



# DOLLARS AND SENSE:

*A Guide to Achieving Adoptions Through  
Public-Private Contracting*

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Public-Private Contracting*

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In the world of adoption, the term “purchase of service” is commonly used to refer to contracts between public and private child welfare agencies to serve children awaiting adoptive families, prospective adoptive parents, and adoptive families. Purchase of service has long been used as a method of ensuring that adoption professionals find adoptive families for children in foster care who are unable to safely and permanently return home. Some States have used purchase of service contracts extensively; others have used these contracts more sporadically; and yet others have been reluctant to use this approach at all. For some States, the reluctance to purchase adoption services has stemmed from concerns about how to do it – particularly, how to do it well. Surprisingly, there has been little written about the HOWs of purchasing adoption services, leaving States and counties, as purchasers, and private agencies, as service providers, to develop these arrangements with limited guidance.

This Guide is designed to provide public and private agency program managers, supervisors, and contract managers with information that can help make the purchase of interjurisdictional adoption services truly work. This general information is designed as a starting point on purchase of service for States and counties and the private agencies with which they work. Each State has its own rules and regulations about the purchase of interjurisdictional adoption services that will direct certain aspects of the specific purchase of service arrangements that they make. The general principles in this Guide, however, can get you started in developing strong purchase of adoption service contracts and reaping the benefits for children, families, and the agencies that serve them!

**There are three key things to remember:**

1. Purchase of service is do-able.
2. Purchase of service is being done.
3. And you can do it, too!

# What is Purchase of Service?

The term purchase of service often is used when we are exploring the availability of adoption services and supports for children and families. But what does purchase of service actually mean? Purchase of service, as a general concept, is a term that refers to contracts that public agencies enter into with private agencies in which the private agency agrees to provide certain services and public agencies agree to pay private agencies for these services. In the adoption arena, purchase of service refers to contracts between public and private agencies in which private agencies agree to provide one or more specific services that lead to the adoption of children in foster care and/or support such placements once they have been made, through adoption finalization and sometimes beyond it. Under these contracts, the public agency oversees the provision of services, ensuring that Federal and State laws and regulations are met; private agencies provide services as they have agreed under the terms of the contract.

In this Guide, we use the term purchase of service to refer specifically to two different types of contracts that public agencies may enter into with private agencies for adoption services:

**First, purchase of service may refer to a public agency's purchase of a service or set of services from a private agency with the intention that the agency will serve a group of families and children.** In this context, purchase of service involves the provision of certain categories of adoption services to a group of families and children – either children and families who are specifically identified or children and families who meet certain criteria. These arrangements typically are made within the public agency's geographic area of responsibility (State or county). In some cases, they may be made across county lines within a single State. Increasingly, they are made across State lines.

Examples of this type of purchase of service are:

**Within the State:** State A enters into a contract with Private Adoption Agency to raise awareness of the need for families to adopt children in foster care; recruit prospective adoptive families, particularly within the African American community; and provide information on adoption to prospective adoptive families.

**Across State Lines:** State B enters into a contract with Private Adoption Agency in State C to provide home studies/family profiles of families in State C when adoptive families for children in State B cannot be found in State B.

**Second, purchase of service may refer to agreements regarding a specific child who is being placed for adoption.** Such agreements may be made within a State, but they have become particularly important in interstate adoptions. These purchase of service contracts are made between the agency for the identified prospective adoptive family in one State and the child's agency in another State. The child's agency agrees to pay a fee to the family's agency for providing services.

Examples of this type of purchase of interstate adoption services are:

State D enters into a contract with Private Adoption Agency in State E to supervise the adoptive placement of Mary, who is in the care and custody of the public child welfare agency in State D, with a family in State E who has been identified as an adoptive family resource for Mary.

State F enters into a contract with Private Adoption Agency in State G to provide post-placement services and supervision for Johnny who will be placed with an adoptive family in State G.

It is also important to understand what purchase of service is NOT. Purchase of service is NOT the same as privatization. Unlike purchase of service, which is a contracting process entered into by a public agency and a private agency, privatization is a system-wide design of service delivery that extends well beyond contracting. It typically involves new approaches to service delivery across a range of services and financing approaches that tie payment to specific systems-based outcomes and place private agencies at some level of financial risk if these outcomes are not achieved. Privatization also involves the transfer from the public agency to the private agency of a level of accountability for broadly defined outcomes as well as responsibility for achieving child-specific outcomes.

Purchase of service is also NOT a mechanism for reimbursing adoptive families for the expenses they incur in the adoption process. Financial resources may be available directly to adoptive families through Federal and State programs and certain private entities, and these resources are referenced in this publication. It is important, however, to clarify that these resources are not part of the public agencies' purchase of adoption services from private agencies.

Because purchase of service has become particularly important in interjurisdictional adoptions (across State and, in some cases, county lines), this publication focuses on the purchase of adoption services in this arena. It outlines how purchase of service can be used to achieve permanency through adoption for children, as opposed to the purchase of other types of services, such as foster care or residential treatment services.

Although interjurisdictional adoptions are the focus of this publication, it is important to recognize that purchase of service plays a meaningful role when adoptions are being planned and finalized within a State or county and when other forms of permanency – such as the permanent placement of children with relatives – are being arranged across State lines or within the same State or county. Although we will not focus on these situations in this publication, the principles that we provide here are equally applicable to these situations!

## DID YOU KNOW THAT...

Adoption exchanges report that more than 60% of the people who respond to child-specific recruitment are families who do not live in the State of the child's residence.<sup>1</sup>

A somewhat small — but growing! — percentage of children placed with families and waiting to be adopted by relative and unrelated foster and pre-adoptive families as well as children with finalized adoptions live outside their home states.<sup>2</sup>

On average, it takes one year longer for a child to be adopted who is in an interstate placement than an instate placement<sup>3</sup> — a statistic that emphasizes the need for the purchase of adoption services!

<sup>1</sup> Voice for Adoption. (Undated). Financial barriers to inter-jurisdictional placements. Washington, DC: Author.

<sup>2</sup> Maza, P.L. (2003). The challenge of interstate placement for adoption. The Roundtable, 17(2), 1-2.

<sup>3</sup> Maza, P.L. (2003). The challenge of interstate placement for adoption. The Roundtable, 17(2), 1-2.

# Why Purchase of Service is Important

**H**istorically, many public agencies have purchased adoption services from private agencies and found that this approach to service provision has made possible the successful adoptions of many waiting children in foster care. Private agencies have shown that they are able to successfully recruit prospective adoptive families, match waiting children with families, support families through finalization, and provide ongoing supports and services post-finalization. Private agencies typically have not been able to offer these services absent the financial support of public agencies. Few have sufficient independent financial resources to permit them to provide these services. And, they have recognized that it is not appropriate or reasonable to charge families fees to adopt children from foster care. Achieving the adoption of children in the custody of public agencies is a public responsibility that calls for public resources!

The purchase of adoption services brings together public and private agencies in an interdependent way. The public agency has the financial resources to pay for services, but it often does not have the staff capacity to provide waiting children, prospective adoptive parents, and adoptive families with all of the services that they need. Public child welfare agencies shoulder responsibility for a range of services, of which foster care and adoption are only a part. The many competing demands on public agency staff may make it especially difficult to respond in a timely and responsive way to requests from other States to provide these services. The private agency often lacks adequate financial resources to provide services on a non-paid basis, but it often has the capacity and expertise to serve children and families. Private agencies, unlike public agencies, specialize in providing adoption services and are able to respond to in-State and out-of-State requests. Through this partnership, children and families benefit!

## Law, Policy, and Practice: A Focus on Interjurisdictional Adoptions

With changes in Federal and State law and policy and the advent of resources like the ADOPTUSKIDS website that feature waiting children via the Internet, opportunities to link waiting children with families in a diversity of geographic locales have grown dramatically. For many children, efforts must concentrate on finding families in other counties and States, linking children with those families, and supporting children's placements with and adoptions by those families.

As an important starting point, the law supports interjurisdictional adoptive placements of children:

- The Federal **Adoption and Safe Families Act of 1997** (ASFA) recognizes the importance of going beyond geographic boundaries to ensure that waiting children in foster care have the benefit of permanent, loving families. The law instructs States not to “delay or deny the placement of children for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child.” In an effort to remove barriers that keep families from adopting children who live in a different county or State, the law authorizes the US Department of Health and Human Services to withhold some portion of States’ Federal Title IV-E funding, which in part pays for foster care and adoption assistance, if States violate this directive. ASFA also requires that States mobilize additional resources to increase the number of adoptive families. State child welfare agencies are expected “to make effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children” and “to eliminate legal barriers” to timely adoption.



- The **Safe and Timely Interstate Placement of Foster Children Act of 2006** is intended to expedite the interstate placement of children in foster care by requiring that States receiving requests from other States to assess the suitability of placing a child with a family complete interstate home studies within 60 days from receipt of the request. The Act includes “Sense of Congress” language that each State should give “full faith and credit to any home study report completed by any other State with respect to the placement of a child in foster care or for adoption.” It also requires States to consider interstate placements in permanency planning decisions when appropriate, to consider in-State and out-of-State permanent placement options at permanency hearings, and to identify appropriate in-State and out-of-State placements when using concurrent planning.

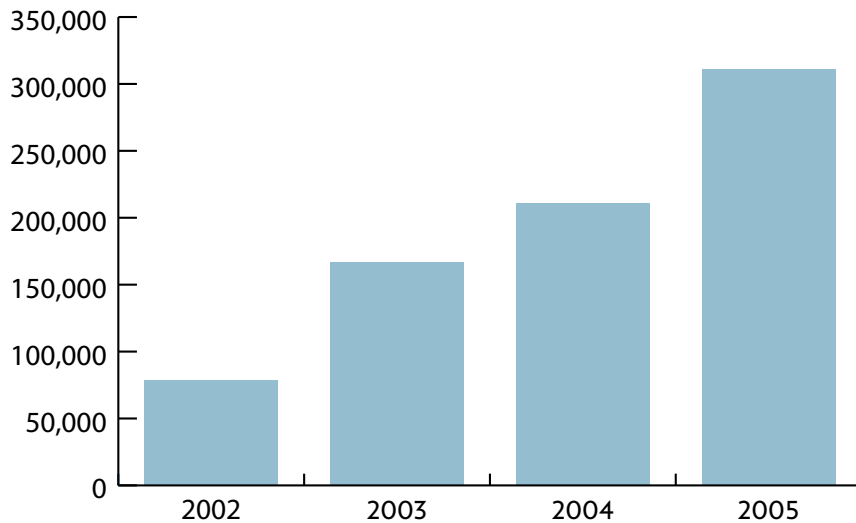
In addition, two interstate compacts support interjurisdictional adoptive placements of children:

- The newly drafted **Interstate Compact for the Placement of Children (ICPC)**, which upon enactment by States will take effect and guide interstate foster care and adoption practice, also focuses on the expeditious placement of children for adoption across state lines. The ICPC is designed to ensure that children are placed with “suitable and safe” families in a timely manner and that the ongoing supervision of these placements with families across State lines, the delivery of services to children and families, and communication between the involved States are facilitated. The ICPC makes clear that the State in which a child is living can enter into agreements with licensed agencies or persons in the State where a family lives to conduct assessments and provide supervision.
- The **Interstate Compact on Adoption and Medical Assistance (ICAMA)** is an agreement among States that governs the delivery of medical services and adoption subsidies for children adopted from foster care who qualify for these benefits and who live in States other than their States of origin. Like the ICPC, it is designed to facilitate State-to-State coordination and planning for children who are adopted.

Practice experience and wisdom also make clear that the availability of purchase of service agreements aids in making interjurisdictional, as well as intrajurisdictional, placements. These agreements can be critical to achieving permanence through adoption and other permanency outcomes for children in foster care who are unable to return home safely and permanently. Relying on “sister” public agencies in other states to provide the services needed by children and families has proven to be impractical. Given the many demands on every public agency, it is not always possible to provide services at the intensity and with the timelines desired.

