

Are foster-care children more likely to be adopted when they have attorney representation?

Amani Rashid and Glen R. Waddell *

May 2019

Preliminary. Please do not post or quote.

Abstract

There are roughly 400,000 children currently in the foster-care system, and 22,000 expected to age out of the system this year without having found a permanent home. We consider the effect of legal representation for foster youth on the path to adoption, using mandated representation at the state level for identification. While adoption itself seems to not change, the probability of adoption within one year of entry into foster care increases 14 percent percent with mandated representation—the probability of second-year adoption increases 9 percent. To investigate the stability of lawyer-facilitated adoptions we look at foster-care reentry conditional on adoption. If anything, mandated legal counsel is associated with declines in the probability of short-term foster-care reentry.

Keywords: foster care, child welfare, adoption

JEL Classification: J18, J13, K36

* Amani Rashid (arashid3@emich.edu) is an Assistant Professor at the University of Eastern Michigan. Waddell (waddell@uoregon.edu) is a Professor of Economics at the University of Oregon and a Research Fellow at IZA.

1 Introduction

The participation of lawyers in child advocacy is often described as creating two worlds. In one, those with means employ lawyers to assist with navigating legal terrain. In the other, their absence exposes children and families to employees of the state, often untrained in legal matters, to manage and direct outcomes. In 2017, the Children’s Bureau released a memo in which they strongly encourage all child welfare agencies and jurisdictions “to work together to ensure that high quality legal representation is provided to all parties in all stages of child welfare proceedings.”¹

While selection into foster care is an obvious challenge to identification, entry into the foster-care system has been implicated in inducing negative health and human-capital outcomes. For example, Doyle (2007) and Doyle (2008) exploit the random assignment of lenient child protective services (CPS) caseworkers to families to identify that, on the margin, children placed in the foster-care system are more likely to experience teen pregnancy, unemployment, juvenile delinquency, and delinquency in adulthood than children who are not removed from their home. Other related work links foster-care entry to mental health and behavioral problems (Blome, 1997; Newton et al., 2000; Rubin et al., 2004, 2007; Pilowsky and Wu, 2006), illicit drug use (Pilowsky and Wu, 2006), high-school incompleteness (Blome, 1997; Pecora et al., 2006), and homelessness (Pecora et al., 2006). Still others have suggested that the link between foster care entry and negative health and human-capital outcomes is increasing in the time spent in the system, and for children who never discharge to a stable environment (Pecora et al., 2006; Rubin et al., 2007).

While the causal effect of tenure in the foster-care system is unknown, the potential welfare improvements associated with expedient, stable, and permanent outcomes for foster children offer significant motivation to researchers and child-welfare experts. Among desired outcomes, adoption is often considered a judicious one for many foster children (Triseliotis and Hill, 1990; Triseliotis,

¹ <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>

2002; Van Ijzendoorn et al., 2005; Vinnerljung and Hjern, 2011). The path to adoption can begin surprisingly early, and it is in these formative stages we anticipate that there may be benefits to legal representation. In particular, a “case plan” is determined following a child’s removal from a home, in a series of dependency court proceedings, and it is in each child’s case plan that the strategy for how that child will ultimately discharge from the system is determined. It is in these proceedings that legal training is thought to uniquely offer resources that allow one to more-effectively negotiate the dependency court process, and, to that end, many states have gone as far as to mandate legal counsel for foster children in these proceedings—a legal counselor of this type is referred to as a lawyer-guardian ad litem (LGAL). LGALs are thought to be vital to informing the court of both the facts and the child’s preferences over placement options, leaving many legal- and child-welfare experts advocating for the right of all foster children to receive legal counsel in dependency hearings.²

In this paper, we exploit state variation in the timing of legislation that mandates that all children in the state’s foster-care system have the right to legal representation during dependency proceedings. In particular, we measure difference-in-differences to identify if and when children entering foster care in a mandated-LGAL regime (a state and month in which LGAL representation was mandated) are more likely to discharge to an adoptive home. We approach the research question hoping to identify something suggestive of an actionable causal relationship—for example, small scale randomizations suggest that legal representation for foster youth may lead to shorter times in the foster-care system and higher rates of adoption (Slowriver and Zinn, 2008). Regardless, our analysis will inform policy makers of the role of lawyers in shaping foster-youth permanency outcomes and, ultimately, if mandated representation plays a productive role in improving the welfare of this vulnerable population.

² Source: Quality Improvement Center on the Representation of Children in the Child Welfare System: Needs Assessment Literature 2010, U.S. Department of Health and Human Services.

We find that mandated LGAL representation increases the probability of a child’s adoption within two years of foster-care entry—compared to control states, roughly 42 additional children in the average treated state find adoptive homes within two years of entry due to mandated representation. Results suggest that this increase is primarily driven by expediency in the adoption process—moved forward from later adoption—and not by changes in adoptive outcomes on the extensive margin. We consider subgroups of the foster-care population, with particular interest in considering the potential benefits to children who are at greatest risk of aging out of the system without a permanent home—older children, racial minorities, those who have suffered abuse. Indeed, we find larger increases in rates of two-year adoptions in these sensitive populations.

To consider the stability of adoptive matches we ask whether LGAL mandates are likewise coincident with changes in the probability of foster-care reentry from adoptive homes. We find that the probability of reentry within three years of adoption significantly decreases with LGAL, which suggests that child attorneys not only expedite the permanency process but do so with no measurable decline in the revealed quality of adoptive matches. Together, then, our results provide compelling evidence that LGALs increase the welfare of foster-care children.

In Section 2, we discuss the adoption process in more detail, as well as consider the related literature, background, and context for considering the policy changes that forms the basis for our identification strategy. In Section 3, we describe the data sources and, in Section 4, we develop our empirical specification. In Section 5, we establish the impact of LGAL mandates on the probability of adoption and length of time to adoption—here we also consider the heterogeneous effects of LGAL representation across different foster-care populations as well as the effect of legal representation on foster-care reentry. We offer concluding remarks in Section 6.

2 Background

2.1 Foster care and adoption

Legal counsel for foster children plays a primary role in determining a foster child’s eventual exit from the system. In Figure 1, we convey the typical experience through four years from entry into the foster-care system.³ The average number of first-time entrants below the age of 15 is about 121,000 each year. Among the typical cohort of entrants, roughly 53 percent of children will reunify with their families. Conditional on not reunifying, roughly 17 percent will discharge to a legal guardian, and for 23 percent parental rights will be terminated and child will discharge to an adoptive home.⁴ Of the initial 121,000 in a typical entering cohort, roughly 7 percent will not have exited into any of these categories within four years. Reunification, adoption, and legal guardianship constitute permanency placements (U.S. DHHS, n.d.) and if a foster child does not attain permanency they generally, at age 18, age out of the foster-care system. In a typical year, roughly 2 of a typical cohort age out of the system.⁵

Of the children who are ever adopted in the sample between 2001 to 2016, 86.9 percent (319,500) are adopted within their first-four years in the foster-care system (see Figure 2, Panel A). Of those children adopted within four years of entry, roughly 5 percent are adopted within one year, 35 percent are adopted in the second year, 40 percent in the third, and a full 20 percent do not find adoptive homes until their fourth year in the system (Figure 2, Panel B). As might be anticipated, older children are least likely to attain any permanent outcomes and infants most likely to be adopted (Barth, 1997; Connell et al., 2006; McDonald et al., 2007; Akin, 2011). In our sample, the

³ Children who exit foster care because they died, were transferred to another agency, or ran away are excluded from our study, altogether this group accounts for less than 1 percent of the sample.

⁴ Of the children for whom parental rights have been terminated, 93.2 percent will exit to an adoptive home, and about 1.8 percent will exit to a legal guardian. The majority of guardianship exits occur when parental rights are still in tact.

⁵ Note, in 2016, many states permit children within the system beyond age 18 (i.e., AL, AR, CA, CT, DC, HI, IL, IN, MA, MD, ME, MI, MN, ND, NE, NY, OR, PA, TN, TX, VA, WA, WI, WV, WI).

probability of discharge to an adoptive home is decreasing with age: 33 percent of those below six are adopted within four years, 15 percent of those aged 6–10 years, and 7 percent of those above the age of 10. Studies have generally shown that racial minorities and children with a history of abuse are less likely to be adopted, and face a longer time to adoption (Courtney and Wong, 1996; Barth, 1997; Potter and Klein-Rothschild, 2002; Connell et al., 2006; McDonald et al., 2007; Akin, 2011). In our sample, 25 percent of black children will be adopted (versus 45 percent of white children) and only 18 percent of abused children will be adopted. For both subgroups, the average length of time to adoption—3.0 and 2.9 years respectively—is above the sample average of 2.6 years. As legal counsel for foster youth may have greater influence on adoption outcomes for historically disadvantaged foster-care populations, we will explore the potential role of attorney representation in alleviating adoption discrepancies across foster-care populations.

