

# Fostering families

by Emily Green (/users/emily-green) | 29 May 2015

Advocates are hoping a bill in Salem will change DHS policies to give foster parents an equal voice in the future of foster children



*Sisk family foot portrait.*

*Photo courtesy of Emily Sisk*

([http://news.streetroots.org/sites/default/files/styles/article\\_image\\_full/public/Sisk-kid-feetWEB.jpg?itok=sOtjqWBP](http://news.streetroots.org/sites/default/files/styles/article_image_full/public/Sisk-kid-feetWEB.jpg?itok=sOtjqWBP))

her husband have fostered more than 30 kids. While most are returned to their biological families, the Sisks continued to raise those who are not, adopting three and becoming the permanent guardians of two others.

When Caleb was about 1 year old, the state asked the Sisks if they were interested in adopting him. They said yes. During the following year, the parental rights of Caleb's biological mother were terminated as she faced incarceration, and a DHS adoption committee gave the Sisks a green light.

The couple was overjoyed with the prospect of making the little boy a permanent member of their household. Now a toddler who'd spent all but his first three months in their home, Caleb had become emotionally attached to the Sisks, and they to him.

They had come to understand the antisocial behaviors he exhibited when he came into their care as an infant were likely related to autism spectrum disorder. They took special care to nurture Caleb and provide the structured routine and predictability that children with his needs require to feel safe. Caleb adjusted and was thriving in the couple's home.

The situation seemed ideal for Caleb in a family sense, but not according to the government.

Emily Sisk says when she and her husband were approached for adoption, Oregon's [Department of Human Services](http://www.oregon.gov/dhs/Pages/index.aspx) (DHS) had excluded all but one of Caleb's biological relatives: an aunt living overseas on a military base with her husband. While she

Caleb was only an infant when he was sent to live with Emily and Greg Sisk in 2009. He had seven broken bones and shaken baby syndrome – injuries sustained from abuse during his first three months of life.

He wasn't a typical baby boy, explains Emily Sisk. "He could never have shoes on; he didn't like to be held or touched or looked at. We didn't know if that was due to neglect or abuse or something else."

He was the fifth child the Sisks had cared for as foster parents in Washington County. The high school sweethearts married at 18 and knew early on in their relationship they wanted to dedicate their lives to fostering children. At age 20 they attended foster parenting classes even though they were too young to be certified.

"We wanted to help, and we knew there was a big need," says Emily Sisk, now in her early 30s. To date, she and

had declined to take Caleb multiple times in the past, DHS told the couple she had to be asked one last time.

This time, she said yes.

Her answer devastated the Sisks. She had moved back to the U.S., and her husband wanted another son. They were going to take Caleb. He was just shy of 3 years old.

“It was like, why now? Over two years later? After no contact, no interest in his life whatsoever, and then all of a sudden she wanted him as a part of her family. It was really hard for us to swallow,” says Emily Sisk. “We’re the only family he’s ever known.”

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“I don’t want to discredit the importance of family for these kids,” Emily says, noting that she encourages relationships between children she’s adopted and their biological families. “It’s extremely important, but there’s a reasonable amount of time to limit the amount of damage that’s done from a removal from us.”

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The Sisks were concerned the upheaval from their home and placement with a military family he’d never met would traumatize Caleb and be detrimental to his need for stability and routine.

But as foster parents, they had no say in the matter: Caleb was a ward of the state, and it would be entirely up to DHS.

Under rules governing DHS’s adoption practices, relatives almost always trump foster parents – regardless of how distant the relation or whether or not they have ever met the child, and no matter how long the child’s been in a foster family’s care.

DHS embraced this policy in 2010. The rule was the agency’s interpretation of Oregon legislation passed in 2007 and the federal Fostering Connections Act passed in 2008. Both required that DHS place more emphasis on finding and considering relatives for a child’s placement.

Before the 2010 rule change, there were cases where foster parents were trumping out-of-state relatives who’d been interested in adoption since the first day a child was placed in foster care. The legislation in 2007 was, in part, the result of advocacy efforts by individuals who had tried to adopt from within their extended family, but lost out to foster parents, explains Kathy Prouty, permanency director at DHS.