At the same time, the demand for interjurisdictional adoption services is growing! The activity generated by the ADOPTUSKIDS photolisting website speaks to the dramatic increase in interest in interjurisdictional adoptions. ADOPTUSKIDS’ monthly web traffic grew from 79,000 visitors in November 2002 to 268,528 visitors in September 2006, a more than 300% increase. Since 2002, more than 13,313 families have registered on the ADOPTUSKIDS website, and as of January 31, 2007, 5,333 families were actively registered on the website, that is, they held Special Family Access that provided them with additional services as they move forward with adoption. These statistics convey the interest of families across the United States in children who live in States that may be hundreds if not thousands of miles away. And they make clear that the provision and coordination of services across state lines has become increasingly important.

## Number of Visitors to www.adoptuskids.org



### The Benefits of Purchase of Service

The benefits of purchase of service are many! **First and most importantly, purchase of service can be what makes the difference for a child and family by helping them to achieve the goal they share – adoption!** Purchase of service makes it possible for private agencies that are working with families that have been approved for adoption and who are willing and able to adopt a child from another State or county to be matched with waiting children.

#### When There is No Contract for the Purchase of Adoption Services

When there is no purchase of service contract, children and families suffer. Distressing stories abound about the impact of NOT having purchase of adoption service contracts. Consider the following situations:

A woman in State A who has attempted to adopt a sibling group of four in foster care in State B has been told that any out-of-state adoption must be handled through a private agency. The private agency's fee is \$2,750 per child – a total fee of \$11,000. The family cannot afford this fee and State B will not pay the fee. The children remain on State B's website, waiting for an adoptive family.

Mr. and Mrs. S, in State C, have been matched with two siblings from State D (some 1,000 miles away). The children have experienced significant abuse and are at legal risk, that is, both of their parents' rights have not yet been terminated. Mr. and Mrs. S are highly experienced parents and are ready and able to move forward in adopting these children. They are able to pay for some travel to State D but cannot afford to travel each month to State D as required. There is no purchase of service contract in place to serve the family and, in addition, to cover associated travel costs for the family to visit and develop a relationship with the children until they are freed for adoption.

## When There is A Contract to Purchase of Adoption Services

Purchase of service agreements, however, can make things happen across State lines! Consider the following:

### Sherrie

Sherrie, who lived in State A, had severe developmental disabilities. She was nonverbal but ambulatory and aware of her environment. At age eight, her placement in a specialized foster home disrupted. The county child welfare agency wanted very much to place her with a foster-to-adopt family. Through a purchase of service contract with a private agency in State B, the private agency located a family for Sherrie. The family had some initial concerns about their ability to meet Sherrie's special needs, but the private agency provided a range of family support services that helped them with these concerns. The family soon adopted Sherrie after falling in love with her. After her adoption, Sherrie was diagnosed with a degenerative condition which would have resulted in nursing home care had Sherrie not had her adoptive family. Sherrie passed away at age 14, surrounded by her family.

### Jared

Jared, living in State C, was almost four years old and living in a hospital in a large US city. His young mother, addicted to drugs, had disappeared shortly after having given birth prematurely. Jared was legally free for adoption and his immediate medical needs had been addressed so that he no longer warranted hospitalization. A foster family, however, was not available for this very young child with special needs, and Jared remained as a "boarder" in the hospital. It was not clear whether Jared had mentally retardation, autism, or possibly, both. Jared did not speak; he walked on his toes; he wore thick glasses because the oxygen administered at birth that saved his life impaired his vision; he engaged in repetitive motions; and he refused to eat any solid food, surviving on "power shakes." Through the efforts of Jared's dedicated caseworker, an adoptive family was found through a private agency in State D and a purchase of service contract moved the adoption process forward. Jared left the hospital where he had spent his entire life to live with loving parents and two new siblings and in a home with a yard with grass where Jared could play. Some years later, Jared was diagnosed with Asperger's Syndrome, but it had also become evident to all that he was gifted intellectually. He learned to speak, read, and eat pretty much anything his mom put on the table. Jared completed high school and is now attending college.

### Andrew

Andrew had been in foster care in State G most of his life. After being removed from his birth parents, he moved from foster home to foster home. By the age of eleven, he had been placed in numerous homes and had spent two years in residential care. Meanwhile, in State H, Tom, a single man, was looking to adopt a boy. He had been involved in an intensive training group and his extended family was actively supporting him. When he saw Andrew's picture in a photolisting book, he was very interested. After learning about Andrew's life experiences, Tom began his own research and identified the supports that he would need. Through a purchase of service contract, a private agency worked with Tom and with Andrew's State to ensure that long term support and financial resources would be available to meet Andrew's significant needs. State G made funds available for the private agency to provide ongoing support and education for Tom over almost a year pre-placement. The work continued after Andrew's placement as Andrew predictably began to act out and became involved with the juvenile justice system. Tom stood firm, maintaining his commitment to his son. And, the agency remained firm to their commitment to the family. Andrew is now eighteen and completing high school with plans to attend college. His amazing ability to do math will be the basis of his planned career. All agree that purchase of service brought Andrew and Tom together as a family and made his bright future possible.

### Ms. Smith

Ms. Smith, a single woman in State E, approached a private adoption agency in her community as she was interested in adopting. After she began the adoption process, she learned that two of her cousins, ages 13 and 9, had been placed in foster care in State F. Working with her private agency, she approached State F about adopting these children. State F agreed to pay for the completion of her home study and for case management services in State E until the children's adoptions were finalized. Both children had very serious psychological needs and required very intensive case management. At one point, the older child required psychotropic medication which in State E required a court order for all children in foster care. The private agency worked diligently with State F (where court orders were not required for psychotropic medication to be administered) to secure the needed court order. These services, added to Ms. Smith's deep commitment to the children, made it possible for their adoptions to move forward. Ms. Smith made it clear that without the private agency's support and services, it would have been extremely difficult for her to understand and meet the intensive needs of the children. The private agency worked intensively with the family prior to finalization, preventing the disruption of the children's placements at several key points in time.

Second, **purchase of service contracts benefit the agencies that have custody of children and are seeking adoptive families for them.**

States that use purchase of service contracts report that these contracts can result in:

**MORE TIMELY ADOPTIONS OF CHILDREN, PARTICULARLY CHILDREN WHO BECAUSE OF AGE, SIBLING STATUS OR DISABILITY STATUS, FACE CHALLENGES IN BEING MATCHED WITH A FAMILY:** Children remain in care for shorter periods of time, more quickly moving to permanent adoptive families.

**THE PROVISION OF HIGHLY SPECIALIZED ADOPTION SERVICES:** Because many private agencies specialize in adoption services and do not provide the full range of child welfare services that public agencies provide, they often are able to bring specialized expertise and experience to children's and families' complex needs. This level of professional assistance can help reduce risk of adoption disruption and dissolution may decrease.

**MORE EFFECTIVE USE OF RESOURCES:** Dollars are targeted to specific activities for children who most need these services.

**SMOOTHER INTERSTATE ADOPTIONS:** Services for children and families are provided in a coordinated manner, simplifying the interjurisdictional adoption process.

**REDUCED WORKLOAD OF PUBLIC AGENCY ADOPTION STAFF:** Given the many demands on public agency adoption staff, purchase of service contracts provide human resources and services that can reduce workloads for public agency staff.

**AN ENHANCED ABILITY TO MEET THE REQUIREMENTS OF THE CHILD AND FAMILY SERVICE REVIEWS:** States are able to report positive adoption outcomes for children – both in connection with the national standard on the timeliness of adoption and on systemic factors related to the adoption of children in foster care.

# Purchasing Adoption Services

## When is the Purchase of Adoption Services Appropriate?

**G**iven the many benefits of purchase of adoption services for children, families and agencies, when should such contracts be used? States have different guidelines regarding the appropriate use of purchase of service contracts and have budgets that may or may not support the purchase of adoption services. A key question that a public agency needs to ask is: Does my State have guidelines as to when a purchase of service contract can be used? This is important information which can be used as a starting point for discussions of the use of these contracts in general or in a specific case.

If your State encourages purchase of service contracts, use these guidelines to shape purchase of service practice in your State. If your State's budget approach limits the use of purchase of service agreements, open a dialogue to explore possible ways of expanding these guidelines, using your State's established chain of command.

States have different policy and practice environments with regard to the purchase of adoption services: some are committed to this approach and have long used purchase of service contracts, and others have had a long standing policy NOT to use purchase of service. Most States are somewhere in-between. In many States, purchase of service is used or, at minimum, considered, under some or all of the following circumstances:

- ★ Public agency staff are not available to provide adoption services to individuals and families within a reasonable timeframe (in some States, within 90 days).
- ★ Children's circumstances (such as age, sibling status, or disability status) create special challenges in finding adoptive families for them.
- ★ Children have specific needs that require services that cannot be readily provided by the public agency, such as therapeutic services to address past experiences of trauma and loss.
- ★ States wish to expand the pool of available families that reflect the racial and ethnic diversity of children needing adoptive families.
- ★ The prospective adoptive families for children live in other States.
- ★ States recognize that some prospective adoptive families feel more comfortable working with a private agency than with the public agency.

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### SOME QUESTIONS TO ASK ABOUT PURCHASE OF SERVICE GUIDELINES IN MY STATE

- Does my State have guidelines regarding the use of purchase of adoption service contracts?
  - Do these guidelines provide the needed authority to enter into purchase of service contracts —generally or in a specific case?
  - Do the guidelines reflect best practice in light of what we now know about interjurisdictional adoptions?
  - If there are no guidelines on the purchase of adoption services, how can policy and practice be clarified so that opportunities can be developed to use purchase of service contracts as fully as possible?
-

## Which Adoption Services Can Be Purchased?

The anecdotal experiences of States and counties across the country indicate that a wide range of adoption services can be purchased from private agencies. It is helpful to first consider the services that are most often purchased and then consider the full range of services that CAN BE purchased.

### Which Adoption Services are Most Often Purchased?

When we consider purchase of service contracts under which private agencies serve a group of families and children, the following adoption services are those that public agencies most often purchase from private agencies:

- ★ Child preparation
- ★ Recruitment of adoptive families
- ★ Adoption Exchange services
- ★ Home studies/family profiles
- ★ Adoptive parent training
- ★ Matching children with families
- ★ Pre-placement supervisory visits and the preparation of reports
- ★ Case management
- ★ Participation in the finalization process
- ★ Post-adoption services
- ★ Adoptive parent support groups

When we consider the purchase of adoption services on behalf of an identified child who may be placed with an adoptive family in another State, we often find that the following services are purchased:

- ★ The home study/family profile of the family
- ★ Coordination of the placement of the child into the adoptive family
- ★ Post-placement supervision and reports
- ★ Videoconferences with the family and representatives of the child's and family's agencies before, during and after the adoptive placement

#### DID YOU KNOW...

More information on arranging for adoption services across State lines can be found in the Collaboration to AdoptUsKids "ICPC Checklists." Go to: [www.adoptuskids.org](http://www.adoptuskids.org).

When providing pre-placement supervisory visits and post-placement supervision, private agencies are charged with assuring that the child's safety needs are being met; physical health, mental health and educational services are appropriately accessed and used; and all challenges to the child's permanency are identified, assessed, and whenever possible, removed.

### Which Adoption Services CAN BE Purchased?

A host of adoption services can be provided through purchase of service contracts – a far longer list than the services that generally are actually purchased! These adoption services can be clustered into three groups – pre-placement, post-placement, and post-finalization services – as shown in Tables 1-3<sup>4</sup>.