Previous analysis of the effect of foster-care policies on adoption outcomes has primarily focused on financial incentives, such as adoption subsidies and federal matching grants. Hansen (2007*a*) establishes that adoption subsidies have a positive and significant effect on adoption rates in the U.S. Exploiting state-level variation in the age cutoff for special-needs designation required for federal adoption subsidies, Buckles (2013) finds that subsidy eligibility decreases time spent in foster care for children who are adopted. Brehm (2018) considers the effects of the federal adoptions incentive program whereby states receive payment for every adoption of a child above the age of nine, with evidence suggesting that increasing these financial incentives neither increased the probability of adoption for older children relative to younger children, nor changed the timing of adoption. Exploiting discontinuities in foster care subsidy payments by age, Argys and Duncan (2013) finds that the smaller the value of adoption subsidy payments relative to foster care subsidy payments, the smaller is the associated likelihood of adoption. Despite the scale and potential benefits to children and families, relatively little has been done to assess the effect of alternative policies and

court reforms on adoption outcomes.

2.2 Lawyer-guardian ad litem

When a child is removed from their home and placed into the foster-care system, a dependency petition is filed, and a series of trials and hearings occur as part of the judicial process. It is in these hearings that a judge determines whether the current home environment is unsuitable and, if so, determines the child’s permanency plan.⁶ In Figure 3, we produce a timeline for major milestones in these dependency proceedings. Every foster child’s case, regardless of reason for system entry, must be reviewed at least once within the first six months in out-of-home care—at the six-month review hearing, the court may decide to return the child to their home or order the child to stay in foster care.⁷ In addition, a permanency planning hearing must be held within the first 12 months of a child’s placement in out-of-home care. At this hearing, the court will select the child’s permanency plan. Specifically, the judge will determine whether efforts to reunify the family should continue, and if not (or termination of parental rights has already occurred), the judge will approve a plan for adoption or legal guardianship.⁸

If a foster child is represented by a lawyer-guardian *ad litem* (i.e., a guardian *ad litem* who is a licensed attorney), this lawyer will play a crucial role in determining and facilitating the child’s permanency plan throughout the dependency proceedings.⁹ The primary actions taken by an LGAL on behalf of their child client include 1) attending case plan meetings, 2) filing legal motions and termination of parental rights petitions, 3) recruiting adoptive homes, and 4) advocating for parental services (for reunification).

⁶ A dependency petition is a court document filed by an interested party—this is typically a child case worker or law enforcement official, concerned about the welfare of the child.

⁷ For children who are placed in foster care for reasons other than maltreatment, such as parents’ incarceration or parents’ inability to provide special needs care, the six month review hearing may be the child’s first encounter with the juvenile court process.

⁸ Adoption and Safe Family Act (42 U.S.C. § 675(5)(B) (2015), 42 U.S.C.A. § 675(5)(C) (2015)).

⁹ A guardian *ad litem* is an individual appointed by the court to investigate what solutions would be in the “best interests” of a child.

Most support for child representation rests in the beliefs that 1) navigating the dependency court process benefits from legal training (Duquette and Darwall, 2012), 2) lawyers may better ensure the child’s expressed wishes are represented in court by way of better informing and communicating to their child clients the permanency outcome possibilities and probabilities (Gueinzus and Hillel, 2014; Elrod, 2006), and 3) lawyers will arguably ensure less subjectivity, and consequently less bias and stereotyping, which could ultimately help alleviate permanency disparities across age, race, and socio-economic status (Hartmann, 1997; Gueinzus and Hillel, 2014).

Although the general consensus among those close to the system are that children in dependency hearings require legal representation, the belief is not without critics. Most criticism of the necessity of legal counsel is expressed as doubt that lawyers can distinguish between legitimate safety cases and those in which the child is not in danger. Others simply argue that a lawyer may not always be appropriate for addressing complicated inter-personal relationships (Brooks, 1996; Weinstein, 1997; Guggenheim, 2005). Appell (2008) argues that it is difficult to appreciate the arguments posed by either side, because “the lack of research about the effectiveness of (dependency) attorneys leave the value of attorney representation unclear.”

To our knowledge, only two empirical studies have previously explored the impact of attorney representation for foster youth on permanency outcomes. Slowriver and Zinn (2008) explores the differences in permanency outcomes between a group of foster children who were appointed legal counsel in Palm Beach County, Florida—treated children exited to adoptive homes faster than children in the control group, with the strongest association being among white children and children between the ages of 4 and 7 years old. That said, selection into the control may well contaminate these estimates—children with previous experience with lawyers, which is itself non-random, were put into the control group.

Exploiting a randomized-control trial in Georgia and Washington, Orlebeke et al. (2016) finds

that children assigned to attorneys who received additional training (i.e., “treatment” lawyers) were more likely to attain permanency within the first-six months compared to children who were represented by control attorneys. However, there is no difference in the likelihood of permanency between the two groups after at least six months in care. Although Orlebeke et al. (2016) does not speak to the general efficacy of lawyers (but rather the efficacy of a specific training program), the results lend suggestive evidence of a mechanism running from legal representation for foster children and time spent in foster care. Importantly, that the assignment of a child to a lawyer was not randomized, we might again condition the results on the potential for unobserved selection into treatment at the individual level.¹⁰

2.3 Policy background

In 1974, Congress passed the Child Abuse and Neglect Prevention and Treatment Act (CAPTA), which tied federal-grant eligibility to the provision that states provide representation in the form of a guardian ad litem for children in dependency proceedings (Duquette and Darwall, 2012). This was the first time the issue of a child’s right to any form of independent representation in dependency court was addressed in federal legislation. Although a later amendment of CAPTA includes that a guardian ad litem can be a licensed attorney, CAPTA does not currently mandate that states provide independent legal counsel for children in dependency proceedings. Nonetheless, shortly after CAPTA first passed, states began to enact their own mandates that children in dependency hearings must receive a guardian ad litem that is a licensed lawyer. There are currently 34 states with a mandatory LGAL statute in effect.

We restrict our sample to entries into foster care within 2001–2012, so as to observe four

¹⁰ In the absence of an LGAL mandate, children are most likely to receive legal representation in dependency court if they are above the age of 12–14, if the child’s expressed interests oppose the recommendation of their non-attorney representation, when parental rights are terminated, if they have been in out-of-home care for an extended period of time, or if the case is deemed “complex.” (Sources: (Orlebeke et al., 2016); A Child’s Right to Counsel (2007, 2009, 2012), First Star; Seattle Times, 2016; https://www.law.uw.edu/media/140965/uw_dependency_court_monitoring_round_1_results.pdf.)

years in the system. In our sample of entries, then, five states passed legislation that mandated LGAL counsel for foster children—Ohio, Montana, Tennessee, Missouri, and Rhode Island.¹¹ These, therefore, constitute our identifying variation, setting up the thought exercise, “Did the LGAL mandates, newly in effect in these states, induce changes in foster-care outcomes that were not evident in other states?”¹² During this same time period, 29 states and the District of Columbia always have an LGAL mandate in effect, and 15 states never have an LGAL legislation in effect. We summarize this variation in Figure 4.

In states where LGAL representation is not mandated, foster children can still be represented by an attorney in dependency hearings. To the extent this is true, our reduced-form estimates of the effect of LGAL will therefore be attenuated. Unfortunately, data that would allow the estimation of a first stage are not available—states do not record the status of GALs’ legal training or preparedness. In non-mandating states, we have evidence of rates of representation between 8 and 50 percent of foster-care children.¹³ There is also considerable heterogeneity in legal counsel appointments within states. For example, in 2012, legal representation ranged from 0 to 53 percent across counties in Florida. This system of extreme inequality in access to counsel is also commonplace in several non-mandating states such as Georgia and Washington.¹⁴

Although the determination of which children are “most in need” is unobservable, in the absence of a mandate, lawyers are generally appointed to cases where they are expected to have the largest

¹¹ Child data are only available monthly. Mandates are in effect as follows: Ohio, September 2003; Montana, July 2006; Tennessee, July 2007; Missouri, September 2008; Rhode Island, July 2009. Effective dates were collected from the Westlaw database, with reports compiled by the Child Advocacy Institute and First Star, .

¹² Connecticut and Utah are excluded from the analysis, as child outcomes are not consistently available over time. While South Carolina also passed an LGAL legislative mandate in 2008 but two years later revoked the same. As such, four post-treatment years are not available for South Carolina. We report results without South Carolina, though qualitative results are not sensitive to their inclusion.

¹³ In 2012, Nevada was estimated to provide legal counsel to 50 percent of foster children in dependency proceedings.(A Child’s Right to Counsel 2012). That same year, Florida provided legal representation to eight percent of foster care children. https://www.law.ufl.edu/_pdf/academics/centers-clinics/centers/legal-rep-of-dep-children-12.pdf). In 2017, Indiana estimated that representation was less than 10 percent (<https://www.courthousenews.com/wp-content/uploads/2019/02/IndianaFoster.pdf>). For examples of legal representation rates in other states, see Idaho Office of Performance Evaluations, 2018; Delaware Office of the Child Advocate, 2017; https://www.law.uw.edu/media/140965/uw_dependency_court_monitoring_round_1_results.pdf.

