



Raquel Guerra- Luna (left), her wife, Grissel Luna, and their four adopted children

Christina Gandolfo

## L.A. Foster Parents Face an Agonizing Reality

Couples who foster may fall in love with children only to have them taken away; but for many, the risk is worth the reward

By **Degen Pencer** - December 7, 2018

Late last year, husbands Ivano and Stephen were at a playground in a West Hollywood park. A double stroller sat next to them; in it, a little boy and a little girl, both less than a year old, slept. The infants were entrusted to them by the [Los Angeles County Department of Child and Family Services](#). The men told me their dream is to permanently adopt both kids one day. But Ivano and Stephen, who asked that their real names not be used while they have ongoing placements with DCFS, no longer get their hopes up too high. They've already had to say goodbye to two other children. Their first foster placement was a newborn girl they cared for from the time she was seven days old to just before her first birthday. "She was tiny and sweet," says Stephen, who was there when she took her first steps. The second foster child was a girl who was with them for the first nine

months of her life. “She had a heart problem and needed regular medication and to be driven to specialists,” says Ivano.

In each case there was a biological grandmother who initially told social workers she didn’t want the baby. This scenario is what social workers will sometimes characterize as “low-risk” for foster parents, meaning a reunion with a child’s biological family seems unlikely. Social workers, says Stephen, “always make it sound as low-risk as possible.” But shortly after the two men had bonded with the first infant in their care, the grandmother changed her mind, and a judge later decided in the grandmother’s favor when it came to custody. After the child left their home, Stephen describes feeling so sad that it was like “having a rock in your heart.” History repeated itself with the couple’s second placement. The pair’s story resonates with me not just as a writer but also as someone who chose to start a foster family with his partner. The process is known as fost-adopt, and it’s an emotionally fraught path that offers no certainties. Over and over again, my partner and I encountered people who told us they’d love to fost-adopt but couldn’t put themselves through the possibility of bonding with and then losing a child. One friend told me point-blank, “You can’t do this to yourself.”

This lack of assurance is only one of the reasons that child-welfare agencies like DCFS struggle with finding enough foster parents. Money typically isn’t the issue—unlike private adoption, which can involve fees of \$25,000 to \$50,000, the cost of adopting through government channels is relatively manageable. (Some private agencies that handle public adoptions charge an up-front fee of \$2,000 to work with prospective parents, but that’s often refunded if a placement is made. DCFS also pays foster parents an \$889 to \$1,710 monthly support fee, depending on the medical needs of the child, to help with expenses.) What really holds people back is the prospect of psychological turmoil: the near certainty of feeling powerless within a system that is huge and overburdened. Every highly subjective case—each involving biological parents, other family members, and foster parents—is in the hands of a complex network of social workers, family court judges, and public

defenders, all of whom are trying to determine the best interests of a child.

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Add to that the fact that DCFS is the largest child-welfare system in the country. At any given time, the department, which is strained beyond belief in its mission to prevent child abuse and neglect, is responsible for the well-being of 35,000 children. It employs 8,000 social workers who fan out across the county's 4,751 square miles. Bobby Cagle, the agency's new director, who came here after heading Georgia's division of Family and Children Services, finds that the "stress on families is just greater" in L.A.'s urban environment. "A lot of what we see," says Cagle, "is very much related to concentrated poverty and generational poverty"—increasingly aggravated by a lack of affordable housing. Substance abuse by parents is also a huge factor; if a baby is found to have drugs such as heroin or methamphetamine in his or her system at birth, DCFS will immediately remove the child from the mother. There are so many children in need with too few suitable foster families to take them in that there's always an overarching sense of crisis. These days, it's hard to find homes even for newborns. "There's a great need for families able to provide short-term care for kids coming right out of the hospital," says Amy Heilman, director of foster care and adoption at the nonprofit Children's Bureau of Southern California, which contracts with DCFS to help find foster homes. "There is a lack of families for teenagers. There's an extreme shortage of families to care for siblings. We receive about 50 phone calls a day, seven days a week, from DCFS workers asking if we have a home available."

