

Introduction

A child dies at the hand of a parent. Within days, sometimes hours, it is revealed that this child was "known to the system."

For most people, such a case is their introduction to the child welfare system. And naturally, they have one overriding question -- how could it have happened?

For more than a decade, politicians and self-proclaimed "child advocates" have suggested an answer that is simple, obvious -- and wrong.

They blame "family preservation." Or they blame a federal law that required states and localities to make "reasonable efforts" to keep families together. Or they blame both.

It is claimed that "family preservation" is at odds with "child protection." It is claimed that family preservation must be eliminated and the "reasonable efforts" clause repealed or amended in order to protect children. It was even claimed that the "reasonable efforts" clause caused children to languish in foster care. In fact, "reasonable efforts" was all that prevented the foster care crisis from being even worse.

The smear campaign against family preservation was successful. In 1997, Congress passed the so-called Adoption and Safe Families Act (ASFA), a bill which effectively makes optional what was once the "reasonable efforts" requirement in federal law. Congress was told this would reduce the number of children in foster care. In fact, it did the opposite. Even during recent years when so many other social indicators improved -- crime declined, unemployment declined, even child abuse itself declined -- the foster care population kept going up, reaching a peak in 2000 and only recently beginning to decline. And it wasn't until 2003, six years after ASFA became law that the number of children in foster care finally dipped below its pre-ASFA level.¹

A more reliable measure of system behavior is the number of children taken away over the course of a year. And that didn't start to decline until 2006, after hitting a record high of 307,000 in 2005.² The only hope for thousands of children rests with how states and localities choose to use the power the federal government has given them.

The demands to abolish family preservation and "reasonable efforts" come with

some great applause lines. Such demands are said to involve "erring on the side of the child" or "defending children's rights" or "putting children first." But abolishing family preservation does nothing of the kind.

Rather, this approach requires the massive removal of children from one set of adults -- their parents -- to another set of adults, foster parents or orphanage workers, with the decisions made by still another set of adults, judges, lawyers and, especially, workers for government and private child welfare agencies. In the 19th Century such workers proudly called themselves "child savers." Abolishing family preservation puts child savers, not children, first. And when "child savers" come first, children come last.

"Putting children first" is a euphemism for taking more and more children away from their parents and placing them in foster care. But contrary to stereotype, **family preservation is safer than foster care.**

Those who oppose family preservation say they want to remove children from danger to safety. Often, it turns out to be the other way around.

The attempt to scapegoat "family preservation" has had disastrous consequences for children. Indeed, in some cases, the consequences have been fatal.

Critics claim that family preservation "dominates" the system. But even with the recent decline, the number of children in foster care on any given day increased from 243,000 in 1982³ to more than 460,000 today.⁴ If those of us who advocate family preservation have been so "dominant," what are all those children doing in foster care?

Critics claim children languish in foster care because of the "reasonable efforts" requirement. But relative to the total child population, there were as many children in foster care before "reasonable efforts" became law in 1980. Bad as things were before 1997, with the effective repeal of "reasonable efforts," they got worse.

Eliminating family preservation and "reasonable efforts" guaranteed the needless destruction of still more loving families, a far higher foster care population than necessary, and, worst of all, the senseless deaths of more children.

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Introduction (continued)

In the issue papers that follow, we explain what family preservation is and what it is not. We compare the safety record of family preservation and foster care. We look at how the children who are really in the system

compare with the stereotype.

And we look at what happened in cities and states where family preservation was abandoned in recent years.

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¹ As of March, 1998, four months after ASFA became law, there were 520,000 children in foster care, (U.S. Department of Health and Human Services, AFCARS Report #1, available online at http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report1/ar0199.htm). It took until September 30, 2003, for the number to start to decline. (U.S. Department of Health and Human Services, *Trends in Foster Care and Adoption*, available online at http://www.acf.hhs.gov/programs/cb/stats_research/afcars/trends.htm)

² *Trends*, note 1, supra.

³ Leroy Pelton, *For Reasons of Poverty: A Critical Analysis of the Public Child Welfare System in the United States*, (New York: Praeger, 1989) p.6.

⁴ *Trends*, note 1, supra.