¹⁴ A Child’s Right to Counsel (2007, 2009, 2012), First Star.

effect—representing teenagers seems a common allocation tool, as do investments in cases where the expressed interests of the child conflict with the assessment of their best interests. We expect this selection to work against finding beneficial effects of LGAL—that said, we will find large benefits to children who were most likely to have received counsel prior to mandated representation, which we see as consistent with small quantity-quality trade offs with the passage of mandates.¹⁵

3 Data

Our source for foster-care enrollments are the Foster Care files of the Adoption and Foster Care Analysis and Reporting System (AFCARS), which we obtain for federal fiscal years (FFY) 2001 through 2016.¹⁶ The AFCARS data contain detailed case information on the universe of children who are placed in foster care through state welfare agencies—it contains child-level information on race, gender, ethnicity, and age at removal. The AFCARS data also include detailed case histories, including the date and reason of the child’s most-recent removal from home, and the date of discharge and discharge type. Each observation in the dataset is an entry into the foster-care system, and since we use the sample of first-time foster-care episodes, each child contributes only one observation. Since our primary outcome of interest is the probability of adoption, we wish to well represent the mass of the distribution of adoptive outcomes for the majority of children in the system. As such, we restrict the sample to those aged 14 and under, to minimize the effect of aging out of the system at age 18—this restriction allows the sample of adoption-eligible children to be consistent across the first-four years. (We give up little here, as 84.9 percent of first-time foster-care entrants are below the age of 15.) Similarly, as discharges are only evident through October 2016,

¹⁵ Anecdotal evidence from state dependency court office representatives also suggests that an LGAL mandate did not result in lower quality legal representation for foster youth.

¹⁶ The AFCARS Foster Care files were requested from and made available by the National Data Archive on Child Abuse and Neglect (NDACAN). AFCARS is a federally mandated administrative database; data were originally reported by states to the Children’s Bureau. Funding for AFCARS is provided by the Children’s Bureau of the Administration on Children, Youth and Families, U.S. Department of Health and Human Services. These organizations and employees bear no responsibility for the analyses and interpretation presented below.

we further restrict the sample to those who entered prior to October 2012.

In Table 1, we present summary statistics for the study sample of children in foster care. Similar to before, 53.7 percent of the sample will be reunified, 25.9 percent will be adopted, 17.2 percent will discharge to a legal guardian, and the remaining 3.2 percent have not yet discharged from the foster-care system or have aged out. Reentry into the foster-care system, within three years, from an adoptive home occurs for 0.4 percent of the sample—generally, reentry from an adoptive home is a relatively rare outcome. 22.3 percent of observations listed physical or sexual abuse as a reason for home removal.¹⁷ White and black children make up 46 percent and 24.7 percent of the sample, respectively, with 21.4 percent of the sample being Hispanic. 48.7 percent of the sample are female. The average child entering foster care for the first time is almost five years old at entry, and will spend 1.7 years in the foster-care system (on average, foster children are 6 years old when adopted and spend 2.6 years in the system). Detailed child and case characteristics will allow us to explore how legal representation differentially affects adoption outcomes across subgroups of the population, such as age, race, and gender.

We obtain state-year population data from the National Cancer Institutes’s Surveillance Epidemiology and End Results (Cancer-SEER) program. State-year median household income, state-month unemployment rate, and state-year child and family social worker level of employment data come from the Bureau of Labor Statistics. To control for state-year welfare expenditures, we obtain data for expenditures on Temporary Assistance for Needy Families (TANF) from the Office of Family Assistance, Administration for Children and Families. Last, state-level data on mandated LGAL legislation effective dates were collected from the Westlaw database and reports compiled by the Child Advocacy Institute and First Star.¹⁸

¹⁷ AFCARS allows for multiple reasons for home removal to be recorded, a child is classified as “abused” if at least one of the reasons for home removal include physical abuse or sexual abuse.

¹⁸ The First Star report can be found at <http://www.firststar.org/wp-content/uploads/2015/02/First-Star-Third-Edition-A-Childs-Right-To-Counsel.pdf>

4 Methods and identification

In order to distinguish the effect of LGALs on the probability of adoption from confounders we exploit state-year variation in mandated LGAL legislation. Specifically, we employ a difference-in-differences empirical strategy to explore whether the probability of adoption changes systematically with LGAL mandates. Formally, the specific relationship between the linear predictors and the probabilities of each of four exit outcomes is given by the multinomial logistic (MNL) function:

$$p_{ij} = Pr[y_i = j] = \frac{\exp(X'\beta_j)}{\sum_{k=1}^4 \exp(X'\beta_k)} , \quad j = 1, \dots, 4 , \quad (1)$$

where

$$X'\beta = \beta_0 + \beta_1 \mathbb{1}(LGAL_{ismy}) + \delta X_{ismy} + \alpha_s + \lambda_m + \gamma_y + t_{sm} , \quad (2)$$

with the dependent variable taking on categorical designations for whether the child exits to an adoptive home, is reunified, exits to a legal guardian, or has not attained permanency within four years (which we define as aging out of the system, or remaining in foster care for more than four years). We choose the less-restrictive multinomial logistic model over the ordinal logistic model as there is no inherent ordering in the four discharge outcomes. Moreover, MNL is preferred to duration models given the presence of competing risk—it facilitates interpretation to have the probabilities of discharge types sum to one, as an increase in one exit probability must be offset by a decrease in the probability of the alternatives. (When we later allow for differential responses across years in the system, we will also distinguish a change in adoptive outcomes from a mere moving up in time of what would have been eventual adoption.)

Given Equation (1), the effect of $\mathbb{1}(LGAL_{ismy})$ on each categorical outcome is separately identified, where $\mathbb{1}(LGAL_{ismy})$ is an indicator variable equal to one if child i enters foster care in state

s in a month m and year y in which there was a mandated LGAL statute in effect. (Children who enter the system *prior* to the legislation are entitled to legal representation upon the LGAL going into effect. As such, we will separately explore evidence of partial-treatment effects below.) State, year, and month fixed effects— α_s , γ_y , and λ_m respectively—are added to control for time-invariant heterogeneity across states, and time-varying and seasonal shocks to adoption outcomes that are constant across all states. We control for observable individual- and state-level heterogeneity with X_{ismy} , including controls for age at foster-care entry, race, ethnicity, gender, population, racial composition, unemployment rate, median household income, social worker level of employment, and average annual TANF expenditures. Importantly, our parameter of interest, $\hat{\beta}_1$, will be biased if the likelihood of adoption is differentially decreasing/increasing over time in states that enact LGAL legislation. The inclusion of state-specific linear time trends, t_{sm} , thus allows us to interpret the parameter of interest, $\hat{\beta}_1$, as the average deviation from state-specific trends coincident with treatment in treatment states. Last, we estimate the error term allowing for state-level clustering.

The main identifying assumption of our difference-in-differences approach is that, in the absence of the legislative change, adoption outcomes for children in treatment states would have changed in a way similar to children in control states. In subsequent analysis, we estimate our primary specification inclusive of leading indicators and find no evidence of a violation of our identifying assumption.

5 Results

5.1 Eventual outcomes

To consider whether the appointment of an LGAL determines adoption and competing outcomes, we first consider the broadest potential—for the passage of a mandated LGAL statute to influence the probability of discharge to an adoptive home over reunification, guardianship, aging out of the

foster-care system, or continued foster-care stay. In columns (1) through (4) of Table 2, we report the estimated marginal effects from a multinomial logit model, measuring the effect of LGAL mandate on four outcomes: the probabilities of (1) adoption, (2) reunification, (3) guardianship, and (4) collectively, still residing in the foster-care system, aging out of the system, or discharging in more than four years. Across panels, we begin with controls for month-, year-, and state-fixed effects (Panel A), where results are suggestive of roughly five-percent declines in adoption, though imprecise. Allowing for state-specific linear trends and time-varying state-level controls changes little for adoption, but it does suggest that the on eventual outcomes, there is little movement evident across category.

5.2 Timing to adoption

In Table 3, we re-estimate Equation (1) relaxing the adoption category to allow for exit from adoption by year, keeping the three other competing categories. Specifically, we separately capture child i exiting to an adoptive home in their first through fourth year in foster care, respectively. In Panel A, we see strong indication that LGAL mandates significantly increase the probabilities of adoption in the first and second year of foster care, by 14.6 and 9.4 percent, with offsetting decreases particularly evident in the third year of foster care.¹⁹ We find no similar “moving forward” in the timing to reunification or legal guardianship (see Table A.1)—there is some evidence that guardianship falls in year two, which may reflect an offsetting substitution to adoptive outcomes. In Panel B, we restrict the sample to foster children who experience parental rights termination during our sample period—a precursor to adoption. While this is potentially endogenous to legal representation itself, it is informative to see that significant increases in earlier adoption are still

¹⁹ In terms of average changes in the number of placements due to treatment, the number of first-year and second-year adoptions increase by 11.2 and 31.7 respectively in an average state-year, while decreasing the number of third-year adoptions by 51. The change in the number of children associated with treatment effects in Panel A of Table 3 are calculated by multiplying the estimated effects by the average number of children entering the system in a treatment state-year, in the periods prior to treatment.

evident, with the offsetting decrease again appearing to come from adoption in the third year.