The worst fate that can befall a kid is to bounce from foster home to foster home, never forming permanent bonds. But one of the most heartbreaking statistics of all is the percentage of foster kids—who'll often say they'd never want anyone else to experience what they've gone through—whose own children become the concern of DCFS. In L.A., among foster youths who become parents while in the system, 23 percent of their kids have open child-welfare cases.



*Grissel Luna oversees snack time with Leo and Rachel. "You have to make sure you're doing this out of your heart... because it's going to hurt," she says of the fost-adopt process*

CHRISTINA GANDOLFO

Fear was not a deterrent when it came to my partner and I wanting to provide a home for one of these kids. Like any other prospective foster parents, we took the required parenting classes and were interviewed three times at home by social workers; we were fingerprinted, we submitted to background checks, and we had our home assessed for safety. We were able to specify the characteristics (age, race, gender) we wanted in a child and could delineate any deal breakers (a child who had behavioral problems, whose parents were incarcerated, or who was born of incest.) The whole approval process usually takes about three to four months.

With fost-adopt, also known as concurrent planning, biological parents are typically given up to two years to prove to the court that they are fit to parent. In the meantime, the child is placed with either a family offering temporary foster care or with prospective parents who hope to adopt their charges. During this time there will generally be court-ordered visits with the biological family. "You are really planning along two lines," says Cagle. "You've got a plan for reunification, and you also have a plan for adoption." (The goal of the child-welfare system is to reunite a child with biological parents whenever possible.)

Typically fost-adopt cases proceed in phases. In the beginning, support services are offered to help bring about reunification. But if the biological parents don't show up for supervised meetings, say, or don't complete court-ordered anger-management classes, DCFS will suspend the process. Eventually the biological parents' rights can be terminated. After a 30-day appeal phase, the child is legally available for adoption by a foster family. In Los Angeles and most other places in the U.S., the two-year plan has been embraced because of a widely held belief that a child should, at some point, have permanency; in other words, biological parents don't have the right to disappear indefinitely and then reappear. "They've got a time-limited circumstance when they can get their act together," says Cagle. "Failing that means they're going to lose their child."

**"You are really planning along two lines. You've got a plan for reunification, and you also have a plan for adoption." — Bobby Cagle**

In September 2015 my partner and I got a call from our social worker, who told us about a 19-month-old toddler who needed a home. Deemed a low-risk case, she hadn't seen her parents since birth, and they weren't actively trying to reunify with her. Her previous foster mom, a relative, was unable to continue caring for her. After hearing the specifics of the situation, we said yes immediately. Even so, there was always a swirling undertow of anxiety that things could change. (As one social worker told me at the time, "Low-risk is low-risk until it isn't.")

But we lucked out. Our case went to termination of parental rights in a relatively swift six months—I'll never forget when the judge said that he was ending the rights of not only the toddler's biological father and mother but also of "anyone else who may come forward to claim they are her parent"—and to full adoption in ten months. In September, we celebrated our third "family-versary."

Our worst fear never materialized—our little girl stayed with us. But that comment from a friend, the one who told me I could by no means open myself up to the possibility of loss, is something that's stayed with

me. Which got me thinking: What about all the foster parents out there who have had to say goodbye to a child they have nurtured and loved? How do they cope?



*Raquel Guerra-Luna with two of her four children*

CHRISTINA GANDOLFO

**S**heena and her husband, David, (not their real names) have welcomed four infants into their home in the span of ten months. Three have already come and gone, all reunited with biological family members. The fourth and latest was born to a drug-addicted mom; the back of his head is flat from spending nights in a car seat because his parents didn't have a crib. "It's been crazy, it's been surreal, it's been amazing, it's been heartbreaking—it's been everything under the sun," Sheena says.

