



Parents with a Mental Illness and the Adoption and Safe Families Act (Plain-language version)

Introduction

The Adoption and Safe Families Act is a federal law that says that the government shouldn't take children away from their homes without a good reason. It also says the government should try to bring children back to their families if they have been taken away from their homes before. These protections are very helpful in making sure that children stay with their families. But there are still ways that children can be taken away from their parents if their parents have mental health problems.

Barbara Friesen, Joanne Nicholson, Katharine Kaplan and Phyllis Solomon say that courts should look at the whole situation when they decide where children can stay. They think this is better than taking children away from their homes just because their parents' doctors say they have a mental illness. Sometimes it can be hard for children to grow up with a parent who has mental health problems. But it is harder for the government to take them away from their homes and have foster parents raise them.

Parents' rights

The Adoption and Safe Families Act says that state governments should try to keep children with their parents in most cases. But the law lets states decide what they think is a good reason to take children away from their parents.

- There are 27 states who don't give as many rights to parents with mental illnesses. Parents without mental illnesses have more rights in these states.
 - California, Alaska, Kentucky, North Dakota and Puerto Rico all have laws that say that a parent's mental health problems are a good reason to separate children from their families.
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- There are 36 states who use a parent's mental illness as a reason to say a parent can't take care of a child.
- Idaho and Utah protect parents with mental illnesses. Utah has a law that says that the government can't take people's children away just because they have a mental illness. In Idaho, parents are allowed to show that they can get help with taking care of their children.

Because every state's law is different, it's hard for parents to be with their children if they are put into foster care or taken away from their homes in other ways. Children who live in states where people with mental illnesses have fewer rights are more likely to be involved with child welfare.

Recommendations

There are some problems that are connected to being a parent with a mental illness. Children are more likely to behave or learn differently from children whose parents don't have a mental illness. They may also have a hard time getting health care. They may live in areas where there is more violence. They may not have many opportunities to spend time with other people who understand them. Their parents may also use drugs or commit crimes. Even with these problems, though, they will be worse if children are removed from their homes.

Supporting families where the parents have a mental health problem can help both children and their parents. Here are some ideas to help support families, give parents with mental health problems more rights and keep children with their families.

Recommendations for the government:

- Make sure that a mental illness is not the only reason for a court to take children away from their homes.
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- Give parents more time in court if they are meeting goals for being able to take care of their children again
- Let parents show that they can get help with taking care of their children when they are in court.
- Make guidelines to see how a parent is doing. The government can use these to help parents.
- Make sure that parents with mental health problems have a lawyer that knows about mental illness. They should also work with staff who know about mental illness. The staff should know how to find parents help so they can be with their children again.
- Give money to state and federal programs for parents with mental illnesses and their families.
- Give rewards to state and federal agencies that help the whole family.
- Make guidelines to help families that state agencies can share with each other.

Recommendations for social/child welfare workers:

- Improve training for professionals who determine the best interests of children whose parents have a mental illness.
 - Increase child welfare services and supports. Make sure these supports and services work for families with different needs. Every family is different.
 - See if people are parents if they are getting services from government mental health offices.
 - Help families by bringing money from child mental health services and adult mental health services together.
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- Train workers to help parents with mental illnesses and their families by giving them services that work well for their situation.
- If it's appropriate, the government should let parents spend some time with their children even if they are told they can't take care of them anymore. This can help children feel safer.

Recommendations for research:

- Support research about how current laws and rules affect parents with mental illness, their children and how they deal with child welfare.
- Keep doing research about how children grow up away from their parents. The research can also be about children in foster homes or adoptive homes. The research should be about problems families can have if parents have a mental illness.
- Find good information that compares how children in foster care grow up and how children who live with their parents grow up when their parents get help with raising children.
- Keep information about helping parents with mental illness and their families.

(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.)