Recall that in the absence of a mandate, foster children may and often do receive attorney representation—while evidence is somewhat spotty, attorney representation in non-mandating states is as high as 50 percent of children (Nevada, 2012).²⁰

Before considering partial treatment effects note that estimating a parametric cox proportional hazard model suggests a similar story.²¹ We report these results in Column (1) of Table 4—although imprecisely measured, they suggest that LGAL mandates decrease the overall hazard of adoption (from entry) by 4.1 percent. If we separately consider the effect of treatment on the hazards of TPR from entry (Column 1) and then adoption from TPR (Column 2), LGAL mandates seem to be more significant in the space of time between entry and TPR than between TPR and exit—treatment significantly decreases the hazard of TPR (6.3 percent) while the hazard of adoption conditional on TPR is lower (1.9 percent). LGALs having limited ability to move adoption conditional on parental rights begin terminated is consistent with the notion that recruitment of adoptive homes is an area in which LGALs have only limited ability (Slowriver and Zinn, 2008).

5.3 Partial treatment

Any children who had entered the foster-care system prior to their state’s LGAL mandate were also entitled to representation upon the policy adoption. As such, it would not be surprising to see partial-treatment effects within this population, especially given that LGALs can play a role throughout the child-client’s entire foster-care tenure. That said, it is possible that LGALs are most influential to outcomes early in the process—during the formulation of the case plan, for example. If such is the case, then we would not necessarily expect to see an increase in the measured treatment effects when including those who partially experience treatment.

²⁰A Child’s Right to Counsel 2012, First Star

²¹ Specifically, consider a model where the hazard rate for child i in month t is defined as $\lambda_i(t) = \lambda_0 \exp(x'\beta)t$, capturing the effect of treatment on foster-care tenure. The covariates in the hazard are those defined in Equation (2), and $\lambda_0(t)$ denotes the baseline hazard (left unparameterized).

We first approach the question of timing by looking at an event study. In Figure 5, using the full seven-category multinomial logit model, we estimate the effect of leads and lags of treatment on adoption within one year of entry into foster care (Panel A) and two years of entry (Panel B). Though the pattern of point estimates on entry into treatment alleviates concern over differential trends, notably, there is an increase in adoptive outcomes in the year prior to the arrival of mandated treatment relative to earlier years. This is not surprising, however, as there is plenty of opportunity for lawyers to influence outcomes for children who entered foster care prior to the mandate.

As a second approach, in Figure 6 we report estimates from 21 separate regressions, repeatedly adding more children to the treatment group in each of those specifications according to their month-of-entry into foster care *relative* to their state’s treatment date. In each case we again estimate seven-category multinomial logit models, but report only the estimated effects of LGAL mandate on the probability of adoption in the first year (Panel A) and second year (Panel B). As we relax the constraint that the only children identifying treatment must have entered *after* the mandate, there are measurable increases in the efficacy of treatment—the adoptive outcomes of at least some of those already in the foster-care system at the time of mandate are systematically varying with treatment. Point estimates eventually attenuate, becoming indistinguishable from zero by the time we’ve added children to treatment who entered foster care 26 months prior to their state’s LGAL.²² That Panel A estimates initially increase is consistent with lawyers being able to identify marginally needy cases around which there are particularly large benefit to legal expertise, and choose to systematically engage in these marginal cases when mandates are put in place. In the end, our earlier identification of average effects may well be interpreted as lower-bound estimates of the potential causal effects available with legal representation. In Panel B, we plot a similarly styled procedure for two-year adoptive outcomes. That these point estimates attenuate immediately,

²² Due to the early initiation of treatment in Ohio, children in Ohio no longer contribute identifying variation to estimates beyond 30 months prior to treatment.

though mechanically they need not until we begin adding children who entered foster care more than 24 months prior to a mandate. Overall, we imagine that legal representation is effective in encouraging adoptions for those children earlier in their tenure in the system—but that these gains may diminish the longer child is in the system.

5.4 Subgroup analysis

Having established level differences in outcomes associated with mandated legal representation, here, we explore how those mandates might influence outcomes among subgroups within the foster-care population. In particular, we have interest in considering the effect of legal representation among subgroups that have historically faced greater bias in the system, and worse permanency outcomes (Barth, 1997; McDonald et al., 2007; Akin, 2011).

In Table 5, we separately identify the effect of LGAL mandate on the probability of adoption in each of the first-four years of foster care for children aged 0–5 years old, ages 6–10 years old, and 11–14 years old. Our results suggest that treatment expedites the adoption process across all age groups—LGAL mandates explain increases in the probability of adoption in the first year by 14.2 percent for those aged 0–5, and increases in the probability of adoption in the second year by 22.6 and 45.0 percent for those aged 6–10 and 11–14, respectively. These results are all-the-more striking given that adolescents were most likely to receive legal counsel prior to mandated LGAL, but still experience the largest impact on average (A Child’s Right to Counsel (2007, 2009, 2012), First Star).

We also consider the impact of LGAL mandates on the probability of adoption in each of the first-four years across race, gender, and reason for removal. In panels A and B of Table 6, we present the effect of LGAL, separately for black and white foster child populations, which suggests that legal representation has larger impact on the probability of adoption among white children (23.3-percent

increases in first-year adoptions, and 13.9-percent increases in second-year adoptions) than among black children (8.5 and 12.2, respectively). In panels C and D, we present results across gender, indicating no real differences in the effect of legal representation across the two populations.²³

In panels E and F of Table 6, we report the differential effects of legal representation across reason for removal—specifically, we look at cases indicating abuse versus those indicating “other reasons for removal.” The effect of LGAL mandate on the probability of adoption in the second year for children who enter foster care due to abuse is almost six times the impact for those who enter for another reason (36.4 percent versus 6.3 percent). Moreover, there is evidence that this increase is in part driven by substitution away from long-term foster care or aging out of the system (Column (7)).

We interpret these results as lending modest support for legal counsel in dependency hearings mattering more for some populations that typically face the greatest preconceptions in court—older children and abused children benefit very much from legal representation—and are associated with longer foster-care tenure and lower probabilities of permanency placement

5.5 Reentry

Given the evidence of expedited adoption induced by LGAL mandates, it is a natural concern to have in mind that the earlier exit from foster care may come at the cost of the quality of adoptive match (Slowriver and Zinn, 2008). Specifically, conditional on entry into the foster-care system in an LGAL regime, and subsequent discharge to an adoptive home, we will consider the probability of foster-care reentry within three years. Due to late treatment dates and foster-care age limits, we are unable to look at system reentry beyond three years from discharge. However, about 60 percent of all reentry from an adoptive home occurs within three years, so we are capturing the average

²³ Note that competing outcomes need not come from the same subgroup. For example, first-year adoptions of white children could substitute for later adoptions among black children.

experience in the time series we allow for. To assure that reentry within three years is feasible, we restrict the sample to children who are below the age of 15 upon exit, and exit the system before September 2013.

Reentry to the foster-care system from an adoptive home is rare. In the sample of children who discharge from the system to an adoptive home—some 345,103 children between 2001 and 2013—only 0.7-percent ever reenter foster care. Estimating a logistic regression, with the outcome equal to one if the adopted child reenters the foster-care system within three years, and zero otherwise. The covariates of interest in the model are those described in Equation (2); the results of this analysis are summarized in Column (1) of Table 7.²⁴ The data suggest that legal representation at time of adoption leads to a 37.2-percent decrease in the probability of foster-care reentry. Legal counsel does not similarly impact reentry from reunification or legal guardianship placements—columns (2) and (3) respectively.²⁵ This analysis suggests that children represented by legal counsel experience, if anything, *more*-stable placements into adoption, which we imagine partially alleviating concern that legal representation results in matches that are more susceptible to dissolution.

6 Conclusion

We offer strong evidence that legal representation for children in the foster-care system expedites adoption. Reduced-form estimates imply that, in the average state, 11 additional foster children experience adoption within their first year of entering the system due to mandated legal representation, and 31 additional children experience adoption in their second year of tenure. While these gains are primarily coming from adoption in year three—and not substituting from aging out without having been adopted, for example—we believe the welfare transfer associated with the move

²⁴ In this analysis, we also control for a child's length of stay in the foster-care system.

²⁵ We also examine the impact of LGAL representation on re-entry from reunification and guardianship. In both cases, the outcome of interest still takes on a value of one if the discharged child reenters the system within three years, and zero otherwise.

up in time is still large. Moreover, with evidence of some legal representation among treated states prior to mandate, we may be identifying a lower-bound estimate of the true effect of treatment on marginal children. We also find that legal representation has larger impacts among certain children who are most at risk of aging out of the system without permanency—despite these same groups likely having relatively high rates of legal representation prior to mandates.

It is objectively important to provide a child with a permanent and stable home, providing a sense of permanence and belonging (Triseliotis and Hill, 1990; Triseliotis, 2002; Hansen, 2007*b*; Taylor, 2009). We are therefore inclined toward interpreting mandate-induced substitutions from late to early adoption as welfare enhancing. Accelerated adoptions can improve child well-being and ultimately mitigate social costs associated with foster-care tenure. Moreover, if the average cost associated with one child remaining in the foster-care system for one year is \$25,782 (Zill, 2011), and the cost of providing legal counsel for children in dependency hearings falls in the range of \$1,110 to \$4,500 per child per year (Taylor, 2009), our estimates imply that the provisions implied by LGAL mandates easily pass cost-benefit considerations.