Table 1. Which Pre-Placement Services Can be Purchased?

|   |
|---|
| <p><b>Family Recruitment and Selection</b></p> <ul style="list-style-type: none"> <li>• Locating relatives</li> <li>• Convening family group meetings to develop an adoption plan with relatives</li> <li>• Referring children to Adoption Exchanges or other agencies</li> <li>• Implementing other child specific family recruitment</li> <li>• Reviewing the child’s summary information</li> <li>• Consulting with supervisory staff or with selection committee staff</li> <li>• Exploring the potential interest of a prospective adoptive family or individual with regard to a specific child</li> <li>• Communicating and/or conferencing with other agency staff</li> <li>• Accompanying the prospective adoptive family to hear about the child from the child’s caseworker</li> <li>• Converting a family from foster family to adoptive family status</li> </ul> |
| <p><b>Home Studies/Family Profiles</b></p> <ul style="list-style-type: none"> <li>• Conducting adoption home studies</li> <li>• Updating adoption home studies</li> </ul>   |
| <p><b>Child Preparation</b></p> <ul style="list-style-type: none"> <li>• Counseling regarding issues of separation, loss, grief, guilt, anger and adjustment to an adoptive family</li> <li>• Preparing or updating a Life Book</li> <li>• Providing age-appropriate information regarding community resources, such as children’s support groups, to assist the child in the transition and integration into the adoptive family</li> </ul>  |
| <p><b>Coordination of Child and Family Meeting and Planning of Placement</b></p> <ul style="list-style-type: none"> <li>• Participating in linking conferences</li> <li>• Providing child specific preparation of family, including reviewing child’s history with family</li> <li>• Arranging and supervising pre-placement visiting</li> <li>• Assisting with transportation for the prospective adoptive parent or the child during pre-placement visits</li> <li>• Evaluating the relationships of the child and prospective adoptive parents during pre-placement visits</li> <li>• Arranging placement</li> </ul>   |
| <p><b>Group Services</b></p> <ul style="list-style-type: none"> <li>• Preparing several families at one time</li> </ul>   |

<sup>4</sup> The following services are provided as examples of services that States could potentially purchase. It is recognized that the ways that public child welfare agencies utilize their funding streams are directed by their State plans as well as by decisions made by the larger human services agencies of which they are a part.



Table 2. Which Post-Placement Services Can be Purchased?

|   |
|---|
| <p><b>Services for Individual Children and Families</b></p> <ul style="list-style-type: none"> <li>• Supervising the placement to assure that the child’s safety, health, mental health and educational needs are identified and appropriate services provided and that all challenges to the child’s permanency are identified, assessed, and whenever possible, removed.</li> <li>• Providing written reports as required by the child’s agency or court of jurisdiction</li> <li>• Providing intensified visiting and casework at least at the frequency required by the purchase of service contract, which should reflect the laws and policies of the child’s sending State.<sup>5</sup></li> <li>• Providing crisis intervention services</li> </ul> |
| <p><b>Case Management</b></p> <ul style="list-style-type: none"> <li>• Coordinating physical and mental health care services and educational services and ensuring that services are being appropriately accessed and used</li> <li>• Arranging for any specialized services or professional consultations or therapy when indicated</li> <li>• Arranging video conferencing for visits with relatives, siblings, and other significant people such as former foster parents.</li> </ul>  |
| <p><b>Coordination and Collaboration with Public Agency</b></p> <ul style="list-style-type: none"> <li>• Providing regular reports</li> <li>• Contacting ICPC and ICAMA as needed</li> <li>• Providing information and forms for adoption subsidy in coordination with the child’s agency</li> <li>• Providing information for planning if a return to the State of origin is necessary</li> </ul>  |
| <p><b>Support Services</b></p> <ul style="list-style-type: none"> <li>• Providing parent support groups</li> <li>• Providing respite services</li> <li>• Providing crisis intervention</li> <li>• Arranging or providing transportation</li> </ul>  |
| <p><b>Court Related Activities</b></p> <ul style="list-style-type: none"> <li>• Preparing court reports regarding the placement</li> <li>• Assisting with adoption finalization</li> </ul>  |

Table 3. Which Post-Finalization Services Can be Purchased?

|   |
|---|
| <p><b>Services for Individual Children and Families</b></p> <ul style="list-style-type: none"> <li>• Counseling regarding issues related to the adoption</li> <li>• Providing tutoring or educational services not otherwise covered, e.g., through an Individual Education Plan (IEP)</li> <li>• Providing crisis intervention services</li> <li>• Referring families, as indicated, to other resources</li> </ul> |
| <p><b>Group Services</b></p> <ul style="list-style-type: none"> <li>• Providing group sessions with families to assist families in coping with and resolving problems of the children in their adoptive families</li> </ul>   |

<sup>5</sup> The purpose of face-to-face visits is to ensure the child’s safety, permanency and well-being needs are continuously assessed and met.



The question regarding the types of services that can be purchased to assure that the children being placed are safe, their well-being needs are being met, and permanency is achieved in a timely manner is somewhat complicated because States take different approaches in defining the “required” services for these types of placements. It is important to find out how your State defines the “reasonable and customary” services for interjurisdictional adoptive placements. One State, for example, has a policy as follows:

“Any or all of the adoption service components may be purchased from a provider which has a purchase of service contract with the Department.”

Other States may limit the types of services that can be purchased for an interjurisdictional adoption. Some or all of the following may be considered “required” for an interjurisdictional adoptive placement, although, in reality, all of these services are “required” for any adoptive placement:

- |                                    |   |
|------------------------------------|---|
| ★ Home assessments                 | ★ Finalization  |
| ★ Child assessments                | ★ Respite   |
| ★ Travel costs                     | ★ Therapy   |
| ★ Court costs                      | ★ Assistance in arranging for legal services, medical services, and subsidies |
| ★ Costs for monitoring/supervision |   |

It is difficult to separate the issue of which services need to be provided in interstate adoptive placements and the questions of who pays for these services and how much is paid. It is not uncommon to hear concerns that States may require certain services but are not willing to pay for them. It is also not uncommon to hear public agencies say that private agencies charge unreasonably high fees. This issue – how to pay for services through purchase of service contracts -- is discussed later in *Funding Purchase of Service*.

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### SOME QUESTIONS TO ASK ABOUT THE PURCHASE OF INTERSTATE ADOPTION SERVICES IN MY STATE

- Which adoption services does my State require for interstate adoption placements?
  - Under what circumstances does my State purchase interstate adoption services?
  - Does my State have procedures and protocols in place to support interstate adoption placements?
  - If yes, where can I find my State’s policies, regulations or other information about how my State uses purchase of services for adoption?
  - If my State does not have procedures and protocols in place to support interstate placements, what would be needed to create these?
  - Who in my State could provide me with training or technical assistance about purchase of service?
-

## Guidelines for Purchasers: How to Find Qualified Adoption Service Providers

A State or county agency may find it challenging to identify a quality private adoption agency in another state, particularly if the public agency has not worked previously with agencies in the other State.

The key to finding a private agency that can provide quality services is **NETWORKING!** Information is best gathered through calling and talking with colleagues and others who are likely to know the agencies in the community. People who are likely to have information on agencies in their States or local communities include:

- The State Adoption Program Manager, both in your own State and in the State where services will be provided
- State and regional licensing professionals who may provide information about the length of time an agency has been licensed, the types of services the agency is licensed to provide, and any sanctions against or complaints about the agency
- Staff in the State's ICPC Office
- Caseworkers and supervisors who have worked with private agencies in the other State/county
- Other professional colleagues who have worked with agencies in the other States/counties

### PRACTICE TIP

#### **Rely on your State's Adoption Program Manager!**

Adoption program managers from all States meet regularly. They develop working relationships and problem-solve "bigger picture" issues such as the purchase of adoption services. Staff who are providing direct services should remember that they have an important resource in their States to communicate with other States – their adoption program manager!

Although the State Adoption Program Manager may not be able to suggest a specific agency, he or she can provide a list of licensed agencies or a group of agencies that have specific expertise in the placement of children from foster care into adoptive families.

There are two very helpful resources for identifying key State professionals. The first resource is the **National Child Welfare Resource Center for Adoption** that maintains an up-to-date list of all Adoption Program Managers. The second resource is the Child Welfare Information Gateway that is provided by the U.S. [DHHS] Children's Bureau. The **Child Welfare Information Gateway** offers a National Adoption Directory Search that allows searches by State for licensed private adoption agencies for domestic (as well as international) adoptions and local and regional offices of the State adoption agency. The Directory also provides, for each State, the names and contact information for key State contacts.

The Directory, however, does not include information on agencies that are not child placing agencies but which provide therapeutic and other treatment and support services. Locating agencies that provide quality therapeutic services may require networking!

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## KEY RESOURCES

### **AdoptUSKids**

See *Interjurisdictional Resources by State* under *Professional Resources* for State-specific information in five areas of interjurisdictional practice.

<http://www.adoptuskids.org>

### **The National Child Welfare Resource Center for Adoption**

National Association of State Adoption Programs

<http://www.nrcadoption.org/nasap/index.htm>

### **Child Welfare Information Gateway**

National Adoption Directory Search

<http://www.childwelfare.gov/nad/index.ctm>

### **State-by-State Information on:**

- Licensed private adoption agencies
- Local/regional offices of the State (public) adoption agency
- Contact information for State-level officials involved in adoption:
  - State Adoption Specialist/Manager
  - State Licensing Manager
  - State ICPC Administrator
  - State ICAMA Administrator
  - State Medical Assistance Specialist
  - State Post-adoption Services Contact
  - State Adoption Assistance Specialist

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## Guidelines for Purchasers: What to Look for in Adoption Service Providers

Purchase of service contracts are legal agreements between two parties – the public agency and the private agency. At the heart of these purchase of service arrangements is the relationship between the two parties. Public and private agencies that enter into purchase of service contracts need to clearly communicate, understand each other’s needs, and through strong communication and collaboration, develop a relationship of trust. When States and counties purchase adoption services from private agencies, trust is the starting point. What information does a purchaser need to have in order to develop a sense of trust and confidence in a private agency service provider?

The following is a checklist of a number of issues that public agencies may wish to explore when considering purchasing adoption services from a private agency. The extent to which these issues will be relevant will depend on the type of contract (that is, is the private agency being asked to provide services to a group of children and/or families or to provide services to an identified child or children?), the level of funding involved in the contract, and the nature of the public agency’s past and current relationship with the service provider. When a service provider is “new” to the public agency, these questions may be more important.

## A Checklist When Purchasing Services from a Private Agency

Depending on the type of service or services that a public agency plans to purchase, the following factors may be relevant in assessing the capacity of a private agency to provide quality services:

### THE AGENCY'S LICENSING AND ACCREDITATION STATUS

- Is the agency fully licensed and compliant with all licensing requirements? Licensing should be considered a MUST. An agency's license may be verified with the State's licensing authority.
- Is the agency accredited by the Council on Accreditation of Children and Family Services? Accreditation may or may not be a qualifying factor, depending on the agency, the services sought, and other indicators of the agency's quality of services. Many small community-based agencies that provide excellent services, for example, may lack resources to pursue accreditation.

### HISTORY OF PROVIDING RELEVANT SERVICES

- How long has the agency been providing services?
- How long has the agency provided the desired services?
- How do the desired services fit within the agency's mission and current array of services? Are the services central to the agency's mission and operations or relatively recent "add ons"?

### COMMUNITY PERCEPTIONS OF QUALITY OF SERVICES PROVIDED: IS THE AGENCY VIEWED AS:

- A quality service provider?
- Responsive to the needs of diverse communities?
- Culturally competent?
- Open to consumer and community feedback in order to improve its services?

### CAPACITY

- Who provides services for the agency? Does the State have requirements for private agency educational credentials and experience? If so, does the staff meet these requirements?
- Can the agency serve the needs of all families and children who are referred?
- Does the agency have the capacity to understand the needs of the individual child for whom services are needed?
- Has the agency's staff been trained in the dynamics of child abuse and neglect and do they clearly understand their responsibility to place child safety above all other considerations and to report suspected or verified child abuse or neglect?

### ORGANIZATIONAL STABILITY

- What is the quality of organizational leadership? How stable has the executive leadership of the organization been?
- Is staffing, particularly social work staffing, stable or is turnover an issue?

#### FISCAL STRENGTHS

- Is the organization financially stable? Can the organization provide audits, annual reports or other documents that demonstrate that it is on sound financial footing and can provide services for the life of the contract?
- Does the agency have the ability to provide reports on actual cost of service provision?

#### ABILITY TO EFFECTIVELY MANAGE CONTRACTS

- Does the agency currently have contracts with other public agencies or with other States?
- Has the agency successfully managed contracts in the past? Is it managing contracts currently?

#### PROCESSES THAT CAN PROVIDE INFORMATION ON THE QUALITY OF SERVICES

- Does the agency track outcomes for the clients it serves?
- Does it have the capacity to track outcomes for the clients served under a purchase of adoption services contract?
- Does the agency ask its clients about their satisfaction with the services that the agency provides? If so, what have been the results?

#### REFERENCES

- Can the agency provide references from agencies for which it has provided contracted services?