“In the late 2000s, most of the stories we heard were of relatives being trumped by foster parents in placement decisions,” she says.

Prouty explains that if there aren’t any relatives within Oregon who are willing to take a child after removal from a parent, the child is placed with local foster parents in order to be in close proximity to the biological parents while the department attempts to reunify the family, which is usually the ultimate goal. When a termination of parental rights does take place, it can take years, and during that time, she says, “A child may bond with a foster parent, even though an out-of-state relative wants to adopt.”

This, she says, “leads to a difficult decision around the long-term best interests of the child.”

But foster parents, foster child advocates and some legislators say DHS's rule change was an overreaction to legislation that never intended for foster parents to be left out of the selection process entirely.

A bill moving through Oregon Legislature aims to bring balance back to DHS adoption placement policies. [Oregon Senate Bill 741 \(https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/SB741\)](https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/SB741) would direct DHS to adopt rules giving equal consideration to both relatives and foster parents in adoption placement hearings. The bill passed its initial senate committee and is awaiting a hearing in the Joint Committee on Ways and Means.

[Rep. Duane Stark \(https://www.oregonlegislature.gov/stark\)](https://www.oregonlegislature.gov/stark) (R-Grants Pass) has signed on as one of the bill's sponsors. A foster parent himself, he's seen the pendulum swing from one extreme to the other, and hopes the bill will bring balance to the decision-making process.

Before the rule change in 2010, Stark remembers how quickly his family adopted a baby girl in their care after her parents' rights were terminated.

"We were able to go to adoption committee at 5.5 months without any of the relatives even being considered," says Stark.

Later, when his family sought out a relationship with the child's biological mother, he says he was shocked to discover how many family members the child had locally. "It was just amazing, and I still scratch my head going, 'Did all of them say no, or were they not asked?'"

After the rule change, his family experienced the other extreme. Stark says in his case, the biological mother of two boys in his care asked him and his wife if they'd be willing to adopt her children. "We said, 'well absolutely.' When we commit to children it's for four hours or forever – that's our little saying – but DHS is required to do an extended family search, and they located an uncle in one of the southern states," he says. The uncle was in his late 50s and had been out of contact with the boys' family for more than a decade, but agreed to take the boys.

Stark and his wife had fostered the boys for the majority of the youngsters' lives. He says they worked diligently to make the boys feel they were loved and wanted. "You treat them like your own children," says Stark.

That's why, he says, after all the reassurances they gave the boys, to then turn them over to a stranger would go against all their initial efforts.

"There has to be a sense of betrayal there," he says, leading the children to ask, "Why'd you give up on me? I already lost my mom or my dad, now why am I losing you too? Why don't you want me? It instills a fear."

This reality has led to a phrase he often tells foster kids in his care. "You can be certain that we love you,' – and I hate having to add this part," he says, "and we are going to care for you as long as the state lets us."

Stark emphasizes the bill would not give preference to foster parents, only allow for them to be considered for adoption alongside relatives. Its passage would have no effect on his case, as an agreeable outcome has been reached, he says.

There are exceptions, although rare, to DHS's current rule. The department's permanency director Prouty says DHS does create "an exception for relatives and foster parents to be considered together if it is in the best interests of the child or children."



These exceptions must come at the request of the child's caseworker and cannot be made by the foster parents. In Prouty's four-year tenure, she says she's received a total of 17 such requests, two of which she denied.

Stark says there are branches of DHS that don't allow for exceptions at all. "I've been told many of the counties have somewhat of a blanket, 'No we don't do that.'"

DHS's preference for placement with relatives is backed by numerous reports spanning the past 20 years. Studies find that when a child is placed with or adopted by a relative versus a non-relative foster parent, the outcomes — at least statistically — are better. They are more likely to be placed with siblings, they have fewer behavioral problems, do better in school, and they are more likely to report they always feel loved — 94 percent versus 82 percent of children in non-relative foster care.