References

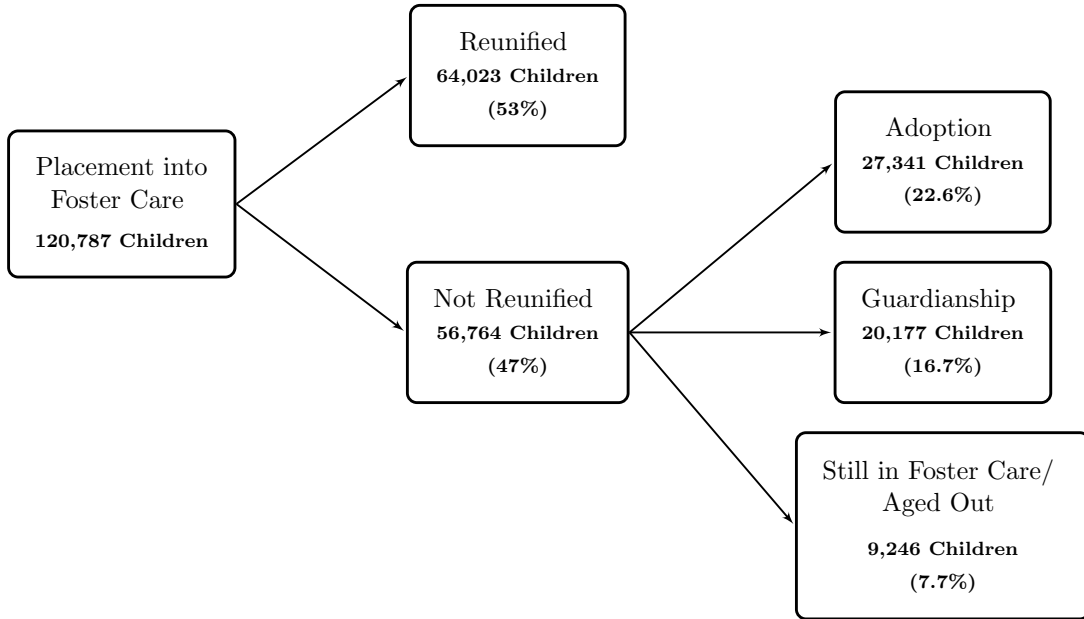
- Akin, Becci A.** (2011). ‘Predictors of foster care exits to permanency: A competing risks analysis of reunification, guardianship, and adoption’, *Children and Youth Services Review* 33(6), 999–1011.
- Appell, Annette Ruth.** (2008). ‘Representing Children, Representing What?: Critical Reflections on Lawyering for Children’.
- Argys, Laura and Duncan, Brian.** (2013). ‘Economic incentives and foster child adoption’, *Demography* 50(3), 933–954.
- Barth, Richard P.** (1997). ‘Effects of age and race on the odds of adoption versus remaining in long-term out-of-home care’, *Child Welfare* 76(2), 285.
- Blome, Wendy Whiting.** (1997). ‘What happens to foster kids: Educational experiences of a random sample of foster care youth and a matched group of non-foster care youth’, *Child and Adolescent Social Work Journal* 14(1), 41–53.
- Brehm, Margaret E.** (2018). ‘The Effects of Federal Adoption Incentive Awards for Older Children on Adoptions From US Foster Care’, *Journal of Policy Analysis and Management* 37(2), 301–330.
- Brooks, Susan L.** (1996). ‘Family systems paradigm for legal decision making affecting child custody’, *Cornell JL & Pub. Pol’y* 6, 1.
- Buckles, Kasey S.** (2013). ‘Adoption subsidies and placement outcomes for children in foster care’, *Journal of Human Resources* 48(3), 596–627.
- Connell, Christian M, Katz, Karol H, Saunders, Leon and Tebes, Jacob Kraemer.** (2006). ‘Leaving foster care—The influence of child and case characteristics on foster care exit rates’, *Children and Youth Services Review* 28(7), 780–798.
- Courtney, Mark E and Wong, Yin-Ling Irene.** (1996). ‘Comparing the timing of exits from substitute care’, *Children and Youth Services Review* 18(4-5), 307–334.
- Doyle, Joseph J.** (2007). ‘Child protection and child outcomes: Measuring the effects of foster care’, *The American Economic Review* 97(5), 1583–1610.
- Doyle, Joseph J.** (2008). ‘Child protection and adult crime: Using investigator assignment to estimate causal effects of foster care’, *Journal of Political Economy* 116(4), 746–770.
- Duquette, Donald N and Darwall, Julian.** (2012). ‘Child representation in America: Progress report from the national quality improvement center’, *Family Law Quarterly* 46(1), 87–137.
- Elrod, Linda D.** (2006). ‘Client-Directed Lawyers for Children: It Is the Right Thing to Do’, *Pace L. Rev.* 27, 869.
- Gueinzus, Anne Tyler and Hillel, Julia.** (2014). ‘Permanency Best Practices for Minnesota’s Foster Care Youth’, *William Mitchell Law Review* 40(3), 10.
- Guggenheim, Martin.** (2005). ‘How Children’s Lawyers Serve State Interests’, *Nev. LJ* 6, 805.
- Hansen, Mary Eschelbach.** (2007a). ‘Using subsidies to promote the adoption of children from foster care’, *Journal of Family and Economic Issues* 28(3), 377–393.

- Hansen, Mary Eschelbach.** (2007b). 'The value of adoption', *Adoption Quarterly* 10(2), 65–87.
- Hartmann, Albert E.** (1997). 'Crafting an Advocate for a Child: In Support of Legislation Redefining the Role of the Guardian Ad Litem in Michigan Child Abuse and Neglect Cases', *U. Mich. JL Reform* 31, 237.
- McDonald, Thomas P, Poertner, John and Jennings, Mary Ann.** (2007). 'Permanency for children in foster care: A competing risks analysis', *Journal of Social Service Research* 33(4), 45–56.
- Newton, Rae R, Litrownik, Alan J and Landsverk, John A.** (2000). 'Children and youth in foster care: Disentangling the relationship between problem behaviors and number of placements', *Child abuse & neglect* 24(10), 1363–1374.
- Orlebeke, Britany, Zhou, Xiaomeng, Skyles, Ada, Zinn, Andrew, Orlebeke, B, Zhou, X, Skyles, A, Zinn, A and Center, Cooperative Agreement.** (2016). 'ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System'.
- Pecora, Peter J, Kessler, Ronald C, O'Brien, Kirk, White, Catherine Roller, Williams, Jason, Hiripi, Eva, English, Diana, White, James and Herrick, Mary Anne.** (2006). 'Educational and employment outcomes of adults formerly placed in foster care: Results from the Northwest Foster Care Alumni Study', *Children and youth services review* 28(12), 1459–1481.
- Pilowsky, Daniel J and Wu, Li-Tzy.** (2006). 'Psychiatric symptoms and substance use disorders in a nationally representative sample of American adolescents involved with foster care', *Journal of Adolescent Health* 38(4), 351–358.
- Potter, Cathryn C and Klein-Rothschild, Susan.** (2002). 'Getting home on time: Predicting timely permanence for young children.', *Child Welfare* 81(2).
- Rubin, David M, Alessandrini, Evaline A, Feudtner, Chris, Mandell, David S, Localio, A Russell and Hadley, Trevor.** (2004). 'Placement stability and mental health costs for children in foster care', *Pediatrics* 113(5), 1336–1341.
- Rubin, David M, O'Reilly, Amanda LR, Luan, Xianqun and Localio, A Russell.** (2007). 'The impact of placement stability on behavioral well-being for children in foster care', *Pediatrics* 119(2), 336–344.
- Slowriver, Jack and Zinn, Andrew.** (2008). 'Expediting Permanency: Legal Representation for Foster Children in Palm Beach County'.
- Taylor, LaShanda.** (2009). 'A LAWYER FOR EVERY CHILD: CLIENT-DIRECTED REPRESENTATION IN DEPENDENCY CASES', *Family Court Review* 47(4), 605–633.
- Triseliotis, John.** (2002). 'Long-term foster care or adoption? The evidence examined', *Child & Family Social Work* 7(1), 23–33.
- Triseliotis, John and Hill, Malcolm.** (1990). 'Contrasting adoption, foster care, and residential rearing', *The psychology of adoption* pp. 107–120.
- Van Ijzendoorn, Marinus H, Juffer, Femmie and Poelhuis, Caroline W Klein.** (2005). 'Adoption and cognitive development: a meta-analytic comparison of adopted and nonadopted children's IQ and school performance.', *Psychological bulletin* 131(2), 301.

- Vinnerljung, Bo and Hjern, Anders.** (2011). 'Cognitive, educational and self-support outcomes of long-term foster care versus adoption. A Swedish national cohort study', *Children and Youth Services Review* 33(10), 1902–1910.
- Weinstein, Janet.** (1997). 'And Never the Twain Shall Meet Again: The Best Interests of Children and the Adversary System', *U. Miami L. Rev.* 52, 79.
- Zill, Nicholas.** (2011). 'Better prospects, lower cost: The case for increasing foster care adoption', *Adoption Advocate* 35, 1–7.