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## GENERAL CRITERIA FOR ASSESSING PRIVATE SERVICE PROVIDERS

- Does the agency have a full (not merely provisional) license in good standing?
  - Is the agency accredited by an appropriate accrediting body such as the Council on Accreditation for Child and Family Services (<http://www.coanet.org/front3/index.cfm>)?
  - Does the agency fully understand that a child's safety is paramount and does the agency have the capacity to ensure that the child's safety, as well as the child's well being and permanency needs, are assessed on an ongoing basis and services are provided to ensure that they are met?
  - Does the agency have experience in providing adoption services for children in foster care?
  - Is the agency able to provide the needed service to the client(s) in a timely way?
  - Does the agency have experience in providing the needed service(s)?
  - What is known about the quality of services that the agency provides?
  - Does the agency provide services that are responsive to the needs of diverse cultures and communities?
  - How do agencies that have worked with the provider rate the services that it provides?
  - Does the public agency in the State where the private agency is located or licensed use that private agency to provide adoption services for children in foster care? If not, why not?
  - Does the agency have a good understanding of the resources available to support families who adopt children from foster care, including adoption assistance and Medicaid coverage?
  - Does the agency understand the requirements of the ICPC? Is it able to work effectively with the State's ICPC office?
  - Does the agency understand the requirements of the ICAMA? Is it able to work effectively with the State's ICAMA office?
- 

Appendix A provides a standardized format that States can use or adapt to consistently gather information on private adoption agencies with which it may consider contracting. Using these same factors, a private agency can prepare a "resume" for itself that provides a public agency with this key information. Appendix B provides a sample "resume" for a private agency in State A that is interested in providing post-placement supervision services for a number of families in State A who have adopted children from State B.

# Funding and Paying for Adoption Services

Experience shows that the purchase of services in general and the purchase of adoption services, in particular, can be cost effective for public agencies. In some cases, private agencies may be able to provide services at a lower cost than public agencies, though this calculation is sometimes difficult to make because public agencies often do not maintain data on service unit or overhead costs and costs are not easily compared. Even if the cost of private agencies' service provision is not or cannot be shown to be lower, however, it is clear that the costs associated with the adoption of a waiting child in foster care are far less than the costs of maintaining that child in foster care. Research shows that when the costs of adoption are compared to the costs of long term foster care through age 18, approximately \$65,422 to \$126,825 is saved for every child who is adopted.<sup>6</sup>

## Funding the Purchase of Adoption Services

Public agencies often have concerns about how to fund purchase of service contracts. The following describes some of the funding streams that States have used to fund purchase of service contracts for adoption services. It then describes ways that purchase of adoption service contracts can be structured regarding payments to private agencies for the provision of these services.

### Funding Streams to Support the Purchase of Adoption Services

A variety of Federal, State, and local funding options can be tapped to support the purchase of adoption services. State and local funding options will vary from one locale to another. States may be able to utilize the financial resources offered through a number of Federal programs, including Title IV-E of the Social Security Act, Title IV-B of the Social Security Act, Medicaid and the Social Services Block Grant. In most instances, the State must provide a match for federal funds based on the States' unique matching formula described in the State's various applicable State Plans.

Each of these federal funding streams is described in the following. States should work with their respective Federal Regional Offices to strategize use of Federal funding streams within the context of the State's Child and Family Service Plan.

#### **Title IV-E**

A key source of funding for the purchase of certain adoption-related social service activities can be Title IV-E of the Social Security Act. Title IV-E is a Federal entitlement program that matches, according to a formula that is unique to each State, the State (and other) funds that are actually expended in serving eligible children. Each State works with its Federal Administration for Children and

Families Regional Office to develop, and obtain approval for a cost allocation plan (CAP) which determines the types of expenditures that can be claimed from the Title IV-E funding stream. Through this process, States may most accurately claim Federal dollars for eligible children.

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<sup>6</sup> Barth, R.P., Lee, C.K., Wildfire, J., & Guo, S. (2006). A comparison of the governmental costs of long term foster care and adoption. *Social Service Review*, 80 (1), 127-158.

Title IV-E has three funding streams<sup>7</sup> that States may mobilize for the purchase of adoption services so long as the allocation of funding is part of the State’s Child and Family Service Plan. Two of the funding streams fall within the Title IV-E federal/state matching formula: Title IV-E Administration and Title IV-E Training. These funding streams may be used to purchase a number of adoption services. Examples are provided in Table 4.

Table 4. Use of Title IV-E Administration and Title IV-E Training Dollars for Adoption Services

| Title IV-E Administration  | Title IV-E Training   |
|--|---|
| <p>Adoptive family recruitment</p> <p>Home studies (Examples: Georgia, Missouri, North Carolina, North Dakota, Wyoming)</p> <p>Referral to services</p> <p>Placement of child on adoption exchanges</p> <p>Preparation for and participation in judicial adoption hearings</p> <p>Placement of child with an adoptive family</p> <p>Development of case plans</p> <p>Case management and supervision prior to the final decree of adoption</p> <p>Proportionate share of related agency overhead</p> | <p>Training for current and prospective adoptive parents:</p> <p>Conferences and seminars</p> <p>Training specific to the child’s needs</p> <p>Basic adoptive parent training</p> <p>Includes costs of travel to training, per diem for adoptive families, and trainers</p> |

A third Federal funding stream within Title IV-E is the Adoption Incentive Program, under which funds may be used to cover the costs for services (including post-adoption services) and activities allowable under Title IV-B and Title IV-E of the Social Security Act. States have used Adoption Incentive dollars for a variety of adoption services, including recruiting adoptive families, completing adoptive family home studies, preparing and disclosing records to adoptive parents, preparing children’s life story books, completing post-placement reports, and referring children and families for such services as child and family therapy.

Funds also may be available under Title IV-E to directly reimburse adoptive families for certain non-recurring expenses associated with the adoption of a child with “special needs”. “Non-recurring adoption expenses” are “reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child with special needs and which are not incurred in violation of State and Federal law.”<sup>8</sup> Each State sets its own ceiling

for the amount of this reimbursement, but in no case can it exceed \$2000 for each child. The determination of the amount and what is covered is made by the State from which the child is being placed, and in an increasing number of States, the ceiling is below \$2000. States may claim 50% Federal matching for these non-recurring adoption expenses that they actually pay out to adoptive families.

<sup>7</sup> A fourth funding stream under Title IV-E is the reimbursement of non-recurring adoption expenses which is discussed later. This funding stream is not available for purchase of service contracts but provides assistance directly to adoptive families.

<sup>8</sup> 42 USC Section 473(c)(6)(A).



## Other Federal Funding Sources

In addition to Title IV-E, some States have used other Federal funding sources to purchase adoption services. Some of these key funding sources are:

***Title IV-B, Subpart 1 (Child Welfare Services):*** Provides Federal funding to States to provide services to accomplish the following purposes: a) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (b) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (c) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (d) restoring to their families children who have been removed, by the provision of services to the child and the families; (e) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (f) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

***Title IV-B, Subpart 2 (Promoting Safe and Stable Families):*** Enables States to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services to: (1) prevent child maltreatment among families at risk through the provision of supportive family services; (2) assure children's safety within the home and preserve intact families in which children have been maltreated, when the family's problems can be addressed effectively; (3) address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner; and (4) support adoptive families by providing necessary support services.

***Medicaid (Title XIX of the Social Security Act):*** A Federal/State entitlement program that pays for medical assistance for certain individuals and families with low incomes and resources. Within broad national guidelines established by Federal statutes, regulations, and policies, each State (1) establishes its own eligibility standards; (2) determines the type, amount, duration, and scope of services; (3) sets the rate of payment for services; and (4) administers its own program. States are required to provide certain services under their Medicaid programs, such as the services of physicians and nurse practitioners, laboratory and x-ray services, and Early and Periodic Screening Diagnosis and Treatment (EPSDT). Other services, such as clinic and rehabilitative services, are at the option of the State. Medicaid services must be provided by Medicaid-certified providers. Private agencies may or may not be certified. When they are not, they may be expected to locate Medicaid certified providers in the community who can meet the child's identified needs.

***Social Services Block Grant (Title XX of the Social Security Act):*** Enables States to provide services directed at one or more of five broad goals: (1) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency; (2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency; (3) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families; (4) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and (5) securing referral or

admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

***Adoption Incentive Payments:*** Provides incentive funds to States if the State's foster care and older child adoptions exceed the base number of foster care and older child adoptions for the State in the fiscal year. Incentives awarded to a State may be spent on any service allowed under Titles IV-B and IV-E.

***Timely Interstate Home Study Incentive Payments:*** Provides an incentive of \$1,500 in Federal funds for interstate home studies completed by a receiving State within 30 days of receipt of a request from a sending State. Incentives awarded to a State may be spent on any service allowed under Titles IV-B and IV-E.

Table 5 provides the types of services that can be purchased and the Federal funding streams, other than Title IV-E, that can possibly be used to fund the purchase of adoption services and/or other services that children and families may need.<sup>9</sup>

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<sup>9</sup> Each State needs to work with its Federal Regional Office to establish in its Child and Family Service Plan how it will direct federal funding to pay for child welfare services. States may make choices to spend federal funds that could be available for some of these adoption services for other eligible services that have a higher priority in their overall administration of the child welfare programs in their States.

Table 5. Potential Sources of Federal Funds for the Purchase of Adoption Services and Other Services Needed by Adopted Children and Adoptive Families

| Type of Service                                   | Service  | Potential Funding  |
|---|--|--|
| Pre-placement services                            | Family recruitment and selection                                   | Title IV-B, Subpart 1, Child Welfare Services<br>Title IV-B, Subpart 2: Adoption promotion and support services<br>Adoption Incentive<br>Timely Interstate Home Study Incentive  |
|   | Home studies/family profiles                                       | Title IV-B, Subpart 1<br>Title IV-B, Subpart 2: Adoption promotion and support services<br>Adoption Incentive<br>Timely Interstate Home Study Incentive  |
|   | Child preparation  | Title IV-B, Subpart 1<br>Title IV-B, Subpart 2<br>Medicaid (services for the child) (Examples: EPSDT, physical health services, clinical services, rehabilitative services, targeted case management)<br>Social Services Block Grant<br>Adoption Incentive<br>Timely Interstate Home Study Incentive |
|   | Coordination of child and family meeting and planning of placement | Title IV-B, Subpart 1, Child Welfare Services<br>Title IV-B, Subpart 2: Adoption promotion and support services<br>Adoption Incentive<br>Timely Interstate Home Study Incentive  |
| Post-placement services for children and families | Services for children and families                                 | Title IV-B, Subpart 1, Child Welfare Services<br>Title IV-B, Subpart 2: Family support, family preservation, adoption promotion and support<br>Medicaid (services for child)<br>Social Services Block Grant<br>Adoption Incentive<br>Timely Interstate Home Study Incentive                          |
|   | Case management  | Title IV-B, Subpart 1, Child Welfare Services<br>Title IV-B, Subpart 2: Family support, family preservation, adoption promotion and support<br>Medicaid (services for child)<br>Social Services Block Grant<br>Adoption Incentive<br>Timely Interstate Home Study Incentive                          |
| Post-finalization services                        | Services for children and families                                 | Title IV-B, Subpart 2: Family support, family preservation, adoption promotion and support services<br>Medicaid (services for the child)<br>Social Services Block Grant<br>Adoption Incentive<br>Timely Interstate Home Study Incentive  |

States across the country, working with their Federal Regional Offices, have developed innovative ways to blend and braid Federal and State funding to more effectively serve children and families. These approaches merge and take maximum allowable advantage of different funding sources so that the needs of children and families can be met. States that are interested in exploring these funding approaches should work directly with their Federal Regional Offices.

In addition to the government funding streams that States may be able to direct to services to achieve and maintain adoption, there are non-governmental sources that families may be able to tap directly to support their efforts to adopt. Appendix C provides a list of potential resources that families may use as they move through the adoption process

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## A CHECKLIST FOR FUNDING THE PURCHASE OF ADOPTION SERVICES

1. Who is responsible in my State for:
    - Determining how federal funds are used?
    - Working with the Federal Regional Office to develop my State’s Child and Family Services Plan?
  
