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Continuity for children after guardianship versus adoption with kin: Approximating the right counterfactual

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ABSTRACT

Over the past two decades there has been a rapid increase in the number of children and youth living in guardianship and adoptive homes who were previously in foster care. Further, previous studies compared outcomes for children in guardianship homes to those for children in adoptive homes, despite the fact that many factors likely affect the selection of foster youth into different types of permanent placements. This study examined two counterfactuals for guardianship as a permanent placement type: adoption only and adoption or long-term-fostercare (A + LTFC). Longitudinal outcomes were tracked for children who exited foster care with relatives through guardianship (N = 4,884) or adoption (N = 12,163), as well as children in long-term foster care with relatives (N = 4,840). Propensity scores were used to match children on key indicators. In the matched sample of guardianship versus adoption cases only, children who exited to guardianship were more likely to experience discontinuity than children who exited through adoption, 11% vs. 6% respectively. However, when guardianship was compared to the combination of adoption or long-term foster care, children in guardianship experienced the same proportion of discontinuity, 11% vs. 11% respectively. These results suggest that simply matching guardianship to adoption without taking into account LTFC may be the wrong way to estimate the “what if” counterfactual if children were not discharged to guardianship. Findings also support the use of guardianship as a potential solution for children in LTFC whose caregivers are not planning to adopt.

1. Introduction

Over the past two decades in the United States there has been a rapid increase in the number of children living in guardianship and adoptive homes who were previously in foster care. While this is generally lauded as a positive trend in child welfare, there are lingering reservations about the enduring nature of guardianship, particularly when compared to the more legally-binding nature of adoption. Furthermore, little consideration has been given to the exploration of the true counterfactual for children who exited foster care through guardianship. In other words, what would have happened for children who exited to guardianship, if guardianship was not a permanency option? To address these gaps in our current understanding of the long-term outcomes for children who have exited foster care through subsidized guardianship or adoption, this study:

- (1) Examined the enduring nature of adoption and subsidized guardianship placements through analyses of administrative data for 17,047 children tracked for at least 10 years, or until the age of 18. Given the concern over the enduring nature of kinship

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adoption, and policies that limit subsidized guardianship as a permanency option primarily for kin caregivers, this study was limited to children placed with kin caregivers.

- (2) Examined adoption as the counterfactual to guardianship by assessing the effect of adoption versus guardianship on post-permanency discontinuity after adjusting for potential selection effects by using propensity scores to match children on key indicators.
- (3) Examined an alternative counterfactual to guardianship by assessing the effect of adoption or long-term foster care (an additional 4,840 children) versus guardianship on post-permanency discontinuity, after adjusting for potential selection effects by using propensity scores to match children on key indicators.

2. Background and rationale

In the U.S., local government child welfare agencies are responsible for the care and placement of foster children. Child welfare services are funded by state and federal monies and guided by state and federal policies. Further, in the U.S., local and state government agencies have responsibility for finding and legally finalizing permanent adoptive and guardianship homes for children, although these government agencies often contract with private agencies to recruit or monitor appropriate permanent homes for children. This system in the U.S. may be considerably different from adoption and guardianship practices in other countries. For example, in the US, Canada and the United Kingdom, the adoption of children from the state has a long history, yet in Australia and New South Wales, recent legislation has changed to prioritize adoption for non-indigenous children over long-term foster care. Yet, in many other countries in the developed world, adoption from care is not sanctioned (Tarren-Sweeney, 2016).

Agency theory has been utilized to understand the relationships between agents (in this case adoptive parents or legal guardians) and principals (in this case children or youth) (e.g., Testa, 2010a, 2013). Used in sociology, law, and other fields, agency theory posits that in relationships, one party (the agent) acts on behalf of another (the principal) (Shapiro, 2005). In families, an agent (i.e., the caretaker) assumes responsibility for a relative (i.e., the child) when they adopt or assume legal guardianship. In these situations, there may be concern that the agent may not continue to act in the best interest of the principal.

Extant literature has established that the agency relationship between adoptive or guardianship caretaker and child is acted upon differently if there is also a genealogical relationship between the child and caregiver. For instance, there is a preponderance of research establishing that children placed with kin foster caregivers are more likely to remain in stable, long-term placements than children placed in non-kin homes (e.g., Courtney & Prophet, 2011; Koh, 2010; Testa, 2002; Winokur, Crawford, Longobardi, & Valentine, 2008). In addition, a rigorous systematic review of 62 experimental and quasi-experimental studies comparing outcomes for maltreated children living in kinship foster care compared to children living in non-kinship foster care revealed that children placed with kin had better outcomes in terms of their mental health functioning and placement stability than children in traditional foster care (Winokur, Holtan & Valentine, 2009).

Previous studies with guardianship or adoptive families have also found that the biological relationship between the caregiver and child may impact outcomes (e.g., Koh & Testa, 2011; Rosenthal, Schmidt & Commer, 1988). For instance, research has consistently found that adoption by biological family members, compared to adoption by non-kin, decreases the risk that the adoptive placement will end prior to finalization for children in foster care (i.e., adoption *disruption*), and that adoption by kin serves as a protective factor (Coakley & Berrick, 2008; Rosenthal et al., 1988; Smith & Howard, 1991). In one study, Koh & Testa (2011) found that children adopted by kin experience more post-adoption stability than children adopted by non-kin, but the sample size for guardianship was not large enough to detect a reliable result. However, little research has examined the within-kin relationships specifically in adoptive and guardianship families, and even less is known about these relationships once an adoption or guardianship has been finalized.

In sum, extant research indicates significant differences between kin and non-kin placements, yet does not compare the principal-agent relationship for different types of post-permanency placements with kin. Therefore, this study is limited to children who are living with relatives; they either transitioned from foster care to guardianship or adoption with kin caregivers, or were living with relatives in foster care and did not exit care through guardianship or adoption. Thus, by limiting analyses to permanent kin placements only, this study explores within-kin differences for three different types of permanent placement outcomes: adoption, guardianship, and LTFC.

2.1. Approximating the right counterfactual

Counterfactual reasoning, simply put, is the consideration of alternate developmental pathways. “Is there a difference between what actually happened (the factual) and what could have happened (the counterfactual)” (Testa, 2010b, p. 203). When examining observational data, estimating the true counterfactual is not always obvious or accurate and observational research must approximate the counterfactual without complete information. The first consideration when approximating the true counterfactual for guardianship is an understanding of alternative pathways. When foster children are unable to be reunified with their biological parents, there are three options, in the following order of preference: (1) adoption, (2) guardianship, and (3) long-term foster care (LTFC). Specifically, reunification must be ruled-out prior to consideration of the other options, and guardianship can only be pursued once adoption has been ruled-out.

In this study two main counterfactuals for guardianship placement are examined: adoption, typically assumed to be the true counterfactual, and adoption *or* long-term foster care. The first comparison is typical in post-permanency research, and the second mirrors the situation in child welfare practice wherein children who do not have the option of subsidized guardianship may either be adopted or remain in LTFC. While the true counterfactual cannot be known, the adoption + LTFC counterfactual may be more

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