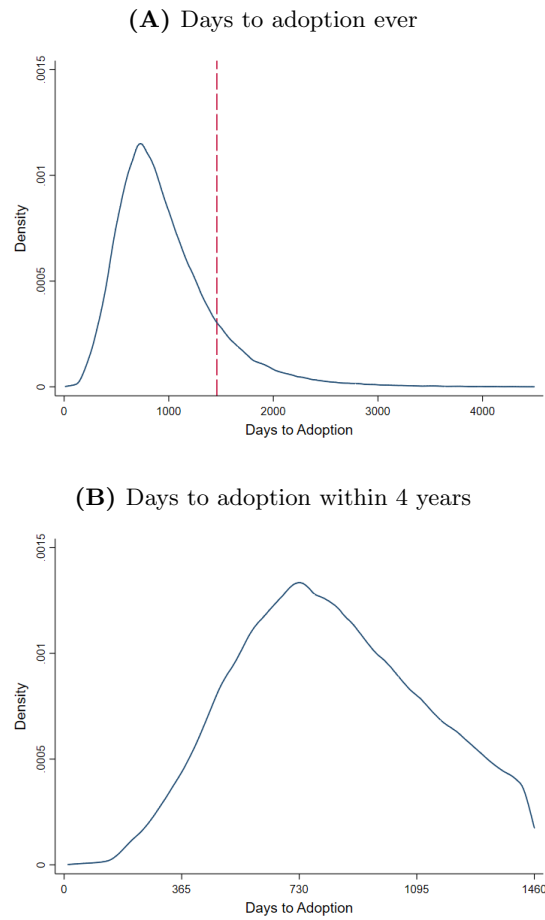
7 Figures and Tables

Figure 1: Entry to discharge in the foster-care system



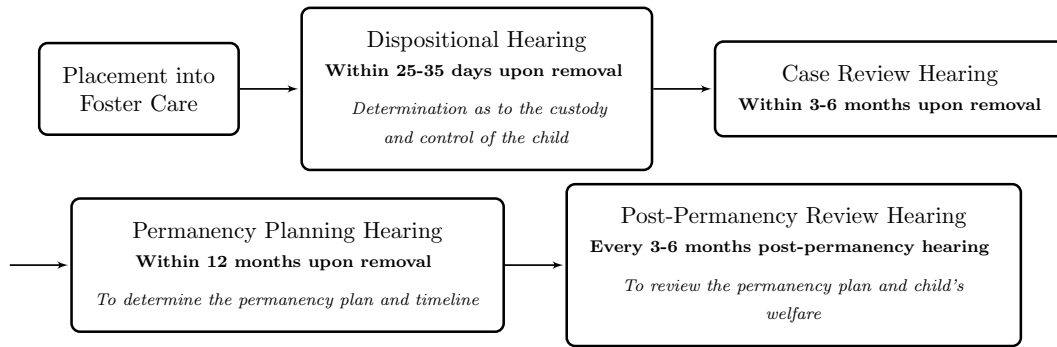
Notes: AFCARS Foster Care files, 2001–2016, restricted to first-episode foster-care children aged 14 and below, who entered the system by September 2012. The figure summarizes the annual average number of children who enter and their associated status four-years later.

Figure 2: Days from entry to adoption, kernel density estimate



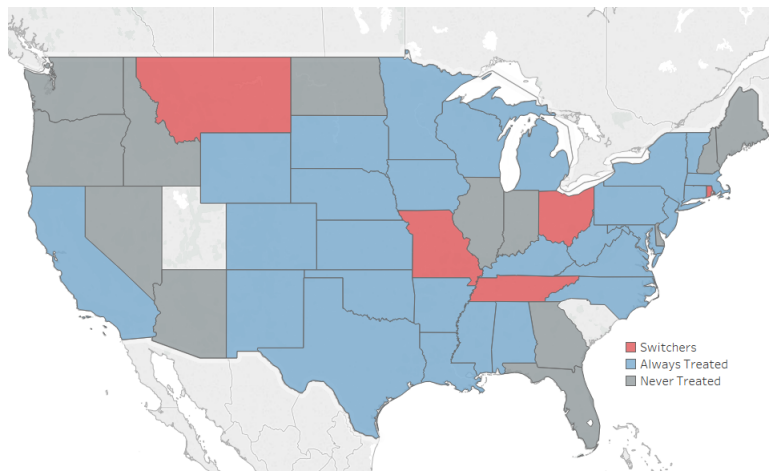
Notes: The data sources for the figures is AFCARS Foster Care Files, 2001–2016. Both panels A and B are calculated using the Epanechnikov kernel with a bandwidth of 26.5. The red dashed line in Panel A corresponds to discharge (to an adoptive home) in year four of foster-care.

Figure 3: Legal milestones in dependency proceedings



Notes: There is state variation in the exact hearings and child-protection-case timelines; this highlights a few major dependency trails and hearings as well as the maximum length of time to each milestone as mandated by the Adoption and Safe Family Act (42 U.S.C. § 675(5)(B) (2015), 42 U.S.C.A. § 675(5)(C) (2015))

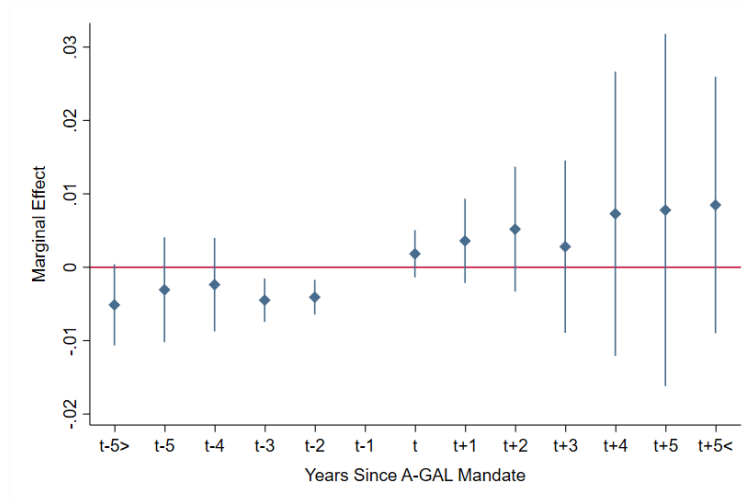
Figure 4: State mandated lawyer-guardian ad litem statutes, 2001–2012



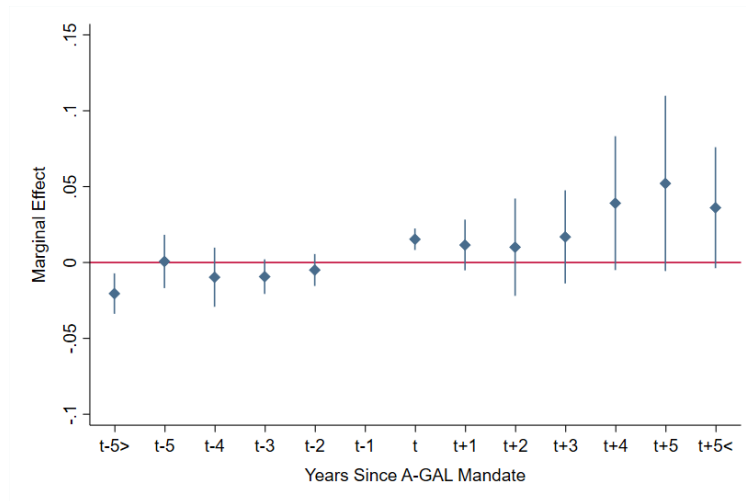
Notes: States labeled as “Switchers” enacted a mandate between the years 2001–2012. States labeled “Always Treated” and “Never Treated” respectively always had a mandate in effect and never had a mandate in effect, during the sample period. Hawaii and Alaska, not indicated in the figure both never had a mandate in effect. South Carolina, Utah, and Connecticut are left unlabeled as data from these states are dropped from the study. (Connecticut and Utah are excluded as child outcomes are not consistently available over time. South Carolina revoke their 2008 LGAL mandate in 2010—we restrict our identifying variation to the other five switching states.

