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Arkansas Becomes Fifth State to Regulate Re-Homing in Wake of High-Profile Case

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By Stefano Montanari

The little girl was only five years old when her adoptive parents decided she had to leave. Disillusioned by what they saw as an adoption gone awry, they gave the child away to a friend, bypassing child welfare authorities. Six months later, the girl was sexually abused by her “new father.”

The story would have probably gone unnoticed, as had nine similar cases in Arkansas in the past two years, had the adoptive father not been a state legislator.

Reacting to the intense scrutiny on the actions of State Rep. Justin Harris, who is the owner of Growing God’s Kingdom Preschool, Arkansas lawmakers unanimously adopted two bills at the end of March to outlaw and prevent unsupervised transfers of child custody, a practice known as re-homing.

The first bill makes re-homing a felony punishable by up to five years in prison and a maximum fine of \$5,000. The second bill requires the state to provide post-adoption services to families and to screen prospective guardians. On April 4, Asa Hutchinson, Arkansas Governor, signed the bills into law.

“The story in Arkansas and other stories that have been in the media recently about rehomeing tell us that many adoptive parents are struggling to meet the emotional or behavioral needs that come out after they have adopted a child,” said JooYeun Chang, associate commissioner of the Children’s Bureau at the U.S. Department of Health and Human Services, in an interview.

One study reported that only 26 percent of adoptive families in the United States felt they received quality mental health services. Parents engaging in re-homing often mention the lack of support as a reason for their actions.

Acknowledging the high vulnerability of children in re-homing cases and the inadequate support available to families, Chang underscored the federal government’s intention to change this situation by investing in measures to support families. “The President’s 2016 budget contains a proposal that would guarantee federal funding for prevention and post-placement services. This is an important policy change that really needs to happen.”

The proposal she refers to involves \$587 million dollars over the next ten years to help state agencies offer adoptive parents crisis counseling and other support.

“Maybe States will not have all of the prevention and post-adoption services ready at year one,” Chang said. “But over time if there is a dedicated federal funding stream that is going to support these types of activity, states will continue to build their capacity to provide them.”

Stephen Pennypacker, a senior child welfare expert and president of the Partnership for Strong Families, welcomed the federal proposal as a rare intervention on the front and back end of child protection services. “These services are integral to prevent abuse from ever occurring. When adoptive families start to struggle we need to have something available to them rather than having them turn to the Internet or some other ways to make a child placement,” said Pennypacker.

Some doubt whether there is a straight line between post-adoptive services and the reduction of re-homing instances.

“Enhanced support for adoptive families is certainly positive,” said Jacqueline Bhabha, professor of the practice of health and human rights at Harvard School of Public Health. “Whether it will have any impact on re-homing is not clear, however. This will depend on targeted risk assessment and careful monitoring of at risk families and adoptive children that may well tend to fall under the radar normally.”

Arkansas joins Colorado, Florida, Louisiana and Wisconsin as only the fifth state to regulate re-homing. Asked whether there is a need for further federal intervention to ensure uniform laws on re-homing across the country, Chang said that “the current definition of abuse and neglect is broad enough to include re-homing. It is up to the State to enforce both criminal and dependency laws.

Stefano Montanari is a freelance journalist based in Europe. He wrote this story as part of the Journalism for Social Change course offered through UC Berkeley and EdX.

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