



Parents with Mental Illnesses and the Adoption and Safe Families Act

Introduction

The Adoption and Safe Families Act is a federal law that requires social service agencies to “make reasonable efforts” so that children are not unnecessarily removed from their homes, and to support children who have been previously removed from their homes in reuniting with their families. Though the Adoption and Safe Families Act requires state social service agencies to ensure that children are kept with their parents in most circumstances, the law still allows for states some flexibility in determining reasonable causes for removing children from their parents’ homes.

Friesen, Nicholson, Kaplan and Solomon (2009) argued that court decisions on parental rights, custody and child placement should be based on the holistic assessment of parents’ characteristics, living situations, and the resources available to them, rather than making decisions based only on a mental illness diagnosis. Though there are risks associated with parenting with a mental illness, the risks conveyed by separating children from their families and placing them in the foster care system may be significant.

Things to Consider

Understandably, there are risk factors associated with being a parent with a mental illness. Children of parents with mental illnesses are more likely to behave or develop differently from children of parents without mental illness. Children of parents with mental illness may also encounter difficulties with health care access, community violence and social isolation. Despite these risks, however, removing children from their homes may increase their risk of experiencing negative developmental outcomes, particularly if their removal is followed by multiple placements and transitions.

Some of the risks children experience arise from a lack of support offered to parents with mental illness. Providing comprehensive supports for family, professional training and creating policies that support the family as a whole will help parents with mental illness and will help mitigate these risk factors and allow children to remain with their parents. Towards that end, we suggest a series of policy, practice and research recommendations that will advance the rights of parents with mental illness, keep children with their parents in more cases, and facilitate reunification efforts.

Policy recommendations:

- Ensure that mental health diagnoses are not the sole criteria for restricting parents' rights in family court.
- Extend the timeline for custody hearings where possible, if parents are making measurable progress towards meeting reunification goals.
- Consider parents' use of services and supports in custody disputes.
- Create and share guidelines for parent evaluations that can be used to shape service plans for families.
- Require that parents with mental illnesses have legal representation and advocacy from professionals knowledgeable about mental illnesses and trained in identifying services and supports that will help parents work towards reunification.
- Set aside state and federal funds for programs for parents with mental illnesses and their families.
- Create incentives for federal and state agencies to address the entire family's needs comprehensively.
- Require state agencies that serve parents with mental illnesses and their families to develop interagency protocols for integrated family care.

Practice recommendations:

- Improve training for professionals who determine the best interests of children whose parents have mental illnesses.
- Increase and individualize child welfare services and supports.
- Require state mental health authorities to:
 1. Determine the parenting and family status of everyone receiving public sector mental health services;
 2. Integrate resources from child and adult mental health funding streams to support families;
 3. Train workers to provide appropriate and effective services for parents with mental illnesses and their families.
- Consider encouraging contact - if appropriate - between parents with mental illnesses and their children even after parental rights have been terminated. This may help children develop a sense of permanency and continuity.

Research recommendations:

- Support research to assesses the effects of current policy regarding parents with mental illness, their children and their involvement with the child welfare system.
- Continue research addressing children's experiences when separated from their parents, in foster homes or in adoptive homes. This research should focus on the challenges that families face when parents have mental illnesses.
- Find strong comparative data contrasting children in foster care versus children who live with their parents when their parents receive guidance and support.
- Continue building a knowledge and evidence base to support more effective interventions for parents with mental illness and their families.

(Parents with Mental Illness, p. 4)

(Adapted from Friesen, Nicholson, Kaplan, & Solomon (2009). Parents with a Mental Illness and Implementation of the Adoption and Safe Families Act. Intentions and Results: A Look Back at the Adoption and Safe Families Act. Washington, DC: Urban Institute.)