[Data pulled \(PDF\) \(http://www.acf.hhs.gov/sites/default/files/opre/rb\\_15\\_2col.pdf\)](http://www.acf.hhs.gov/sites/default/files/opre/rb_15_2col.pdf) from a an expansive, federally-funded 2010 survey of 5,501 foster children by the [National Survey of Child and Adolescent Well-Being \(http://www.acf.hhs.gov/programs/opre/research/project/national-survey-of-child-and-adolescent-well-being-nscaw\)](http://www.acf.hhs.gov/programs/opre/research/project/national-survey-of-child-and-adolescent-well-being-nscaw) was used to compare parenting by relative and non-relative foster parents. While both groups of parents scored well across the board, relatives were more likely to encourage hobbies and education, according to the study sample.

Relative — or kinship — foster parents have their own challenges, as well. They were statistically found to be older than other foster care givers — 61 percent were the child's grandmother — to have fewer years of education, were less likely to be married and were more likely to be living below the federal poverty level.

According to Mark McKechnie, executive director of [Youth, Rights and Justice \(http://www.youthrightsjustice.org/\)](http://www.youthrightsjustice.org/) — a nonprofit law firm representing children in the foster care system — there were 42 foster kids in Oregon last year who had lived with their foster parents for more than 12 months prior to being adopted by a relative. During that same period, DHS received four requests from caseworkers asking for exceptions allowing foster parents to be considered for adoption.

"I think it would be more," says McKechnie, "but the foster parents aren't allowed to ask."

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In 2013, more than 12,000 children spent at least one day in Oregon's foster care system. That same year there were 4,229 certified foster homes statewide. According to DHS spokesperson Andrea Cantu-Schomus, the department is always in need of additional foster homes. With a wide variety of needs among the children they serve, she says, the best matches are found when there are a lot of placement choices.

Debbie Albright, president of [Oregon Foster Parent Association \(http://ofpa.com/\)](http://ofpa.com/), says foster parents often become frustrated with what she says is a lack of respect for their rights and their time from the state, making an already challenging role as a foster parent more difficult. In her circle, she says, the greatest challenge for foster parents came when Oregon began to shut them out of adoption placement proceedings when a relative is involved.

"They stopped taking into account what was in the best interest of kids and just always went toward that relative," says Albright. "It's my own personal story. It's the story of hundreds of families I know across the state who have lost kiddos after a year or two years of them being in their home to

relatives that have no contact or connection to these children other than biology.”

In Albright’s case, she and her husband had fostered a boy since infancy. After both his parents died from drug overdoses, the Albrights were on track to adopt him, she says. But when DHS found a second cousin living on the East Coast who was willing to take him, the decision to allow the Albrights to adopt was overturned. At age 18 months, the child was sent across the country to live with a second cousin he had never met.

“We’d had him his entire life,” says Albright, “and so that was definitely trauma for everyone involved. That was five years ago and we’ve never seen or heard from him again.”

Meghan Bishop is a juvenile law attorney in Washington County who’s represented foster parents in disagreement with DHS adoption placement decisions. “The only mechanism to get them a seat at the table has been to file for intervention,” she says, “and that’s a very difficult hurdle to overcome.”

She figured out this approach to intervening after the outcome of a child welfare case early in her career had a profound effect on her.

She had strongly disagreed with a DHS decision to place her foster child client with a relative, but realized there was nothing she could do legally to stop it.

The child she represented in that case, Zachery, had been in the care of “Natalie,” a foster parent outside of Portland who asked we not use her real name, and her husband ever since they picked him up from the hospital when he was just 2 days old.

The couple had raised him for eight months when DHS asked if they would like to adopt him, says Natalie.

“We said of course, because we just loved him, and at that point, we gave the rest of our hearts – all of our hearts – because you always kind of hold back a little bit knowing that they’re going to go,” she says.

Zachery’s pending adoption coincided with DHS’s rule change. Natalie says six months later DHS told her the adoption was off because it had found relatives who were interested in adopting the child.

Zachery was nearly 2 years old when it was time for him to go live with his new parents – cousins from out of state. The whole process, from the introduction to his new family, whom he’d never met, to his departure, took only three days.

“It was a horrific three days,” says Natalie. “In the end, they came to our house – and he saw their car drive up – and he ran to us and would not let go. He buried his face in us, and when it came time, they pried him off of us and shoved him in his car seat. They couldn’t get him in because he was flailing and screaming.”