Figure 5: Estimation of leads and lags around the policy variation

(A) Do one-year adoption rates vary with LGAL mandate for children who entered in years before and after the mandate? (% impact)



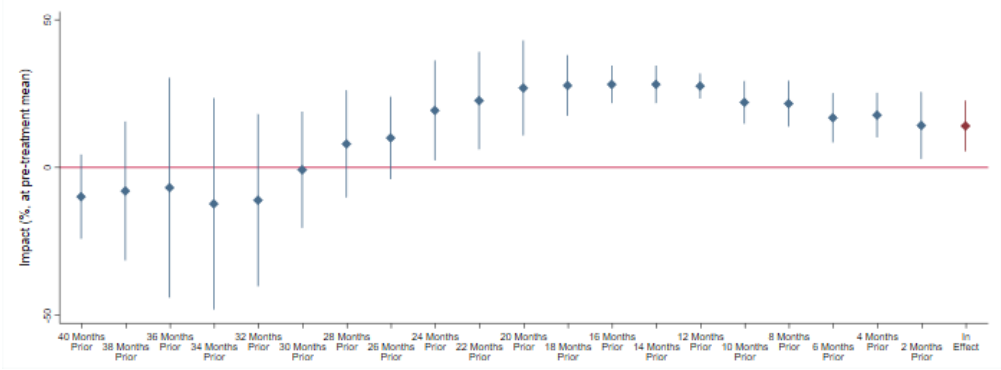
(B) Do two-year adoption rates vary with LGAL mandate for children who entered in years before and after the mandate? (% impact)



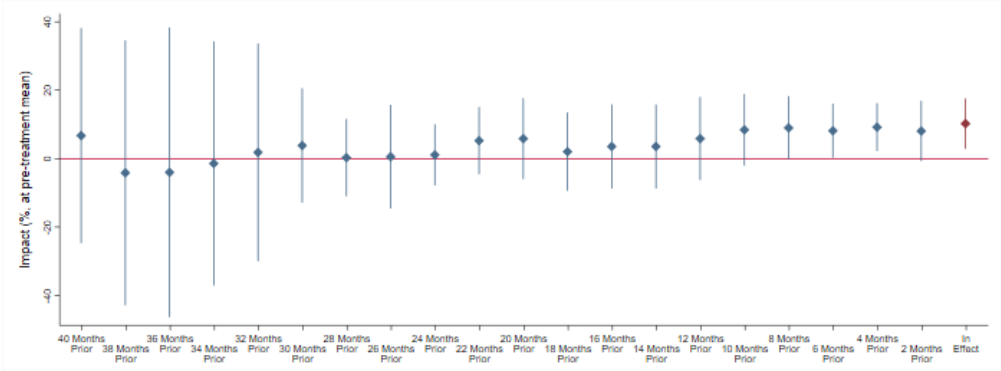
Notes: The figure displays the estimated impact percent at the pre-treatment mean, and 95% confidence intervals for leading and lagging treatment effects from a multinomial logit regression. We control for state-, month-, and year-fixed effects, state-specific linear time trends, and covariates (i.e., race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, and TANF total expenditure). Standard errors are adjusted for clustering at the state-level.

Figure 6: Are there partial treatment effects evident among those who entered prior to LGALs being mandated?

(A) What happens to one-year adoption rates when we allow children who entered prior to LGAL being mandated to be included among the treated? (% impact)



(B) What happens to two-year adoption rates when we allow children who entered prior to LGAL being mandated to be included among the treated? (% impact)



Notes: Each estimate in the above figures corresponds to a separate regression—the estimated impact percent at the pre-treatment mean, and 95% confidence intervals, from multinomial logit regressions where we add children to the treatment group who entered the foster-care system 2 months, 4 months, etc., prior to their state’s mandate. In all specifications, we control for state-, month-, and year-fixed effects, state-specific linear time trends, and covariates (i.e., race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker employment, and TANF total expenditure). Standard errors are adjusted for clustering at the state-level.

Table 1: Descriptive statistics of children in foster care, AFCARS 2001–2016

Variable	Mean (SD)	Number of Observations
Path of exit:		
Adoption (ever)	0.259 (0.438)	1,418,003
In year 1	0.010 (0.101)	1,418,003
In year 2	0.080 (0.271)	1,418,003
In year 3	0.090 (0.286)	1,418,003
In year 4	0.046 (0.209)	1,418,003
Reunified	0.537 (0.499)	1,418,003
Legal Guardian/Relative	0.172 (0.377)	1,418,003
Aged Out/Still in Foster Care	0.032 (0.176)	1,418,003
Reentry from adoption (Within 3 year)	0.004 (0.067)	307,959
Black	0.247 (0.431)	1,418,003
White	0.460 (0.498)	1,418,003
Other	0.080 (0.271)	1,418,003
Hispanic Ethnicity	0.214 (0.410)	1,418,003
Female	0.487 (0.500)	1,418,003
Age at removal	4.972 (4.311)	1,418,003
Length of FC episode, in days	598.462 (587.278)	1,418,003
Reason for removal includes Abuse	0.223 (0.416)	1,371,848

Notes: The data source is AFCARS Foster Care files, 2001–2016. The above sample is restricted to first-episode foster-care children aged 14 and below, who entered the system by September 2012.

Table 2: Do lawyer-guardian ad litem (LGAL) mandates change the probability of methods of discharge from foster care?

	Adoption (1)	Reunification (2)	Guardianship (3)	Other (4)
<i>(A) State, month, and year fixed effects</i>				
L-GAL Mandate	-0.009 (0.012)	-0.036*** (0.007)	0.023** (0.010)	0.022*** (0.005)
Observations	1,418,003	1,418,003	1,418,003	1,418,003
Pre-Treatment Mean	0.195	0.532	0.211	0.063
Impact (%) at Pre-Treatment Mean	-4.8	-6.7	11.1	34.3
Effect Size	0.024	0.071	0.057	0.089
<i>(B) = (A) + state-specific linear trends</i>				
L-GAL Mandate	-0.007* (0.004)	0.001 (0.012)	0.001 (0.004)	0.004 (0.008)
Observations	1,418,003	1,418,003	1,418,003	1,418,003
Pre-Treatment Mean	0.195	0.532	0.211	0.063
Impact (%) at Pre-Treatment Mean	-3.4	0.2	0.7	6.2
Effect Size	0.017	0.002	0.004	0.016
<i>(C) = (B) + time-varying controls</i>				
L-GAL Mandate	-0.007 (0.005)	0.004 (0.009)	-0.001 (0.003)	0.003 (0.007)
Observations	1,418,003	1,418,003	1,418,003	1,418,003
Pre-Treatment Mean	0.195	0.532	0.211	0.063
Impact (%) at Pre-Treatment Mean	-3.4	0.8	-0.4	5.3
Effect Size	0.016	0.008	0.002	0.014

Notes: Each row represents the marginal effect from a multinomial logit regression accounting for state, month, and year fixed effects, state-specific linear time trends, and covariates. The control variables include race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker employment, and TANF total expenditure. Standard errors are adjusted for clustering at the state-level and are shown in parentheses. *** significant at 1%; ** significant at 5%; * significant at 10%.

Table 3: Is there evidence of LGAL mandates changing the timing of adoption?

	Adoption				Reunification (5)	Guardianship (6)	Other (7)
	In Year 1 (1)	In Year 2 (2)	In Year 3 (3)	In Year 4 (4)			
<i>(A) Adoption</i>							
LGAL Mandate	0.002 ^{***} (0.001)	0.006 ^{***} (0.002)	-0.017 ^{***} (0.005)	-0.001 (0.002)	0.006 (0.010)	-0.000 (0.003)	0.004 (0.007)
Observations	1,418,003	1,418,003	1,418,003	1,418,003	1,418,003	1,418,003	1,418,003
Pre-Treatment Mean	0.014	0.068	0.077	0.035	0.532	0.211	0.063
Impact (%) at Pre-Treatment Mean	14.6	9.4	-21.6	-3.5	1.1	-0.1	5.8
Effect Size	0.018	0.025	0.062	0.007	0.012	0.001	0.015
<i>(B) Adoption, conditional on termination of parental rights</i>							
L-GAL Mandate	0.009 ^{***} (0.003)	0.032 ^{***} (0.006)	-0.050 ^{***} (0.012)	0.002 (0.012)		0.003 (0.006)	0.004 (0.009)
Observations	391,649	391,649	391,649	391,649		391,649	391,649
Pre-Treatment Mean	0.061	0.291	0.329	0.149		0.008	0.000
Impact (%) at Pre-Treatment Mean	14.4	11.1	-15.1	1.1		38.9	2.5
Effect Size	0.037	0.071	0.106	0.005		0.036	0.011

Notes: Each row represents marginal effects from a multinomial logit regression accounting for state, month, and year fixed effects, state-specific linear time trends, and covariates. The control variables include race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker employment, and TANF total expenditure. Standard errors are adjusted for clustering at the state-level and are shown in parentheses. *** significant at 1%; ** significant at 5%; * significant at 10%.

Table 4: The effect of LGAL mandates on the hazard of adoption

	Entry to adoption (1)	Entry to TPR (2)	TPR to adoption (3)
L-GAL Mandate	-0.041 (0.034)	-0.063 ^{**} (0.032)	-0.019 (0.059)
Observations	430,655	430,655	430,655

Notes: Coefficients are from a cox proportional hazard model accounting for state, month, and year fixed effects, state-specific linear time trends, and covariates. The control variables include race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker level of employment, and TANF total expenditure. Standard errors are adjusted for clustering at the state-level and are shown in parentheses. *** significant at 1%; ** significant at 5%; * significant at 10%.

