is in the child’s best interests.

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<sup>7</sup> Ariz. Rev. Stat. § 8-514.07(A).

<sup>8</sup> Ariz. Rev. Stat. § 8-514.07(B).

<sup>9</sup> Ariz. Rev. Stat. § 8-514(B)(3).

## **The Missing Kids Act**

More than 18,000 kids went missing from America's child protection system in 2017, more than double the number of children who vanished from care in 2015. With no families to search for them, there is no real effort to locate these children. In Arizona, the court file on a missing child can be closed after just six months.<sup>10</sup>

Missing foster children fuel the domestic child sex trafficking trade. The FBI reported that more than 60% of the child victims recovered in a 2013 nationwide sex trafficking raid had been in foster care.<sup>11</sup> Connecticut and New York found that missing foster children comprise 85 to 98 percent of the trafficking victims in their states.<sup>12</sup> The foster-care-to-sex-trafficking pipeline is a national epidemic.

Working with local law enforcement, Gen Justice found that a simple photograph would greatly help police departments locate children missing from care. But without a family to snap a photo, or even access to a cell phone, recent photos of foster children are scarce.

Gen Justice proposed a critical - and simple - update to the child welfare statutes to ensure that local law enforcement and the child protection agency have a current photo of each child in care, and that the photos are updated annually.

Additionally, the Act calls for the most at-risk children in care to be fingerprinted to maximize their chances of being found should they go missing in the future.

To ensure the child's privacy is protected, the Act requires that the photographs and fingerprints can be shared with law enforcement only if the child is reported missing or in harm's way.

When a foster child goes missing, there is no parent to lead the search to bring them home safely. Arming law enforcement with the information they need to locate a child is a crucial first step in curbing this epidemic.

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<sup>10</sup> *Missing from Care*, National Center for Missing & Exploited Children. Retrieved from <http://www.missingkids.org/theissues/cmfc>.

<sup>11</sup> Dolce, Michael, *We Have Set up a System to Sex Traffic American Children*, Newsweek, 12 Jan. 2018. Retrieved from <https://www.newsweek.com/we-have-set-system-sex-traffic-american-children-779541>.

<sup>12</sup> *Id.*

## **Safe Home Act**

The number of infants and children dying from maltreatment is at an all-time high and most experts report that these statistics only scratch the surface of the real problem.<sup>13</sup> The primary driver behind the increase in both foster care placements and child abuse fatalities is rising drug use.

As part of the national effort to reduce the number of children entering foster care, substance-exposed infants are routinely sent home with active heroin and meth users. State services, like drug treatment, are put into the home with the infant, instead of temporarily moving the infant while the parent gets clean.

The intention of keeping families together is on point. But sending infants home with parents high on meth or heroin has proven deadly.

The Reuters investigation *Helpless and Hooked* examined infant abuse fatalities nationwide and concluded that “being born drug-dependent didn’t kill these children... What sealed their fates was being sent home to families ill-equipped to care for them.”<sup>14</sup>

The Safe Home Act strengthens protections for children by requiring a child welfare agency to check for “red-flag” situations that pose a danger to the child. These include situations such as a parent’s history of prior physical abuse to a child, the sexual assault of a child, or child abandonment.<sup>15</sup> These conditions are defined in statute by each state. The first prong of the Safe Home Act adds a history of chronic drug abuse to the list of red flags to check when an infant is born substance-exposed.

The second prong of the Safe Home Act ensures that child welfare agencies perform these “red flag” checks by requiring the findings be submitted to the court. If the safety check reveals any of the life-threatening behaviors listed in statute, the infant must be moved to safety.

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<sup>13</sup> “Latest US Report on the Number of Child Abuse Deaths.” *Childhelp*, Retrieved from <https://www.childhelp.org/blog/child-maltreatment-latest-report/>.

<sup>14</sup> Wilson, Duff, and John Shiffman. “The Most Vulnerable Victims of America’s Opioid Epidemic.” *Reuters*, Thomson Reuters, 7 Dec. 2015, Retrieved from <https://www.reuters.com/investigates/special-report/baby-opioids/>.

<sup>15</sup> 42 U.S.C. §671(a)(15)(D)(i).