  2. What is my State’s protocol for providing input on how federal funds are allocated?
  
  3. Is my State currently using any of the following Federal funding streams for the purchase of adoption-related social service activities and/or adoption services?
    - \_\_\_ Title IV-E:
      - \_\_\_ Administration
      - \_\_\_ Training
    - \_\_\_ Adoption Incentive Funds
    - \_\_\_ Title IV-B
      - \_\_\_ Subpart 1: Child Welfare Services
      - \_\_\_ Subpart 2: Promoting Safe and Stable Families
    - \_\_\_ Social Services Block Grant
  
  4. Is my State utilizing Medicaid for the provision of services to children who are being placed with adoptive families and services post-placement?
    - \_\_\_ EPSDT
    - \_\_\_ Physical health services
    - \_\_\_ Rehabilitative services
    - \_\_\_ Clinical services
    - \_\_\_ Targeted case management
  
  5. Are there opportunities to use Federal funding streams that my State is not currently using for purchase of service?
  
  6. What State and local sources of funding might we use for the purchase of adoption service?
-

## Stable Funding of Purchase of Service

Although there are many potential sources of funding for the purchase of adoption services, it is not uncommon that public and private agencies express concerns about ensuring stable funding for these contracts. Professionals from across the country who have long experience with purchase of service contracts offer important guidance about stabilizing funding for the purchase of adoption services. The following summarizes their responses to some key questions about funding the purchase of adoption service contracts.

### **Q: What are the financial keys to the successful purchase of adoption services?**

The following are some of the keys to the successful purchase of adoption services:

- Have a budgeted line item for the purchase of adoption services.
- Examine historical costs and add “an increase factor” in determining the amount of money that will be needed for the entire fiscal year
- Involve field staff, management staff, and fiscal staff in planning for the purchase of adoption services. Use a systems approach in determining need. For example, if the state is planning a reduction in public agency staff in recruitment units, there will be a greater need to purchase those services from private agencies.
- Clearly state in any purchase of service agreement what is being purchased, when services are to be delivered, what will be paid for the services, and in what increments payments will be made.
- Have procedures in place to periodically review and establish minimum costs for required services.
- Have clear accountability mechanisms in place to track the performance of private agencies and hold them to clearly stated outcomes.
- Have mechanisms in place for amendments to or extensions of contracts when, in the best interest of the child, additional time is needed to finalize the adoption.

### **Q: An agency may enter into a purchase of service contract and then find that the funds that have been allocated for the program have been or will decrease. How does a public agency handle the uncertainties about future funding when considering purchase of service?**

Professionals point out that public agencies with responsibility for children in foster care are accountable for ensuring that permanency is achieved for them, including permanency through adoption. This responsibility is one the public child welfare agencies readily recognize and take seriously. At the same time, the Federal government, through the Child and Family Service Reviews, holds public agencies accountable for the timely achievement of adoption outcomes. Given this level of accountability, it is expected that public agencies will honor the contracts that they have made with private agencies to provide adoption services.

“Public agencies with the custody of children are responsible for achieving permanency for them as quickly as possible. Permanency is not cheap.”  
**Private Agency Professional**

Nonetheless, situations may arise in which allocated funds for the purchase of adoption services prove to be insufficient. Cases may continue beyond the current funding cycle for contracts, or the State may exceed its

own expectations and place more children with adoptive families than projected. Pragmatically speaking, there are specific strategies that public agencies can use to ensure, to the fullest extent possible, the availability of funding for the entire fiscal year covered by purchase of service contracts. As a starting point, public agencies, through their fiscal departments, must monitor the money that is made available for contracts and enter into contracts accordingly. Public agencies will be better positioned to ensure that enough money has been budgeted to cover contracted services when they carefully examine the historical use of dollars and using this information, project the costs of services over time.

If it is not certain that there are sufficient funds to cover existing contracts, it is imperative that public agency program staff meet with the public agency's fiscal division to explore solutions. Solutions can best be developed through input from public agency direct service staff and private agencies and with a clear understanding of how the dollars are being used for services. If funding decreases while contracts are in place, it is essential that everyone – the public agency and the private agency -- pull together and address how services can be continued.

Changes in the availability of funds to purchase adoption services may be beyond the control of the agency that uses these funds to purchase adoption services. Despite this reality, child welfare professionals have a responsibility to provide those who make fiscal decisions with information on how directing funding to the purchase of adoption services can improve permanency outcomes for children in foster care.

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#### PRACTICE GUIDELINES FOR PUBLIC AGENCIES:

To ensure adequate funding for the purchase of adoption services, public agencies should:

- Review the funding that historically has been allocated to the purchase of adoption services over several fiscal years
  - Track the actual usage of dollars under purchase of service contracts
  - Identify the months when the level of adoption activity is higher and greater use of purchase of service will be needed.
- 

**Q: What if the public agency does not have the funds to cover all of the services that need to be purchased for children and families?**

As with issues regarding decreased funding in the midst of purchase of service contracts, many professionals view the position that there is “not enough money to cover needed services,” as especially challenging in light of the obligation of public child welfare agencies to provide services so that children achieve permanency. Two important questions need to be considered: Is the State or county willing to prioritize the use of dollars for purchase of service? Is the State or county able to carve out dollars for this purpose? Professionals agree that prioritizing purchase of service and dedicating funds for this purpose are key.

“Priority needs to be placed on the purchase of adoption services. Some States and counties say, ‘we just don’t have the money,’ and other States and counties have no difficulties at all.”

**Private Agency Professional**

If funds simply are not available for support purchase of services, it is important to consider alternate ways that these services might be provided. Child welfare professionals should explore all possible funding sources to support good practice, which includes purchase of service,

but the decisions regarding funding are complex and may be made by officials who must consider purchase of services along with many other priorities.

## Paying for Adoption Services

Some of the most challenging decisions that a public agency may face when purchasing adoption services involve payment issues: (1) what method(s) to use to pay for adoption services and (2) how much to pay for those services.

### Different Payment Methods

Depending on the type of service purchased, public agencies may use a variety of methods to pay providers of adoption services:

1. Hourly payment for services provided

STATE A PAYS AN HOURLY RATE FOR “PERMANENCY PLACEMENT” SERVICES. IT LIMITS, HOWEVER, THE TOTAL NUMBER OF HOURS OF SERVICE PER CHILD.

Under this approach, an hourly fee is set for the service and the private agency bills the public agency for the total hours spent in providing the service at the set rate. In some cases, agencies use the concept of “billable hours” and track services in increments smaller than an hour, such as 15-minute increments.

2. Monthly payments per child

STATE B PAYS PRIVATE AGENCIES A MONTHLY FEE FOR THE ADMINISTRATIVE PORTION OF THE ADOPTION SERVICES THEY PROVIDE. ADMINISTRATIVE SERVICES INCLUDE CASE MANAGEMENT, SUCH AS ARRANGING FOR COUNSELING AND THERAPY, AND EDUCATIONAL LIAISON SERVICES.

Under this approach, the public and private agencies agree to a monthly fee for services provided to the child. The private agency bills monthly (or for a pro rata share of the month if the child is not served for the entire month).

When services are paid on an hourly or monthly basis and are not tied to specific outcomes, it is not unusual to find that contracts contain a case “cap” (that is, the maximum that can be spent per child), a “budget line cap” (the maximum that can be spent on a specific budget item), or a “budget cap” (the maximum that the agency can spend in total serving children and families).

3. Per child or per family payment for services

STATE C PAYS A PRIVATE ADOPTION AGENCY IN STATE D A FLAT RATE FOR COMPLETING THE FAMILY’S HOME STUDY, PROVIDING POST-PLACEMENT SUPERVISION FOR AS LONG AS THE CHILD NEEDS THAT SERVICE (OR FOR AS LONG AS IT IS REQUIRED BY STATUTE, REGULATION OR RULE), AND FINALIZING THE ADOPTION.

Under this approach, there is a fixed fee for all services that a child or family needs. The agency is paid that amount and is expected to serve the child or family for a fixed period of time or, under some contracts, for as long as necessary.

#### 4 Fixed payments per service “unit”

Under this approach, the public agency, often in collaboration with private agencies, sets a fixed fee for each defined unit of service.

##### ***Defining Service Units***

In different States, different approaches have been taken to defining “service units” and setting fees. One State<sup>10</sup> has defined the following “service units” for which a set fee is assigned:

- Child preparation (a written plan outlining the preparation activities is required with a minimum of 10 visits with a child over a six-month time period);
- Child profile (a comprehensive summary of the child’s life history, current functioning, and special needs)
- Child specific recruitment (efforts to locate and identify an adoptive family for a child within specified time benchmarks)
- Family Profile [also known as the Home Study] (assessment, orientation, family preparation, pre-placement continuing education, professional supports, and matching referrals)
- Child placement (all pre-placement activities that lead to a child moving to the home of the adoptive family, a formal agreement being put into place, and a report to the court of the intention to adopt)
- Adoption finalization (supervision of the placement that includes ongoing assessment of the child’s needs and integration into the adoptive family, supportive services, reports, home visits, and work with the court and attorneys to the point of finalization)
- Advocacy for post-adoption services (management activities to ensure that families receive post-permanency services and case management)
- Support groups (structured meetings to build a community of support for adopted children, birth children and permanent families)
- Respite (family support services that allow families to take a break and then return to parenting)

#### 5. A series of payments tied to achievement of specified outcomes

**STATE E PAYS A PRIVATE ADOPTION AGENCY IN STATE F ONE HALF OF A FIXED FEE AT THE TIME THE CHILD IS PLACED WITH A PROSPECTIVE ADOPTIVE FAMILY AND THE REMAINING HALF AT THE TIME THAT THE ADOPTION IS FINALIZED.**

Common examples of this approach with regard to adoption services are:

- One lump sum payment at adoption finalization

<sup>10</sup> These definitions of service units have been developed by the State of Pennsylvania Statewide Adoption and Permanency Network (<http://www.adoptuskids.org/paeswan.asp>).



- Payment at two points: One-half payment at time of placement and one-half when the adoption is legally finalized
- Payment at three points: One-third at the time of placement, one-third at the time of finalization, and one-third at one year post-finalization assuming that the adoption is intact

There are advantages and disadvantages to each of these approaches to structuring payments under purchase of service contracts. Interest has grown in purchasing outcomes or goal achievement -- as described in #5 above -- rather than purchasing a service or activity. This process, often called “performance-based contracting,” heightens accountability with regard to both the quality and timeliness of services. It also can pose particular challenges in determining the “right” rate to be paid for each outcome to be achieved.

### How Much to Pay

Determining the price of services under a purchase of service contract – whether on an hourly, monthly, per-client, per-service unit, or outcome basis – is a complex issue. States vary widely regarding what they pay for services under purchase of service agreements – both within their own states as well as interjurisdictionally. It is not unusual, for example, to find that one State pays \$2,500 for interjurisdictional adoption placement services and another State pays \$13,000 for the exact same required services.

As agencies across the country have attempted to “cost out” services that traditionally have been provided by public agencies, they have found that data on historical costs will be most helpful, as discussed earlier. They may find, however, that this information is not readily available. It may be difficult for public child welfare agencies to calculate the true costs incurred when its own staff provides all adoption services. Many public agencies have not maintained data on service unit costs or the costs of achieving specific outcomes. When this type of data is not available, it will be more challenging to determine how much to pay for services. Nonetheless, a public agency can review its contracts with private agencies in its own State and can contact colleagues, such as Adoption Specialists/Managers in other States, to develop a clearer understanding of how to price these services.

In deciding how much to pay, it is critical that a public agency consider whether the current pricing of services meets the actual costs of providing the services. The question that should drive this consideration is: What would be the actual costs to the public agency if it were to use its own staff to provide the services that the private agency is being asked to provide? Actual costs include not only the direct cost of providing the service (the time of the social worker) but administrative and other overhead costs that are incurred whenever an agency (public or private) provides a service. Discussions with private agencies about the actual cost of service provision can provide important information in making this determination. Private agencies that have the capacity to determine the price of services accurately and that have developed a system of service provision that is tied to true costs will be particularly helpful in these discussions. They also can provide information on the costs of services in different regions of the country. State A may discover that what it pays for a service in State A is significantly less than what a private agency in State B must receive to meet its costs given differences in cost of living and salary differentials.

Private agencies should be able to share with public agencies the formula they use for determining the cost of services (whether that is by the hour, month, per client, per service unit, or by outcome). When payment is by the hour (or increments of an hour), in particular,

there must be a system for tracking the hours of service provision and a billing system that captures this information and tracks payments. When payment is by other methods, private agencies need data systems that capture information on services provided, the costs of services, and the extent to which payment rates under current contracts may not cover the actual costs of services.

