



**RESOLUTION CALLING FOR JUDICIAL ACTION
TO REDUCE THE NUMBER OF LEGAL ORPHANS AT RISK OF AGING OUT OF
FOSTER CARE IN THE UNITED STATES**

WHEREAS, dependency courts have continuing jurisdiction over children in foster care, and are required to oversee the child welfare system's responsibility to provide for their safety, permanency, and well-being; and

WHEREAS, all 50 states have what the federal government calls "legal orphans" aging out of foster care every year; A legal orphan is a child whose parents' rights have been terminated leaving a child with no legal permanent connection to a family; and

WHEREAS, legal orphans might have no legal relationship with their parents' extended families, might not inherit from their parents or their families; and

WHEREAS, legal orphans are effectively children of the state with no legal connection to an appropriate caring adult, frequently age-out of the foster care system once they reach adulthood, and statistically face significantly poor outcomes;

NOW, THEREFORE, BE IT RESOLVED that the National Council of Juvenile and Family Court Judges is committed to reducing the number of legal orphans aging out of foster care every year, thereby reducing the poor outcomes they face.

BE IT FURTHER RESOLVED that the NCJFCJ believes that every child should have a permanent, legal relationship with a caring and safe adult. These permanent family connections are critical throughout the child's life.

BE IT FURTHER RESOLVED that because it is a judicial order that creates a legal orphan, the NCJFCJ recommends that judges exercise frequent and diligent judicial oversight to ensure that the child does not remain a legal orphan and that the child achieves permanency.

BE IT FURTHER RESOLVED that the NCJFCJ calls for judicial action to reduce the number of legal orphans in foster care through implementation of the following practice recommendations:

- That judicially-led collaborative teams focus on system reform to achieve permanency for legal orphans at risk of aging out of the system with the judge ensuring that there is communication, collaboration, and cooperation among stakeholders. Practice changes to achieve permanency may include:
 - adhering to the one family-one judge principle;
 - holding more frequent and thorough hearings;
 - having children attend every hearing in their case;
 - closely reviewing the case file and inquiring of parties and the child about permanent placement possibilities that may have been overlooked or may now be appropriate due to changes in circumstance;

- inquiring about regular and ongoing meetings with children to determine who is important to the child and who might be an appropriate permanent placement option;
- use of technology and family finding techniques when available to identify every potential placement;
- inquiring about reinstating the parental rights of a child's parent(s) if the child can be safely returned.
- That lack of specific and ongoing efforts by the child welfare agency to locate and permanently place a child with a safe and caring adult, merits a negative reasonable efforts finding by the court;
- That use of Another Permanent Planned Living Arrangement (APPLA), as defined by ASFA, as a permanency goal be actively discouraged by the court, and approved as a permanency goal only as a last resort; and
- That the judge rule-out all other permanency plans at every hearing when APPLA is proposed and find compelling reasons to continue APPLA as a permanency plan only if there is no other appropriate goal.

BE IT FURTHER RESOLVED that the NCJFCJ urges state and local child welfare agencies to provide courts with information from the Adoption and Foster Care Analysis and Reporting System (AFCARS) so that courts can quickly identify the legal orphans in their jurisdictions and focus on finding permanency consistent with the principles set forth in this resolution. The NCJFCJ requests that the data be provided by the Children's Bureau of the United States Department of Health and Human Services should courts be unable to obtain this information locally.

Adopted by the NCJFCJ Board of Trustees at the Spring Meeting, March 21, 2012, Las Vegas, NV.