Table 5: LGAL mandates and the timing of adoption, by age group

	Adoption				Reunification (5)	Guardianship (6)	Other (7)
	In Year 1 (1)	In Year 2 (2)	In Year 3 (3)	In Year 4 (4)			
<i>(A) Ages 0-5</i>							
L-GAL Mandate	0.003*** (0.001)	0.006 (0.004)	-0.020*** (0.005)	-0.001 (0.004)	0.004 (0.009)	0.001 (0.003)	0.007 (0.007)
Observations	892,086	892,086	892,086	892,086	892,086	892,086	892,086
Pre-Treatment Mean	0.022	0.099	0.100	0.043	0.486	0.212	0.038
Impact (%) at Pre-Treatment Mean	14.2	6.2	-20.2	-3.4	0.9	0.3	19.5
Effect Size	0.026	0.020	0.063	0.006	0.009	0.002	0.032
<i>(B) Ages 6-10</i>							
L-GAL Mandate	0.001 (0.001)	0.006** (0.003)	-0.022** (0.010)	-0.001 (0.004)	0.018 (0.012)	-0.001 (0.007)	0.000 (0.007)
Observations	333,622	333,622	333,622	333,622	333,622	333,622	333,622
Pre-Treatment Mean	0.002	0.027	0.053	0.029	0.589	0.218	0.083
Impact (%) at Pre-Treatment Mean	29.3	22.6	-41.9	-3.3	3.0	-0.6	0.2
Effect Size	0.014	0.034	-0.096	-0.005	0.036	-0.003	0.001
<i>(C) Ages 11-14^a</i>							
L-GAL Mandate		0.006*** (0.002)	0.004 (0.003)	-0.001 (0.003)	-0.002 (0.017)	-0.001 (0.011)	-0.007 (0.014)
Observations		191,982	191,982	191,982	191,982	191,982	191,982
Pre-Treatment Mean		0.014	0.025	0.013	0.621	0.199	0.127
Impact (%) at Pre-Treatment Mean		45.0	16.0	-4.2	-0.3	-0.5	-5.3
Effect Size		0.049	0.025	0.004	0.004	0.003	0.019

Notes: Each row represents marginal effects from a multinomial logit regression accounting for state, month, and year fixed effects, state-specific linear time trends, and covariates. The control variables include race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker employment, and TANF total expenditure. Column (1) estimates could not be computed in Panel C. Standard errors are adjusted for clustering at the state-level and are shown in parentheses. ^a Too few children aged 11–14 exit through adoption within one year to estimate the role of LGAL in explaining variation in this outcome. *** significant at 1%; ** significant at 5%; * significant at 10%.

Table 6: LGAL mandates and the timing of adoption, by subgroups

	Adoption				Reunification (5)	Guardianship (6)	Other (7)
	In Year 1 (1)	In Year 2 (2)	In Year 3 (3)	In Year 4 (4)			
<i>(A) Black</i>							
L-GAL Mandate	0.001 (0.001)	0.008** (0.004)	-0.031*** (0.010)	0.012*** (0.004)	0.006 (0.016)	0.009 (0.007)	-0.005 (0.006)
Observations	349,832	349,832	349,832	349,832	349,832	349,832	349,832
Pre-Treatment Mean	0.016	0.065	0.065	0.034	0.493	0.254	0.073
Impact (%) at Pre-Treatment Mean	8.5	12.2	-48.5	35.7	1.2	3.6	-7.3
Effect Size	0.015	0.034	0.117	0.056	0.012	0.023	0.017
<i>(B) White</i>							
L-GAL Mandate	0.003*** (0.001)	0.009*** (0.003)	-0.010** (0.004)	-0.005 (0.003)	0.006 (0.009)	-0.003 (0.004)	0.000 (0.004)
Observations	652,426	652,426	652,426	652,426	652,426	652,426	652,426
Pre-Treatment Mean	0.013	0.068	0.080	0.034	0.545	0.203	0.057
Impact (%) at Pre-Treatment Mean	23.3	13.9	-12.5	-15.5	1.0	-1.7	0.8
Effect Size	0.029	0.033	0.035	0.026	0.011	0.009	0.002
<i>(C) Female</i>							
L-GAL Mandate	0.002* (0.001)	0.008* (0.005)	-0.014* (0.007)	0.002 (0.003)	0.003 (0.013)	-0.003 (0.006)	0.002 (0.008)
Observations	690,052	690,052	690,052	690,052	690,052	690,052	690,052
Pre-Treatment Mean	0.015	0.068	0.075	0.035	0.529	0.218	0.059
Impact (%) at Pre-Treatment Mean	15.5	11.8	-18.8	6.4	0.5	-1.4	2.8
Effect Size	0.023	0.030	0.049	0.011	0.006	0.008	0.006
<i>(D) Male</i>							
L-GAL Mandate	0.002 (0.001)	0.005 (0.003)	-0.019*** (0.004)	-0.005 (0.003)	0.009 (0.008)	0.003 (0.006)	0.005 (0.006)
Observations	727,951	727,951	727,951	727,951	727,951	727,951	727,951
Pre-Treatment Mean	0.013	0.068	0.079	0.035	0.535	0.204	0.067
Impact (%) at Pre-Treatment Mean	13.1	7.1	-23.9	-13.5	1.7	1.3	8.1
Effect Size	0.018	0.018	0.066	0.023	0.018	0.007	0.020
<i>(E) Abuse</i>							
L-GAL Mandate	0.002 (0.002)	0.015* (0.009)	-0.028** (0.012)	-0.003* (0.002)	0.018 (0.025)	0.006 (0.006)	-0.010** (0.004)
Observations	305,297	305,297	305,297	305,297	305,297	305,297	305,297
Pre-Treatment Mean	0.004	0.042	0.057	0.031	0.619	0.176	0.073
Impact (%) at Pre-Treatment Mean	46.6	36.4	-48.8	-9.9	2.9	3.2	-13.7
Effect Size	0.025	0.063	0.108	0.016	0.037	0.015	0.037
<i>(F) Other reason for removal</i>							
L-GAL Mandate	0.002*** (0.001)	0.005** (0.002)	-0.015*** (0.005)	-0.001 (0.003)	0.004 (0.007)	-0.003 (0.004)	0.008 (0.008)
Observations	1,066,551	1,066,551	1,066,551	1,066,551	1,066,551	1,066,551	1,066,551
Pre-Treatment Mean	0.017	0.075	0.082	0.036	0.510	0.220	0.060
Impact (%) at Pre-Treatment Mean	13.9	6.3	-18.2	-1.9	0.7	-1.2	12.6
Effect Size	0.022	0.017	0.051	0.003	0.007	0.007	0.029

Notes: Each row represents marginal effects from a multinomial logit regression accounting for state, month, and year fixed effects, state-specific linear time trends, and covariates. The control variables include race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker employment, and TANF total expenditure. Standard errors are adjusted for clustering at the state-level and are shown in parentheses. *** significant at 1%; ** significant at 5%; * significant at 10%.

Table 7: LGAL mandates and the probability of foster-care reentry within three years

	Reentry from Adoption (1)	Reentry from Reunification (2)	Reentry from Guardianship (3)
LGAL Mandate	-0.002 ^{***} (0.001)	-0.001 (0.007)	0.003 (0.008)
Observations	298,456	749,002	233,681
Pre-Treatment Mean	0.007	0.168	0.084
Impact (%) at Pre-Treatment Mean	-37.2	-0.3	3.7
Effect Size	0.037	0.002	0.012

Notes: Each row represents marginal effects from a logit regression accounting for state, month, and year fixed effects, state-specific linear time trends, and covariates. The control variables include race, gender, age at removal, length of foster care episode, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker employment, and TANF total expenditure. Standard errors are adjusted for clustering at the state-level and are shown in parentheses. *** significant at 1%; ** significant at 5%; * significant at 10%.

A Appendix

Table A.1: Is there evidence of LGAL mandates changing the timing of reunification/guardianship?

	Reunification (A) or Guardianship (B)				Adoption (5)	Reunification (6)	Guardianship (7)	Other (8)
	In Year 1 (1)	In Year 2 (2)	In Year 3 (3)	In Year 4 (4)				
<i>(A) Reunification</i>								
LGAL Mandate	0.018 (0.019)	-0.016 (0.015)	0.000 (0.004)	-0.000 (0.002)	-0.005 (0.003)		-0.000 (0.003)	0.004 (0.007)
Observations	1,418,003	1,418,003	1,418,003	1,418,003	1,418,003		1,418,003	1,418,003
Pre-Treatment Mean	0.358	0.135	0.030	0.008	0.195		0.211	0.063
Impact (%) at Pre-Treatment Mean	4.9	-11.7	0.5	-1.8	-2.8		-0.2	6.1
Effect Size	0.037	0.046	0.001	0.002	0.014		0.001	0.016
<i>(B) Guardianship</i>								
LGAL Mandate	0.003 (0.003)	-0.009*** (0.002)	0.002 (0.002)	0.002* (0.001)	-0.006 (0.004)	0.006 (0.009)		0.003 (0.007)
Observations	1,418,003	1,418,003	1,418,003	1,418,003	1,418,003	1,418,003		1,418,003
Pre-Treatment Mean	0.125	0.063	0.018	0.005	0.195	0.532		0.063
Impact (%) at Pre-Treatment Mean	2.2	-14.9	9.4	35.2	-2.9	1.0		5.5
Effect Size	0.008	0.039	0.013	0.024	0.014	0.011		0.014

Notes: Each row represents marginal effects from a multinomial logit regression accounting for state, month, and year fixed effects, state-specific linear time trends, and covariates. The control variables include race, gender, age at removal, and at the state level, population, percent black, percent white, unemployment rate, median household income, social worker employment, and TANF total expenditure. Standard errors are adjusted for clustering at the state-level and are shown in parentheses. *** significant at 1%; ** significant at 5%; * significant at 10%.