When determining how much to pay for services, the goal is to develop purchase of service contracts that are realistic and ethical – that is, contracts that provide adequate and appropriate resources to private agencies so that they can deliver high quality, professional services within a sound business and financing structure for the organization and can produce the outcomes that both the public and private agency want to achieve.

# The Purchase of Adoption Services Contract

The scope of a purchase of service contract will vary depending on the nature of the adoption services to be provided. Purchase of adoption services contracts, for example, vary along the following lines:

**NUMBER AND TYPE OF CLIENTS TO BE SERVED: CONTRACTS MAY PROVIDE THAT THE PRIVATE AGENCY, DURING THE TIME COVERED BY THE CONTRACT:**

- Serve an unspecified number of children
- Serve an unspecified number of families
- Serve an unspecified number of children but not exceed a set maximum number
- Serve a specified number of children or families (including one child or one family)

**SERVICES TO BE PROVIDED: CONTRACTS MAY PROVIDE THAT THE PRIVATE AGENCY:**

- Provide specifically delineated services
- Provide an all-inclusive list of services

**THE PAYMENT METHOD: CONTRACTS MAY SET AS THE PAYMENT METHODOLOGY:**

- Payment per service
- Payment per hour or per day
- Lump sum payment upon achievement of specified outcomes

Given the great variability in purchase of adoption service contracts, it is not possible to present the “ideal” contract. It is important, however, to recognize that each contract will have two key types of provisions:

1. *Standard provisions that each State or county requires in any contract that the State or county enters into with another party.* These provisions may include such matters as:
  - The provider’s status as an independent contractor
  - Requirements for liability insurance coverage
  - Non-discrimination requirements under Federal and/or State civil rights laws and/or under the Americans with Disabilities Act and Section 504
  - Procedures for resolving disagreements or problems that arise between the public agency and the private agency provider
  - Whether the private agency can subcontract or assign any of its obligations under the contract to another agency or individual
  - The contract being subject to ongoing availability of funding

These provisions typically cannot be changed as they are standard language that a State or county requires in all contracts. In some cases, private agencies may not be able to proceed with a contract to provide adoption services because they are unable to meet a State’s or county’s standard requirements. As an example, a small private agency

that provides quality adoption services may not be able to meet the State's or county's requirements for liability insurance and, as a result, may not be able to enter into a contract with that State.

2. *Provisions that are specific to the purchase of adoption services.* These provisions will differ, depending on whether the contract is for the provision of services to a number of children or families or the contract is for an identified child. The following discussion provides an outline of key provisions for each type of contract. It is important to remember, however, that different States may have different approaches to contract provisions.

## **Provisions of Purchase of Adoption Service Contracts: Services for a Group of Children and Families**

### **I. Term of the contract**

- Beginning and ending date
- Any provisions for contract renewal

These provisions make clear the time frame for the contract and whether the public agency envisions the ongoing renewal of the contract.

### **II. Description of the children/families to be served**

These provisions clearly describe the population of children or families that the private agency is expected to serve.

### **III. Description of the services to be provided**

These provisions clearly state the specific services that the private agency is to provide. They may be highly detailed (for example, setting a minimum of hours of service that must be provided) or they may be more general descriptions.

### **IV. Fee/payment schedule**

Typically, contracts address several issues in connection with the payment for services:

#### *Method of payment*

1. How services will be paid: hourly, monthly, as a case rate, or based on the achievement of specified activities or outcomes
2. Whether travel expenses are included within payment rate or will be reimbursed as a separate item
3. Any prohibitions regarding charging clients for any fees associated with the services covered in the purchase of service agreement (typically, this practice is prohibited)

#### *Any limitations as to how funds under the contract may be used*

#### *Process for payment*

1. The schedule for submitting invoices
2. Invoicing/billing procedures
3. Payment procedures and schedules

## **V. Record-keeping requirements**

These provisions describe the types of records that the private agency is expected to maintain and often include:

1. Client records
2. Programmatic records
3. Statistical records
4. Fiscal records
5. Records related to State licensing, including business licensing, if required (typically through the Secretary of State), and licensing as an adoption agency

These provisions often also state the State's or county's requirements regarding the retention of records.

## **VI. Data collection and reporting requirements**

These provisions state the types of reports that the private agency must provide to the public agency and the time frames for reporting. The types of reports that are often required are:

1. Programmatic reports
2. Status reports on clients
3. Fiscal reports

These provisions also may include the State's or county's requirements regarding fiscal audits by the public agency.

## **VII. Performance standards/requirements**

Contracts are likely to vary in their inclusion of standards or performance criteria that the private agency must meet. These provisions vary widely from State to State, but they can be grouped in several categories:

### *Requirements regarding private agency staff*

1. Requirements regarding cultural competence
2. Criminal history background checks of staff
3. Specified requirements regarding staff credentials
4. Requirements regarding staff training or certification as mandatory reporters of child abuse and neglect under applicable State law.

### *Requirements regarding service provision*

1. Requirements regarding the services that the provider is expected to provide, including the frequency with which the provider is required to have face-to-face contact with the child, where these visits can and cannot occur, what the purpose of the visit is, and what must be included in written reports to the child's sending agency
2. Requirements regarding critical incident or special issue reporting, including reports of child maltreatment
3. Any requirements regarding compliance with the public agency's forms or procedures in connection with service provision
4. Any requirements regarding the provision of interpretation and translation services

5. Any statutory requirements regarding the sealing of adoption records and submitting information to the Adoption Registry

*Performance standards and evaluation*

1. Performance measures when relevant to contracted services
2. Requirements for evaluation of services provided
  - By the private agency
  - By the public agency
3. Requirements regarding client appeals and grievances

*Information-sharing*

1. Requirements regarding compliance with HIPAA or other laws regarding the confidentiality of client information
2. Any requirements regarding the agency's contact with the media

**VIII. Licensure and/or accreditation requirements**

These provisions describe requirements regarding the private agency's licensure status (as a business, if required by State law, and as an adoption agency) and whether the agency must be accredited.

**IX. Procedures for resolving disputes**

These provisions describe the procedures that will be used when the public agency and private agency encounter significant differences regarding the provision of services. They may include procedures for resolving disputes through mediation, grievance procedures, appeals processes, or, in the event of serious disputes, a process for terminating the contract.

## Provisions of Purchase of Service Contracts: Child-Specific Services

These contracts may be stand-alone agreements or may be an addendum to a standard adoption contract:

- I. Time frame for the contract**
- II. Ongoing roles and responsibilities of the public agency with regard to the child(ren) that are in its custody**

These provisions state specifically the ongoing responsibilities of the public agency with regard to the individual child or sibling group.
- III. Specific services that the private agency will provide**

These provisions describe the services that the private agency will provide on behalf of the child. They often also include requirements regarding the number and frequency of visits with the child/family, including the frequency with which the provider is required to have face-to-face contact with the child, where these visits can and cannot occur, what the purpose of the visit is, and what must be included in written reports to the child's sending agency
- IV. Period of time over which the private agency will be responsible for the child**

These provisions set the time frame for the provision of services.
- V. Reporting requirements**

These provisions describe the type of reports that are required, the time frames for reporting, and any specific requirements regarding the nature or format of the reports.
- VI. Fee/payment rate**

These provisions state what the private agency will be paid for the provision of the specified services.
- VII. Payment methodology**

These provisions describe the way that payment will be made and whether there are incentives (or bonuses) for the timely and satisfactory completion of services.
- VIII. Contingency arrangements**

When appropriate to the subject of the contract, these provisions outline respective responsibilities when the child's placement with a family in another state is not successful. These provisions make clear who is responsible for what services and who will pay for those services should a placement disrupt.

**IX. Any specific provisions regarding the provision of services in light of the child’s individual circumstances.**

]These provisions, if included, address special circumstances that require that services be provided in a specific way. An example is the following:

“Due to the length of time that the child has been in the home, AGENCY and DEPARTMENT agree to waive further supervision following signing of the placement agreement and to move immediately toward finalization.”

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### WHAT NOT TO INCLUDE IN CONTRACTS

Keep in mind that some contract provisions are NOT helpful!

- Avoid putting in requirements that a private agency in State B comply with laws and regulations of State A that are referenced solely by number. When these references appear without explanation, the private agency may have to do legal research to understand what the laws and regulations require. One alternative is to include as an appendix to the contract the applicable statutes, rules, or policies.
- Avoid contract provisions that are specific to State A’s laws and apply to State A private agencies but would not apply to an agency in another State (Examples: Requiring a State B agency to utilize the child abuse registry in State A for background checks on all staff [the agency in State B should check the child abuse registry in State B]; Requiring a State B agency to use court procedures of State A that have no counterpart in State B courts when the adoption is being finalized in State B.)

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### Agreements with Families: Openness in Adoption

An issue that often arises in connection with the contracts made on behalf of an identified child or children is the extent to which legal agreements can ensure that children will maintain contact with siblings or extended family members. It is possible to include in agreements with families specific language regarding the child’s ongoing contacts with birth family members (for example, the type of visits, frequency of contact, and who will pay travel costs) and, in some states, post-adoption contract agreements are legally enforceable. In many states, however, such “open adoption agreements” are not recognized and are not enforceable. In reality, agencies do not have control after an adoption is finalized. As a result, professionals with extensive experience recommend that ongoing contact be fostered through:

- ★ Encouraging adoptive families from the outset to be open to the child’s ongoing contact with siblings and extended family members when it would not compromise the safety of the child or adoptive family or the well being of the child.
- ★ Addressing the issue directly during the pre-placement process when contact appears to be a concern for prospective adoptive families
- ★ Including in the agreement with the family language regarding maintaining relationships that are important to the child when safe for and in the best interests of the child



- ★ Including with the adoption subsidy agreement costs associated with travel for sibling visits
- ★ Using digital cameras, Internet technologies, and regular mail to help the child and family members remain in touch when safe for and in the best interest of the child
- ★ Regularly reviewing policies and practices to ensure that the agency supports contact over time

# Some Additional Practicalities: Making the Purchase of Adoption Services Work!

**W**hen public and private agencies consider the purchase of adoption services, there are several issues that often arise regarding the practicalities of this process. The following provides, in a question and answer format, the thinking of professionals from across the United States about some additional aspects of purchasing adoption services: State-to-State relationships, communication and information sharing, and the contracting process.

## Communication and Information-Sharing

### **Q: How is communication best established between the public agency and a private agency in another State?**

Communication between agencies in different States needs to take place at two levels. First, the public agency and private agency should enter into a contract that clearly communicates all expectations – regarding services, timelines, payments, and resolution of any difficulties that may arise. The provisions of the contract that agencies might consider were discussed earlier. The best results are likely to be achieved when the contracts manager for the public agency is part of the conversations between public agency program staff and private agency program staff.

Second, beyond being clear about the contract, caseworkers and supervisors in both the public and private agencies need to establish direct and clear communication on a personal level. Specifically, when services are being provided to an identified child or family, staff with the public and private agencies should participate in telephone calls to discuss the specific circumstances of the child and family. Only after a phone call should communication proceed to email or regular mail (as a last resort!). Personal connections can sometimes be facilitated by more seasoned caseworkers or supervisors who have already worked with the private agency and have personal relationships with staff members.

When services are provided to an identified child or family, an excellent way to ensure that everyone is clear about what is expected is to hold a referral conference by telephone or in person. Referral conferences provide caseworkers and supervisors from the public agency and private agency with an opportunity to work through issues related to service provision. The referral conference, for example, can be used to clarify what is expected with regard to arranging sibling visitation, such as the timing of visits and who will provide transportation. There may be more than one call as part of this process. The initial call may focus on the responsibilities of the direct service staff, the adoptive and foster families, and the respective State Offices. A second discussion may be held about the contract provisions once the responsibilities are clarified. It is important to memorialize the expectations and decisions in writing and provide this information to all parties.