Going in, she explains, she figured she could deal with the loss of a placement. "I'm an adult. I can go to therapy. I know my heart can heal. My husband and I could go on a trip and try to forget about it." What caught her off guard was her experience with the foster system. "We found that literally nothing we were told was ever true," she says. "That, for me, has been the harshest reality." For instance, the couple was assured that the biological father of one infant had no known family. Six weeks later they were informed that the dad's family had stepped up

and that the infant would be leaving the very next day. “We had three different county social workers in those six weeks, and nobody told us that anyone was even being considered or vetted,” Sheena says. “We were blindsided.”

There was a moment, however, when her faith in the system was restored. After the third child, a meth-exposed infant, left their home to live with an uncle, “the bio mom said to me, ‘Thank you for taking care of my baby,’” she recalls. “By this time, we were so broken. Just to hear something like that brought it all back to why we are doing this. It’s to keep children safe.” The mother of their current foster child recently entered rehab. “She could get her life together, and she could get her kid back—or her history could repeat itself,” Sheena says. “I’m having a hard time. On a human level, you don’t want anybody to fail, but as a foster parent, you are tormented. Do I think this girl is going to get it together? I really don’t. I really don’t believe this little boy has a safe place to go back to.”

Another couple, Raquel Guerra-Luna and Grissel Luna, were able to adopt the first child placed with them. But their next two placements ended with the kids returning to their families. In one case, a girl who came to their home at 11 months old was placed with an aunt and uncle eight months later; the relatives never even knew the baby existed due to family estrangement. “You do fall in love with them, and you have to fall in love with them, because that’s what they need and that’s what they deserve,” says Luna. “It does devastate you when they leave. Raquel and I sit on the couch crying, but we also know that we gave them a safe, loving place while they were here with us.” Guerra-Luna agrees. “After every kid leaves, we swear we aren’t going to do it again,” she says. “But we enjoy helping—it just outweighs the pain. Our goal from the beginning was not only to adopt but to foster, knowing that they are going to leave.”

The couple’s outlook got me thinking about fost-adopt differently. Is it possible to make the process about serving children in need regardless of how high- or low-risk their cases may be? Rich Valenza, the founder of Raise a Child, an L.A.-based nonprofit that recruits foster parents, frames it this way: “If you have the calling to help a child, why put

yourself in a protective silo?” he says. “I ask [parents] to try to relate it to what they go through in their own loving adult relationships. Life itself is about winning and losing and loving and then healing sometimes.” He points out how rare it is for someone to spend their whole life with the first person they fall in love with. If most of us can pursue love time and again despite the risk of heartbreak, perhaps potential foster parents could approach fost-adopt similarly.

Of course, there are many families who are able to adopt their first placement. But more than half can't. Of the 7,613 kids who left foster care in 2016, 4,890 were reunified with biological family, while 1,519 were adopted, and 1,204 entered legal guardianship. “In L.A. County as a whole, most children will reunify,” says Heilman. But reunification isn't always everyone's idea of a happy ending. Heilman has learned that foster parents find it tough to bounce back if a judge makes decisions that don't seem to be in the best interests of the child. “When children are reunified with family members that we don't feel are going to keep them safe, people think, ‘Can I continue to work in the system?’” she says. Adds Valenza, “What we encourage people to do is think about the good that they did in those days or weeks or months for that child. They've given them a soft place to land.”