She came back into her home to find her four biological children in distress. Her oldest daughter, who was 12 at the time, was sobbing so deeply she began to throw up.

“We spent the next year trying to get our kids through the grief process,” she says. “It’s like a death.”

Zachery’s Court Appointed Special Advocate, who spoke on condition of anonymity, says she advocated for Zachery to stay with the foster parents. She said, “I was incredibly upset with the solution that DHS came up with. Placing Zachery with people he did not know, only because of the current law, was very unfair, to both Zachery and the foster family. The final decision was almost as hard on me as it was on the foster family.”

Sen. Chip Shields (<https://www.oregonlegislature.gov/shieldsc>) (D-Portland) introduced a package of bills to reform foster care this session. He says it's a system that "desperately needs to be improved." And one area his bills target is foster parents' rights. Shields and his wife are foster parents.

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He believes giving foster parents more rights, training and support will help Oregon to attract and retain a greater number of active foster homes – an objective shared with DHS.

Shields took a lead role in championing the bill that will give equal consideration to foster parents in DHS adoption hearings.

DHS has taken a neutral position on the bill, says Prouty.

"I think we've gone a little bit too far in trying to reunify families at all costs with a relative no matter how distant," Shields says, "and I think this brings us a little bit back toward center where we really put the best interest of the child first."

In the meantime, filing a court motion to intervene in an adoption is one of few options foster parents have. That's what the Sisks did when they were faced with losing Caleb.

According to Emily Sisk, an evaluation of Caleb by clinicians at the Children's Program determined his transition into his aunt's care needed to be very slow, with many visits in between. A transition plan that seemed impossible with 2,000 miles between the Sisks' and Caleb's aunt's home.

Emily Sisk says she and Caleb's DHS caseworker attempted to initiate in-person and Skype visits between the child and his aunt in order to make the transition less damaging, but his aunt was unresponsive to requests for contact.

Worried the abrupt uprooting from their home and move to an out-of-state house full of strangers would cause irreversible damage to Caleb, the Sisks paid \$3,000 to retain a lawyer so they could fight to keep him under their care – not an option every foster parent has at their disposal.

Court documents show a Washington County judge ultimately removed Caleb from DHS's custody so the Sisks could adopt him, citing that "it is the only home (the) child has known for the past three years. Removal will cause irreversible harm." Neither Caleb's aunt nor DHS appealed the decision.

Youth, Rights and Justice director McKechnie says removing a child from DHS custody is not unprecedented, "but it's kind of a drastic move" and one of only a few tactics available.

"The trade-off is that you're losing all the resources that DHS has at its disposal, and it's really only foster parents who have the financial means to care for their child – without any support from DHS – who have that option," he says.

As an operations coordinator at OHSU, Greg Sisk is able to support his patchwork family comfortably, giving Emily Sisk the ability to dedicate her time to caring for the children. Without a subsidy from the state, they are still able to give Caleb everything he needs.

When Street Roots visited the couple's new, five-bedroom home in Woodburn, Caleb was happily playing Legos with his brother in the family's fully-stocked playroom at the front of the house. As he ran around, through the kitchen and living room, smiling and laughing, it was easy to see – he was home.

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*The names of all the foster children in this story have been changed to protect their privacy.*

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**Tags:** [DHS \(/tags/dhs\)](#), [OR SB 741 \(/tags/or-sb-741\)](#), [foster care \(/tags/foster-care\)](#), [foster family \(/tags/foster-family\)](#), [adoption \(/tags/adoption\)](#), [Fostering Connections Act \(/tags/fostering-connections-act\)](#), [Rep. Duane Stark \(/tags/rep-duane-stark\)](#), [Sen. Chip Shields \(/tags/sen-chip-shields\)](#), [National Survey of Child and Adolescent Well-Being \(/tags/national-survey-child-and-adolescent-well-being\)](#), [Youth Rights and Justice \(/tags/youth-rights-and-justice\)](#), [Oregon Foster Parent Association \(/tags/oregon-foster-parent-association\)](#), [TPR \(/tags/tpr\)](#), [Emily Sisk \(/tags/emily-sisk\)](#), [Emily Green \(/tags/emily-green\)](#).

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