



## Custody Relinquishment: Impact of Research on Policy

Source: Blankenship, K., Pullmann, M., & Friesen, B.J. (1999). *Keeping families together: Implementation of an Oregon law abolishing the custody relinquishment requirement*. Portland, OR: Portland State University, Research and Training Center for Family Support and Children's Mental Health.

Giliberti, M., & Schulzinger, R. (2000). *Relinquishing custody: The tragic result of failure to meet children's mental health needs*. Washington, D.C.: Bazelon Center for Mental Health Law.

In 1998, funded by the Center for Mental Health Services, Substance Abuse Mental Health Services Administration, the Bazelon Center on Mental Health Law began a nationwide study on policies and laws relating to the issue of families being forced to relinquish custody of their children with physical, mental, or developmental disabilities, in order for their children to receive comprehensive services. As part of this study, the Bazelon Center contracted with the Research and Training Center on Family Support and Children's Mental Health at Portland State University to assess the implementation of Oregon legislation that prohibits custody relinquishment when the sole reason for residential placement is parents' financial inability to provide out-of-home services.

The custody relinquishment problem stems from a paradox that exists in many states. Private healthcare plans frequently do not cover the range of services needed by children with physical, mental, or developmental disabilities. As a result, many parents turn to the child welfare system for assistance. Unfortunately, however, as the law currently exists in many states, parents must relinquish custody of their children in order to receive out-of-home services they can't afford. Ironically, children in this situation are frequently placed in foster families receiving full funding for children's care, while competent parents lose influence and decision making authority.

In Oregon, the Voluntary Child Placement Agreement (VCPA) legislation ensures that families of children with physical, mental, or developmental disabilities cannot be forced to relinquish custody in order to pay for services. Despite this legislation, however, a study of the implementation of this policy revealed several notable findings.

- The level of knowledge among state caseworkers about the content of the VCPA and procedures for implementing it was not sufficient to support consistent implementation of the policy.
- The forms for voluntary placements (parents do not relinquish custody) and voluntary custody (parents relinquish custody to the state) were very similar, creating confusion.
- State workers had not been given training about the policy since initial training about the VCPA when it was created.
- There was no procedure for identifying, tracking, or monitoring families who had received assistance under the VCPA.
- Families were not sufficiently aware of their rights and responsibilities under a VCPA.

In response to the findings and recommendations by the study's authors, the Oregon State Office of Services to Children and Families (SCF) agreed to:

- Ensure that all intake workers and telephone screeners are given voluntary placement training.
- Designate one to three employees at each branch as voluntary placement experts.
- Revise appropriate forms to make them less confusing.
- Implement a tracking system to identify and monitor families with a VCPA.

Research from the Bazelon Center and the Research and Training Center, in collaboration with the Oregon State SCF, has resulted in Oregon families being much more likely to receive comprehensive services for their children without loss of custody, demonstrating the positive impact that research and collaboration can have on successful implementation of legislation and policy. Despite progress, however, the custody relinquishment issue continues to be problematic across the country. For more information about litigation and advocacy strategies, visit the Bazelon Center web site at [www.bazelon.org](http://www.bazelon.org).