**Q: How much information can be shared between the public and private agency given the mandates of HIPAA?**

States vary in their interpretations of HIPAA's application to adoption. In many States, the public agency, as the guardian of children who have been freed for adoption, is considered the holder of the child's records and, as a result, is authorized to make decisions about the information that will be provided to private agencies and to release that information. The application of HIPAA may be more complex when the agency is not the child's guardian. In these cases, consent must be obtained from the child's parent or the child, depending on the age and maturity of the child and the nature of the information. In other States, HIPAA has been interpreted as restricting the disclosure of information even when the State is the guardian for the child. It is important that a public agency consult with its legal counsel about the State's interpretation of HIPAA mandates regarding the disclosure of personal information about children who are freed for adoption. At the same time, it is important to recognize and adhere to legal requirements and ethics related to full disclosure of material background information on children to prospective adoptive families.

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**PRACTICE TIPS FOR ENSURING CLEAR COMMUNICATION ABOUT CONTRACTS**

- Do not make assumptions that everyone understands what is expected under the contract. Be clear about what services are to be provided, what outcomes are to be achieved, the timelines for services and outcomes, how much will be paid for what, and how problems will be resolved. Follow any verbal clarifications that take place with a written reiteration of them.
  - Involve the contract manager in program staff's discussions of the contract. The contract manager can play a key role in ensuring that everyone understands exactly what the contract says and what the contract language means!
- 

**State-to-State Relationships**

**Q: Some State and county caseworkers do not trust private agencies, and some private agencies express distrust of public agencies. How can we help staff overcome the distrust that public and private agencies sometimes feel about one another?**

The consensus among professionals is that the key is RELATIONSHIPS. When caseworkers from different States have opportunities to meet one another, at conferences or meetings or through other events, they are able to develop positive impressions about one another. Once that personal relationship is established, it can be maintained, even by email! It is an interesting phenomenon that when individuals have developed a positive relationship with one another, they tend to transfer those positive views to the other individual's organization and in some cases, even to other organizations. Through these positive working relationships, attitudes are likely to undergo important transformations!

Relationships between public and private agency staff can be supported through both structural and operational approaches. Steps that agencies can take to foster positive working relationships with one another

“Most States work with private agencies for foster care placements, so why would it be different to work with private agencies for adoption services? Just as agencies work through difficulties that may arise in the provision of foster care services, the same strategies can be used to resolve problems in the provision of adoption services.”  
**Public Agency Professional**

include the following:

- Ensure that everyone is on the same page philosophically (for example, that everyone understands that child safety is paramount and “trumps” all other objectives and interests and that everyone agrees that “every child in care is adoptable,” that “it is our job to find a family for every child in foster care who needs a family,” and that time is of the essence when working to achieve permanency for a child in foster care).
- Model collaborative practice at the administrative level. Normalize collaboration!
- Use the ADOPTUSKIDS Training and Technical Assistance network to provide training to States and private agency adoption managers and directors.
- Develop an organizational culture in which interjurisdictional adoptive placements are part of the agency’s “business as usual.”
- Provide basic resources that guide practice, such as help manuals, clearly stated standards in policy and procedure bulletins, and clear benchmarks regarding the private agency’s performance. Include purchase of service “how-to’s” in child welfare policy manuals.
- Ensure that there is “constant communication” between the agencies, a step made all the easier by email!
- Develop contracts that provide clearly defined ways to resolve issues that may undermine confidence in the quality of the private agency’s performance or erode the private agency’s trust that the public agency is “on board” with the work being undertaken.

**Q: It can be difficult, as a public agency, to “let go” and move forward with the purchase of adoption services. Are there ways to help staff overcome discomfort with ceding some level of control over what happens with “our” children and families?**

In reality, the public agency with responsibility for the child does not “let go” when it purchases adoption services. As the guardian for the child, the public agency retains responsibility – and control – until the child’s adoption is finalized. Nonetheless, public agency caseworkers may feel that they are relinquishing control when a private agency steps in to provide adoption services. There are several ways that staff from both public and private agencies can together address anxieties about “control”:

*Through relationships:* As noted earlier, when caseworkers in public and private agencies get to know one another, they find others are as competent as they themselves are! As a result, fears associated with losing “control” diminish.

*Through clarifying roles:* When the roles of the public agency and the private agency are clearly stated, “control” becomes less of an issue. The public agency’s role is to ensure that services are provided and outcomes achieved

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**PRACTICE TIPS FOR STRENGTHENING COMMUNICATION**

- Establish a working relationship through a phone call before emailing! Consider referral conferences when services are being provided to an identified child or family.
  - Continue to support the working relationship through phone calls whenever possible.
-

and that the private agency adheres to relevant policies and procedures. The private agency's role is to provide services and achieve the expected outcomes. Both agencies have, as their primary responsibility, assessing child safety.

*Through clearly stating and demonstrating expected outcomes:* When standards for services and the outcomes to be achieved are clearly stated, it is easier to demonstrate what is being accomplished. Through this process, public agency caseworkers can readily see the benefits to children and families through purchase of service and how the work of private agencies facilitates their own work!

*Through training:* Concerns about the use of purchase of service contracts can be addressed through training opportunities that provide caseworkers with information on the benefits of contracting and the contracting process itself.

*Through mentoring:* Caseworkers struggling with concerns about the purchase of adoption services can be assisted by seasoned supervisors and caseworkers with experience in working with private agencies. Staff can share their personal experiences with purchase of service in general and with specific agencies. Seasoned caseworkers can also play invaluable roles in continually reminding staff that finding families for children is what we are expected to do!

“We need to professionalize practice so that we practice within guidelines of what is best for children and families. In that way, our personal feelings will not get in the way.”  
**Private Agency Professional**

*Through a clear demonstration of competence regarding the dynamics of child abuse:* Public child welfare agency staff often have concerns about interjurisdictional placements because they will not have frequent face-to-face contact with the children. They must rely on others, whom they do not personally know, to ensure that the child is safe and to identify any type of abuse and neglect. These contacts also are an occasion for caseworkers to conduct an ongoing assessment of the child's needs and the adoptive family's ability to meet those needs, including assisting families in identifying and obtaining the services the child needs. When public agency staff are confident that private agency staff have the ability to effectively meet the safety, well being and permanency needs of children, they are better able to “let go” and embrace purchase of service.

“They are all our children. We are one nation. We must educate our staffs. We have to always look at what's best for kids.”  
**Public Agency Professional**

**Q: Virtually every State's caseworkers express concerns about other States' home studies. Commonly, we hear, “other States' home studies are incomplete.” How do we effectively deal with the common perception among staff that every State's home studies (that is, other than our own State's) are not “up to par”?**

Professionals from across the country agree that the “home study issue” is a common basis for resistance to the purchase of adoption services. Although many adoption professionals have supported the development of a uniform home study, efforts to develop a universal format have met with little success, in large part because of differing requirements from one State to another. The newly revised Interstate Compact on the Placement of Children (ICPC) provides general guidance as to some core components of “assessments”. It defines “assessment” as “an evaluation of a

prospective placement to determine whether the placement meets the individualized needs of the child, including but not limited to the child’s safety and stability, health and well being, and mental, emotional and physical development.” These broad parameters provide a starting point for agreement on the fundamental issues that all home studies need to address.

The complaint of “inadequacy” (as applied to the home studies of others!) can be addressed in several ways. Steps that agencies can take include the following:

- ✓ If our State or county receives a home study from another State that does not appear to meet “our” standards, we can pick up the phone and ask for the additional information that we need. Given federal requirements that States give full faith and credit to other States’ home studies, the time to pick up the phone is now!
- ✓ We can put greater emphasis on ensuring that home studies are prepared and assessed by caseworkers who are educated in social work practice (such as BSWs or MSWs), are well-trained, understand the dynamics of child abuse and neglect and that child safety is paramount, and receive quality supervision. When caseworkers are well prepared and supported, it is more likely that the content of home studies will be the point of focus, irrespective of the way in which the information is formatted or presented.
- ✓ Even with an emphasis on social work education for the provision of adoption services, it is likely that some caseworkers who prepare and review home studies will not have this preparation. In these cases, it is essential that they receive training about the fundamental issues that home studies need to address (such as assessing the family’s capacity to provide a safe environment for the child and making certain that the family understands the dynamics and effects of child abuse and neglect), how much is “enough” in a home study, and how personal feelings or expectations can creep into assessments of families.
- ✓ Irrespective of education, training and supervision, some caseworkers may not represent the family well on paper. We can encourage the use of family lifebooks and videos to enhance the understanding of the family’s story.

“We need to professionalize the workforce instead of focusing on developing ‘better forms.’ Staff who are professionally educated, well trained and supervised produce work that colleagues can work with. ‘Universal home studies’ are really not the point.”  
**Private Agency Professional**

**Q: Our judges do not like to send our children to other States. How can we work with them on these issues?**

Professionals acknowledge that some judges have great difficulty approving interjurisdictional adoptions. Nonetheless, professionals agree that there are opportunities to work with and educate judges about the benefits of these placements for children and to alleviate their concerns about approving placements of children with out-of-state families. Some of the key recommended strategies are:

- Identify a judge or a group of judges who support interjurisdictional placements. Judges who work closely with the State’s Court Improvement Project may be excellent partners! These judges can initiate judge-to-judge dialogues about interjurisdictional adoptions and address the concerns that other judges may have.

“Judges learn from other judges. It is important to ally with a judge who is compassionate and understands child welfare issues.”  
**Public Agency Professional**

- Provide training to judges on interjurisdictional placements with judges themselves serving as the trainers.
- In the individual case of a child in which an interjurisdictional adoption is being recommended, clearly document for the court the work that has been undertaken to find the “right” family for the child, why another family in another State may be an excellent resource for the child, and how the agency that will supervise the placement is trained to and will assure the child’s safety.
- When appropriate, point out to the court the provisions of Federal and State law that promote the use of interjurisdictional placements.

## The Contracting Process

### **Q: How can we expedite the process for putting a purchase of service agreement in place?**

There are several ways that contracts for the provision of adoption services can be solicited. A State may use a Request for Proposal (RFP) or Request for Tender (RFT), or a State may use a Request for Quotation (RFQ).

#### **PRACTICE TIP:**

The contracting process will go more smoothly and more quickly when the public agency’s contract manager walks everyone through the contract!

The time needed to finalize a purchase of adoption service contract will vary. Professionals consistently report that a contract is rarely finalized in less than a month. They point out, however, that the time frame should not significantly exceed that period of time. To expedite putting a contract into place, it is important to:

- Evaluate the time required for the ICPC process and identify steps that can be taken to facilitate this process
- Work with the private agency to obtain early agreement with the contract terms as provided by the State or county, by, for example, providing the private agency with the State’s template for a purchase of service contract that contains all required, non-negotiable language and requirements (such as the required level of liability insurance)
- Simplify the public agency’s approval process
- Make full use of technology, including fax and email
- Consider whether a new contract needs to be negotiated or the contract can be renewed and an addendum simply added for each new child for whom services will be provided



**Request for Proposal (RFP) or Request for Tender (RFT):**

- Generally used for contracts of \$25,000 or more
- Often used when the selection of a provider cannot be made solely on the basis of lowest price
- Used to promote the most cost-effective solution based on specified evaluation criteria

**Request for Quotation (RFQ):**

- Normally used when services needed are valued at less than \$25,000
- Bid document kept simple so contract can be quickly awarded

Source: Government Contracting Terminology: [http://www.findrfp.com/Government\\_Contracting/Gov\\_Contract\\_Term.aspx](http://www.findrfp.com/Government_Contracting/Gov_Contract_Term.aspx)



# Monitoring and Follow Up

## General Contract Monitoring

A critical process in purchase of adoption services contracts is the monitoring of the private agency's performance under the contract. As discussed earlier (see *The Purchase of Service Contract*), contracts often include provisions for monitoring the private agency's performance and responding to performance issues. Monitoring and follow up can be facilitated when contracts have certain provisions, such as the following:

- Clearly stated standards, expectations and/or outcomes
- Clear designation of who is responsible for the contract at the public agency and the private agency
- Requirements regarding reporting on private agency performance and/or other processes that the public agency may use to monitor the private agency's performance (for example, site visits)
- Provisions regarding the steps that will be taken if the private agency fails to perform acceptably under the contract
- Provisions regarding withholding funds if specific performance standards are not met
- Provisions for terminating the contract in the event of inadequate performance
- A time frame for the contract with the possibility of renewal of the contract
- A clear statement that the public agency retains full authority over the child and can at any time discontinue the private agency's involvement in the case

## Performance Issues

In most cases, monitoring and follow up on purchase of service contracts is an easy process. The carefully selected private agency meets its obligations under the contract, providing services as expected (or even better!) in a timely way and achieving the desired outcomes. Because private agencies want the "business" and want to continue providing services under contracts with the public agency, they are likely to meet, or exceed, performance expectations and provide all information that the public agency needs.

