

Foster Care Panics

When family preservation is abandoned, children suffer. Often, child abuse deaths actually increase. We know this because, over and over again, high-profile child abuse deaths have led to “foster care panics” – sharp sudden increases in the number of children torn from their families. And we’ve seen the consequences of those panics.

Consider what has happened in three states: Illinois, New York, and Florida.

In April, 1993, three-year-old Joseph Wallace was killed by his mother. Joseph was “known to the system.” “Family preservation” quickly became the scapegoat. It was attacked relentlessly by politicians and much of the media -- even though most of the programs in Illinois bore little resemblance to the effective, Homebuilders-based models used in other states (see [Issue Paper 10](#)).

As a result, workers and judges became terrified to leave or return any child home for fear of becoming the next target of politicians and the Chicago media. Almost all efforts to keep families together were effectively abandoned amid claims that such efforts contradict “child protection.”

By 1996, a child was more likely to be in foster care in Illinois than in any other state. But instead of saving lives, child abuse deaths went up. They soared from 78 before family preservation was abandoned to 82 the first year after, to 91 in fiscal 1997.¹

That’s not surprising. The abandonment of family preservation led to a foster care panic that overwhelmed the system to the point that it created a backlog of more than 5,000 uncompleted investigations.² In the first two years after the panic, the Illinois foster care population soared by 44 percent, overwhelming a system which even at its best is actually far more dangerous than family preservation. Child abuse deaths *in* foster care in Illinois went from zero in the year before the foster care panic to five in the first year afterwards -- an all-time record at least up to that point.³

The pattern showed itself in a new way in fiscal 1998, when the Illinois foster care panic finally began to abate. That year, the number of child abuse deaths finally fell below the number before the panic began. And that year also was the first year since the panic in which the total number of Illinois children in foster care actually declined.⁴

The decline has continued. Indeed, thanks in part to a consent decree negotiated with the Illinois Affiliate of the American Civil

Liberties Union, Illinois reversed course, embraced family preservation and cut its foster care population dramatically.⁵ And at the same time, safety outcomes have improved.⁶ One of the consent decree monitors told the *St. Louis Post-Dispatch* that, as the newspaper put it: “Children are safer now than they were when the state had far more foster children.”⁷

But during the years family preservation was abandoned, it led to other tragedies in Illinois.

- Having supposedly “put children first,” Illinois officials soon found they had no place to put children at all. So they were jammed into a hideous shelter, then overflowed into offices. Streetwise teens were thrown together with vulnerable younger children; infants were jammed into urine-soaked cribs. An 11-year-old got hold of a gun and fired it.⁸

- Children were jammed into any foster home with a bed, with little screening of foster parents or foster children. As a result, according to Benjamin Wolf of the Illinois Affiliate of the American Civil Liberties Union, the Illinois foster care system became “like a laboratory experiment to *produce* the sexual abuse of children.”⁹

- A study by the Child Welfare Institute found that *at least* one third of the children taken from their parents at the height of the Foster Care Panic could safely have been returned to their own homes.¹⁰

Abandoning family preservation took a bad system and made it, in Wolf’s words, “unquestionably worse.”¹¹

And what about the case that started it all? What was the role of family preservation in the case of Joseph Wallace? A family preservation worker recommended that the Wallace family *not* be preserved -- he recommended to a judge that the child be removed. The judge agreed. The child was removed, but the records were lost when the family moved to another county. Only then was the child sent home to his death.¹²

Not only was family preservation not the cause of the Wallace death -- family preservation almost saved Joseph Wallace’s life.

Other Foster Care Panics

Nearly three years later, it was New York City’s turn. Again, this time in late 1995, a child “known to the system” died. Again officials blamed “family preservation. Once again, they set off a foster care panic, overwhelming the system. The result: Thousands of children were

CASE HISTORY: IN THE CHICAGO SHELTER

What was it like for children suddenly swept up in the Chicago Foster Care Panic, taken from their parents and left in the city's makeshift shelter? This account is from the *Chicago Tribune*:

A surly teenager with a bad attitude struts and shouts swear words a few yards away from the abused and neglected little ones, so young they can barely tell you their names ... 16-year-old Harry is boasting: "I stole 50 cars this week!" A few yards away is 5-year-old Michael, so very scared and trying with all his might not to cry. "I'm the big brother," Michael explains, gently stroking the hair of Christopher, 4, who gulps heavy, sleepy breaths and sucks his thumb on a cot in a corner. ... When a visitor tried to shake the little boy's hand, he threw his arms around her, starving for a hug ...

*"I want my mom," Michael said ...*¹³

forced to sleep, often on chairs and floors, in a violence-plagued, emergency makeshift shelter created from city offices,¹⁴ a four-year-old foster child was beaten and starved to death in a foster home opened by one private agency, apparently desperate for beds, after another had closed it down.¹⁵ And child abuse deaths increased.

