

Foster Care Panics

We don't have to guess what will happen if opponents of family preservation get what they want. We don't have to guess what will happen if family preservation is effectively abandoned.

We don't have to guess, because it happened -- in Illinois in 1993, in New York City in 1996, and in Florida in 1999.

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." Indeed, Illinois legislators added the words "best interests of the child" to their child welfare law in at least 30 different places to make sure everybody got the point.

By 1996, a child was more likely to be placed 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.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, Illinois reversed course, embraced family preservation

and cut its foster care population dramatically. And at the same time, safety outcomes have improved.⁵

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.⁶

- 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."

- 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.⁷

Abandoning family preservation took a bad system and made it, in Wolf's words, "unquestionably worse."⁸

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.⁹

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" -- even though deaths of children previously known to the child welfare system had declined by more than 40 percent since 1991.¹⁰ Once again, they set off a foster care panic, overwhelming the system.

(over)

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 ..."¹¹

The result: Thousands of children were forced to sleep, often on chairs and floors, in a violence-plagued, emergency makeshift shelter created from city offices,¹² 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,¹³ and the decline in child abuse deaths ended.

Between 1996 and 1998, deaths of children previously "known to the system" increased by 50 percent.¹⁴ 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.¹⁵ Like Illinois, New York City learned from its mistakes, reversed course and embraced family preservation – though another high-profile case has led to backsliding, and another increase in deaths.

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 32 per year in the five years since.¹⁶

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 states like Alabama, and to what happened when Illinois and New York 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.

Updated January 1, 2008

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*, <http://www.state.il.us/dcf/SignsProg.pdf> 6.// 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. //7. Bruce Dold, "Kids Suffer Under DCFS Reform Efforts," *Chicago Tribune*, Sept. 22, 1995, Sec.1, p.19. 8. Personal Communication. //8. Personal Communication. //9. 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. . //10. Susan Pearsall, "Just Who Should Care for the Children?" *The New York Times*, Connecticut Weekly, April 20, 1997, p.13CN. //11. Ellen Warren, "Toddlers, Troubled Teens All Wait Together At DCFS," *Chicago Tribune*, July 21, 1993, p.1 //12. New York City Administration for Children's Services, *Progress on ACS Reform Initiatives: Status Report 3* (March, 2001) Chart, P.38. //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. Rachel L. Swarns, "Agency Was Warned About Foster Mother Charged in Girl's Death," *The New York Times*, July 2, 1997, p.B3. //15. *Status Report 3*, Note 12, Supra., Chart, p.38. //16. 1995-1998: Florida Department of Children and Families, *Child Abuse and Neglect Deaths: Calendar Year 1999* (Tallahassee, FL: March 2001); 1999 through 2002: Florida Department of Health, Florida Child Abuse Death Review (Annual Reports), 2003: Michael Mayo, "2003 child abuse tally: 81 dead, infinite heartbreak," *South Florida Sun-Sentinel* September 19, 2004.