In some cases, however, performance problems occur. The private agency, for example, may not provide the agreed-upon services, may not provide reports in a timely way, or cannot be reached for information. When these situations arise, it is critical to be able to rely on contract provisions that clearly state how the public and private agency will proceed if performance is not satisfactory.

A number of steps can be taken to respond to performance problems under a purchase of service contract. These steps fall along a continuum, from prevention to conciliatory efforts to address the problem to the most serious step, termination of the contract. The following illustrate this continuum:

- Preventive activities that may include referral conferences and contract review meetings
- Direct communication with the private agency program staff regarding performance expectation issues as they arise

- Mutual discussions and problem-solving regarding performance issues
- Utilization of the chain of command in both the public and private agency to address performance issues
- Withholding of funds when performance problems arise (such as failure to submit required reports)
- Termination of the contract and arranging for another agency to step in and provide the services.

### Follow Up When a Placement is Not Successful

When services are provided across state lines on behalf of an identified child, there is always the possibility that follow up action will be needed if the adoptive placement disrupts. Who has the responsibility to respond and what should the response be?

Again, the contract is key. In the case of services to an identified child, the contract should clearly state the responsibilities of the public agency and the private agency.

It is also important to consider the respective responsibilities of the “Sending State” (the child’s State of origin) and the “Receiving State” (where the child is currently living). These responsibilities will vary depending on the status of the adoption. If the adoption has not been finalized, the “Sending State” will continue to be responsible for the child, and, as a result, will be primarily responsible for planning for the child when the placement is not successful. The private agency, however, will have certain responsibilities, particularly in relation to the practical tasks that will need to be completed: working with the public agency caseworker in the child’s State of origin to arrange the date for the child’s departure from the placement and transportation to the new placement; working with the family to ensure that the child’s belongings are packed and ready; preparing the ICPC paperwork; arranging for school and medical records to be forwarded to the Sending State; preparing the child for the move; assisting the family to stabilize and grieve the loss; and writing the closing report for the child’s caseworker in the Sending State.

“Performance issues in purchase of service contracts can usually be resolved through collegial relationships. The public agency does not need to act like a sheriff.”  
**Private Agency Professional**

The Sending State generally will cover the expenses associated with the return of a child if the adoptive placement is not successful. If the adoption has been finalized, it is the Receiving State that assumes responsibility for the child. If the adoption has only recently been finalized, the Sending State and Receiving State may work together to determine what steps are in the child’s best interest.

### Evaluating the Effectiveness of Purchasing Adoption Services

As purchase of service contracts are developed and utilized, much can be learned about this approach to achieving timely adoption outcomes for children and families. States may wish to consider gathering information that can assist them in evaluating their purchase of service contracts, reviewing lessons learned, and incorporating that learning into practice over time. Through this process, the purchase of adoption services can continually be improved and adoption outcomes achieved in a more timely way. Appendix D provides a guide for charting the use of purchase of service contracts over time. It is designed to assist States in their ongoing efforts to strengthen the adoption services provided to children, prospective adoptive parents, and adoptive families.

## Conclusion

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**T**he purchase of adoption services can be effectively done! This Guide provides practical information on when to use purchase of service contracts, what services can be purchased, how to locate and select private agencies, the funding of adoption services, the key provisions of these contracts, how to handle some of the key challenges in purchasing adoption services, the monitoring of purchase of service contracts, and evaluating purchase of service. Through the use of purchase of service contracts, everyone benefits – public agencies, private agencies, and most importantly, waiting children and waiting families!

*“Purchase of service is a matter of experience! We must jump in and get our feet wet!”*

**Public Agency Professional**

# Appendix A. Private Agency Information Form

**Name of Agency:** \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Website Address: \_\_\_\_\_  
Executive Director: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_  
Adoption Program Director: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

## Licensure and Accreditation

*Business Licensing:* If the State Requires a Business License, is the Agency Licensed as a Business?  Yes  No  Not applicable

State(s) of Licensure as a Business: \_\_\_\_\_  
Most Recent Dates(s) of Licensure/License Renewal: \_\_\_\_\_

*Licensure as an Adoption Agency:* Is the Agency Licensed to Provide Adoption Services?  Yes  No

State(s) of Licensure as an Adoption Agency: \_\_\_\_\_  
Most Recent Dates(s) of Licensure/License Renewal: \_\_\_\_\_

### Accreditation

Accredited for Adoption Services?  Yes  No

If yes, accrediting body: \_\_\_\_\_  
Most recent date of accreditation: \_\_\_\_\_

## Agency Experience

Date agency was established: \_\_\_\_  
How long has the agency provided adoption services? \_\_\_\_  
What types of adoption services are provided?  
 Adoption services for children in foster care  
 Domestic infant adoption  
 International adoption

Please list all adoption services that the agency provides:

Please describe the training that is provided to staff in the dynamics of child abuse and neglect, the responsibility of staff to place child safety above all other considerations, and the responsibility to report suspected or verified child abuse or neglect.

## Staffing

Number of adoption staff:  
 MSWs  
 BSWs  
 Other bachelor level staff  
 Other: \_\_\_\_\_

Average number of years of adoption experience:

- \_\_\_ All MSWs
- \_\_\_ All BSWs
- \_\_\_ All other bachelor level staff

Number of adoption supervisors:

- \_\_\_ MSWs
- \_\_\_ Other

Average caseload: \_\_\_ Children  
 \_\_\_ Families

**Service History**

Please provide the following regarding adoption services over the most recent three fiscal years.

|   | FY ___ | FY___ | FY ___ |
|---|--------|-------|--------|
| Total number of children in foster care served: Adoptive family recruitment |        |       |        |
| Total number of children in foster care served: Adoption placement services |        |       |        |
| Total number of children served: Adoption preparation                       |        |       |        |
| Number of home studies completed  |        |       |        |
| Number of finalized adoptions   |        |       |        |

**Contracting History**

Current contracts with public child welfare agencies to provide adoption services:

| Public Agency | Contact Person | Telephone Number | Email Address |
|---------------|----------------|------------------|---------------|
| 1.            |                |                  |               |
| 2.            |                |                  |               |
| 3.            |                |                  |               |
| 4.            |                |                  |               |

Contracts previously held with public child welfare agencies to provide adoption services:

| Public Agency | Contact Person | Telephone Number | Email Address |
|---------------|----------------|------------------|---------------|
| 1.            |                |                  |               |
| 2.            |                |                  |               |
| 3.            |                |                  |               |
| 4.            |                |                  |               |

**Financial Status**

Date of most recent independent audit: \_\_\_\_\_

Audit status: \_\_\_\_\_

**References**

Please provide two references in addition to individuals listed above. Preferred references are community partners or colleagues.

Name                      Telephone Number                      Email Address

1. \_\_\_\_\_

2. \_\_\_\_\_

# Appendix B. A Private Agency's Resume

The Good Private Adoption Agency  
100 Main Street, My Town, USA  
Telephone: (212) 555-1000  
Fax: (212) 555-1111

January 1, 20xx

## **Licensure and Accreditation**

Licensed to provide adoption services in State A continuously since 1985  
Accredited by the Council on Accreditation of Children and Family Services continuously since 1995

## **Agency Experience**

Founded in 1985 to provide a full range of adoption services, including:

### *Family Recruitment and Selection*

- Child-specific family recruitment
- Work with prospective adoptive families regarding identified children
- Conversion of family from foster family to adoptive family status

### *Home Studies/Family Profiles*

- Adoption home studies
- Adoption home study updates

### *Coordination of Child and Family Meeting and Planning of Placement*

- Participation in matching conferences
- Child specific preparation of family, including reviewing child's history with family
- Pre-placement visiting arrangements
- Assisting with transportation for the prospective adoptive parent or the child during pre-placement visits
- Evaluating the relationships of the child and prospective adoptive parents during pre-placement visits
- Arranging placement

### *Post Placement Services*

- Supervision of placement
- Counseling services regarding issues related to the adoption
- Referral, as indicated, to other resources

### *Court Related Services*

- Preparation of court reports regarding the placement
- Adoption finalization

**Staffing**

A staff of ten MSWs, the majority of whom have more than three years of adoption experience

Two MSW level supervisors, each with more than 10 years of adoption experience

An executive director who has led the agency for the past twelve years

**Scope of Services**

Provide child specific family recruitment services for more than 30 children each year

Conduct more than 50 home studies/family profiles each year

Coordinate placement services for more than 60 children each year

Maintain caseloads of 10 to 12 children per caseworkers in compliance with the Child Welfare League of America Adoption Standards

Support the finalization of adoptions for more than 30 children and families each year

**Organizational Strengths**

Well established agency with strong presence in the community

History of contracting with public agencies in State A for more than 15 years

History of contracting with public agencies in other states to provide interjurisdictional adoption services for more than 12 years

Organizational commitment to outcome evaluation with positive outcomes consistently reported on quality and timeliness of services

Training for all staff biannually as mandatory reporters of child abuse and neglect.

Strong financial standing with positive audit reports

Regular consumer satisfaction surveys that reveal strong satisfaction with service provided

**References**

Ms. Sally Smith, Adoption Manager, State Department of Social Services, State A

Mr. John Doe, Director, Pleasant County Department of Social Services,  
State B

Ms. Susie Jones, Adoption Supervisor, Placid County Department of Social Services,  
State C



## Appendix C. Private Resources for Families

There are non-governmental sources that families can approach to assist them with interjurisdictional adoptions. These include:

### **MileDonor.com**

MileDonor.com is a non-profit group that facilitates the donation of miles, points, and awards for personal and charitable use worldwide. It provides an opportunity for donors, charities, frequent traveler programs, and individuals seeking donations to exchange information. ([www.miledonor.com](http://www.miledonor.com))

### **Corporate Donors**

There are corporations that have programs in place to assist adoptive families, although the resources available for this purpose tend to be limited. The Gift of Adoption Fund in Port Washington, Wisconsin, for example, was founded in 1996, and has distributed over \$575,000 in cash grants. The fund awards about five grants per month, averaging \$3,500 each. (<http://www.bethany.org/A55798/bethanyWWW.nsf/0/OA77F7F9677E3FE485256DA60054594C>)

# Appendix D. Evaluating the Purchase of Adoption Services (POS): Tracking Outcomes Over Time

States may wish to use – or adapt – this form to track their use of purchase of service agreements and the outcomes achieved over time. This information can provide a State with an understanding of its use of purchase of service contracts and how it might continue to strengthen its practice in this area.

|   | FY ____ | FY ____ | FY ____ | FY ____ | FY ____ |
|---|---------|---------|---------|---------|---------|
| # of POS adoption contracts   |         |         |         |         |         |
| Total # of private agencies with adoption contracts                             |         |         |         |         |         |
| # of children served through POS  |         |         |         |         |         |
| # of children with high/ exceptional needs served through POS                   |         |         |         |         |         |
| % of total children with adoption as a goal served through POS                  |         |         |         |         |         |
| # families served through POS   |         |         |         |         |         |
| # children placed with interstate adoptive families through POS                 |         |         |         |         |         |
| # of interstate adoptions finalized through POS                                 |         |         |         |         |         |
| Average time from TPR to interstate adoption finalization for children with POS |         |         |         |         |         |
| Average time from referral to POS to interstate adoption finalization           |         |         |         |         |         |
| % of interstate adoptive placements through POS that disrupted                  |         |         |         |         |         |
| % of interstate finalized adoptions through POS that dissolved                  |         |         |         |         |         |



**Toll-Free**  
888-200-4005

**Email**  
INFO@ADOPTUSKIDS.ORG

WWW.ADOPTUSKIDS.ORG

*AdoptUSKids is operated by the Adoption Exchange Association and is made possible by grant number 90CQ0002 from the Children's Bureau. The contents of this resource are solely the responsibility of the Adoption Exchange Association and do not necessarily represent the official views of the Children's Bureau, ACYF, ACF, or HHS. The Children's Bureau funds AdoptUSKids as part of a network of National Resource Centers established by the Children's Bureau.*