Between 1996 and 1998, deaths of children previously "known to the system" increased by 50 percent. Just as in Illinois, the death toll among children known to the system fell below the pre-panic level only in 1999 – by which time the panic had abated and the City was taking away fewer children.¹⁶ Like Illinois, New York City learned from its mistakes, reversed course and embraced family preservation. But then, after the death of Nixzmary Brown in 2006, the entire cycle, foster care panic, increase in child abuse deaths, return to lower rate of removal, repeated itself.¹⁷

And then came Florida. The death of a child "known to the system" and the appointment of a state child welfare agency chief staunchly opposed to keeping families together combined to set off a foster care panic in 1999. Again, the foster care population soared. And again, deaths of children "known to the system"

increased, from an average of 25 per year in the four years before the Florida Foster Care Panic to an average of 37.5 per year in the six years since.¹⁸

Florida learned from its mistakes, reversed course and, as it reduced entries into care, independent evaluations found that child safety improved.¹⁹ But, alas, once again the reforms have been eroded, this time due to demagogic news coverage.²⁰

These data don't prove that child abuse deaths always will go up when family preservation is abandoned. But the critics of family preservation premise their entire argument on the assumption that if family preservation is eliminated, or at least drastically curtailed, such deaths will decrease.

At a minimum, the results from Illinois, New York and Florida -- particularly when compared to what happened when those same states reversed course -- suggest that it's the people who want to abandon family preservation who have a lot of explaining to do. It's time for the burden of proof to shift from those who want to keep more children with their parents to those who want to take them away.

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1. State of Illinois, Department of Children and Family Services, Office of Quality Assurance, Executive Statistical Summary, January, 1998. //2. Sharman Stein, "DCFS Coordinator Puts Family Values to Work," *Chicago Tribune*, March 8, 1995. //3. Peter Kendall and Terry Wilson, "Boy's Death Casts Shadow on Foster Care," *Chicago Tribune*, Feb.28, 1995. //4. *Executive Statistical Summary* (Note 1, Supra) November, 1998. //5. Illinois Department of Children and Family Services, *Signs of Progress in Child Welfare Reform*, 6. Personal communication, Ben Wolf, Illinois Affiliate, American Civil Liberties union. //7. Matt Franck, "The Pendulum," *St. Louis Post Dispatch*, Feb. 2, 2003. 8.// See the following stories from the Chicago Tribune: Rob Karwath, "Abused Kids Sleep in DCFS Offices," June 29, 1993; Ellen Warren, "Toddlers, Troubled Teens All Wait Together at DCFS," July 21, 1993, p.1; Douglas Holt, "Boy Finds Gun at DCFS, Injured," Sept. 3, 1993, p.1; Rob Karwath, "Child Welfare Specialist Hired to Coordinate Overhaul of DCFS Site," Sept. 10, 1993; Rob Karwath, "DCFS Center Receives OK to House Kids, Dec. 17, 1993. //9. Richard Wexler, "[The Children's Crusade](#)," *Chicago Reader*, March 23, 1995, /10. Bruce Dold, "Kids Suffer Under DCFS Reform Efforts," *Chicago Tribune*, Sept. 22, 1995, Sec.1, p.19. //11.Wexler, note 9, supra. //12. Joel J. Bellows, et. al., *The Report of the Independent Committee to Inquire into the Practices, Processes, and Proceedings in the Juvenile Court as they Relate to the Joseph Wallace Cases*, Oct. 1, 1993. //13. Rachel L. Swarns, "For Children Awaiting Foster Care, Another Night on Office Cots," *The New York Times*, November 29, 1997; Russ Buettner, "Foster Kids Glut System; Surge Worst Since Crack Heyday" *New York Daily News*, May 12, 1997; Russ Buettner, "Bid to End ACS Office Hell," *New York Daily News*, May 14, 1997 //14. Ellen Warren, "Toddlers, Troubled Teens All Wait Together At DCFS," *Chicago Tribune*, July 21, 1993, p.1. //15. Rachel L. Swarns, "Agency Was Warned About Foster Mother Charged in Girl's Death," *The New York Times*, July 2, 1997, p.B3. //16. Full details and sources in NCCPR's report on New York City child welfare, [see table, p. 20](#). //17. Ibid. //18. 1995-1998: Florida Department of Children and Families, *Child Abuse and Neglect Deaths: Calendar Year 1999* (Tallahassee, FL: March 2001); 1999 through 2005: Florida Department of Health, *Florida Child Abuse Death Review* (Annual Reports). //19. Armstrong, M.I., et. al, [Evaluation brief on the status, activities and findings related to Florida's IV-E waiver demonstration project: Two years post-implementation](#). (Tampa, FL: University of South Florida, Louis de la Parte Florida Mental Health Institute) //20. For full details see [our website on Florida child welfare](#).