Equally painful is when a relative shows up seeking custody of a child late in the process, especially when the child has been with a foster family for an extended period of time or was previously unknown to the relative. In a highly publicized case in 2016, a court ordered L.A. County social workers to remove six-year-old Lexi, who is 1.5 percent Choctaw Indian, from her foster home of four years and place her with non-native, non-blood family members in Utah. (Her case fell under the Indian Child Welfare Act.) Her foster parents appealed to the state Supreme Court and even petitioned the U.S. Supreme Court on the grounds that removing Lexi was a misapplication of the ICWA, but the decision proved to be final. “In Georgia, we struggled with this issue,” Cagle recalls. “Periodically we would have family members who would come up near the conclusion of a court process and introduce themselves to the court, and the court would mandate that we make some sort of effort to put the child with them. Those end up being the most heart wrenching situations possible.” In such cases, Cagle admits:



“Oftentimes I think that [reunification with biological family] is not the best thing for the child.” Sheena has similar thoughts. “The fate of these little ones is in the hands of some judge who just feels like putting them back with their family on any given day,” she says. “That’s where I feel like the system really needs to change.”

An initiative now under way in L.A. County will make late-stage removals to family members less common. Headed by Michael Nash, the executive director of the county’s Office of Child Protection, the pilot project seeks to identify relatives at the front end of the process. At the first two DCFS offices where it’s been implemented (Santa Fe Springs and Glendora), placements with extended family have risen from around 50 percent to 80 percent. The program, which is now expanding to other offices, both encourages social workers to prioritize placing children with biological family and connects them with DCFS workers who specialize in using technology to identify kin. “Foster care shouldn’t be a first resort—it should be a last resort,” says Nash, a former juvenile court judge. “I think that the ultimate solution really lies in doing a much better job at placing kids with their own families. There are many, many studies out there that suggest, generally speaking, that kids are better off with their families. If they have to be removed from their parents, there’s less trauma if they stay somewhere within their own families.” He adds that “a fair amount of the kids have been placed with a non-offending parent, and often that involves fathers, who are frequently the forgotten people in the system.” A handful of state laws passed in the last year and a half also seek to treat extended family members as equivalent to typical foster parents, meaning that they must undergo the same certification and training and that they’ll receive the same reimbursements. “The idea is really to set the relatives up for success,” says Valenza.

A welcome by-product of this push could be that the kids who are placed with unrelated foster parents will be more likely to stay there. “If we do a really good job on the front end, you ought to be able to exclude any other relative coming forward,” says Cagle. But there’s currently no law or directive that would prevent relatives who emerge later in the process from attempting to take children out of their foster homes.

Everything is left to the discretion of judges, who rely on their own assessments of the case as well the recommendations of DCFS.

For David and Aaron Orencyr, the judicial system worked in their favor. They have cared for two foster children in the last three years: a boy who came to them when he was around a year old, and, for a time, his half-sister, who was reunited with a biological family member. Two years into the boy's placement, the children's DCFS social worker identified a great-aunt who wanted to take him.

"Foster parents feel they have no rights, but they can advocate on their behalf," David says. "We wrote letters to the judge, to DCFS. We felt it was important that people see the whole story. There are ways of making your voice heard." In the end, the judge decided not to place the boy with his greataunt, a ruling that came in spite of the recommendation of their DCFS worker, who, say the Orencyrs, believed it was better that the child be with a Spanish-speaking caregiver and in a "more traditional" setting than a home with two dads. (Notwithstanding the Orencyrs' experience, DCFS and the agencies that contract with it are overwhelmingly supportive of LGBTQ couples and singles adopting, especially given the great need for foster parents.) "It was very back and forth, but the judge saw through it," says Aaron. "The judge didn't feel it was appropriate to move the child after such a long time in a steady home." The adoption was finalized earlier this year.



*Raquel Guerra- Luna (left), her wife, Grissel Luna, and their four adopted children*

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Guerra-Luna and Luna have also grown their forever family. They recently adopted three young siblings, two boys and a girl, posting photos on Facebook for the first time with a proud and happy announcement. (DCFS forbids putting images of foster kids on social media out of privacy concerns.)

As for Stephen and Ivano and the two children in their care, there's at least some good news. Earlier this year a judge terminated the parental rights of the boy, and now the couple is awaiting a court date to finalize an adoption. As for the girl? "We wait and see," says Stephen. "We are bracing for the worst and hoping for the best."

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