

THE NCCPR QUICK READ: Child Welfare In America – An Overview

Family preservation is SAFER than foster care.

The failings of America's child welfare system can be summed up by the very rationalization often used to justify the way it works today, an approach that can be boiled down to "take the child and run." You've probably heard it many times: Sure adults may suffer when their children are needlessly taken away, but, it is claimed, we have to "err on the side of the child." In fact, there probably is no phrase in the child welfare lexicon that has done more harm to children than "err on the side of the child."

- When a child is needlessly thrown into foster care, he loses not only mom and dad but often brothers, sisters, aunts, uncles, grandparents, teachers, friends and classmates. For a young enough child it can be an experience akin to a kidnapping. Other children feel they must have done something terribly wrong and now they are being punished. **One recent study of foster care "alumni" found they had twice the rate of post-traumatic stress disorder of Gulf War veterans and only 20 percent could be said to be "doing well."** (See our publication, *80 Percent Failure*, <http://www.nccpr.org/reports/cfpanalysis.pdf>) How can throwing children into a system which churns out walking wounded four times out of five be "erring on the side of the child?"

A second study, of 15,000 cases, is even more devastating. **That study found that even maltreated children left in their own homes with little or no help fared better, on average, than comparably- maltreated children placed in foster care.** (See our publication, *The Evidence is In*, <http://www.nccpr.org/reports/evidence.pdf>) So whenever anyone tells you that rushing to tear children from their parents is "erring on the side of the child" please remember the 15,000 children who would gladly tell you otherwise if they could.

- All that harm can occur even when the foster home is a good one. The majority are. But **the rate of abuse in foster care is far higher than generally realized and far higher than in the general population.** (For details, see NCCPR's Issue Papers, <http://nccpr.info/issue-papers/>) That same alumni study found that one-third of foster children said they'd been abused by a foster parent or another adult in a foster home. (The study didn't even ask about one of the most common forms of abuse in foster care, foster children abusing each other). **Switching to orphanages won't help -- the record of institutions is even worse.**

Furthermore, the more a foster care system is overwhelmed with children who don't need to be there, the less safe it becomes, as agencies are tempted to overcrowd foster homes and lower standards for foster parents. If a child is taken from a perfectly safe home only to be beaten, raped or killed in foster care, how is that "erring on the side of the child"?

- But even that isn't the worst of it. Everyone knows how badly caseworkers are overwhelmed. They often make bad decisions in both directions – leaving some children in dangerous homes, even as more children are taken from homes that are safe or could be made safe with the right kinds of services. **The more that workers are overwhelmed with children who don't need to be in foster care, the less time they have to find children in real danger.** So they make even more mistakes in both directions. That is almost always the real explanation for the horror-story cases that make headlines.

None of this means no child ever should be taken from her or his parents. Rather, it means that foster care is an extremely toxic intervention that must be used sparingly and in small doses. But for decades, America's child welfare systems have prescribed mega-doses of foster care.

The only systems that succeed emphasize family preservation

- Thanks to a class-action lawsuit, Alabama is rebuilding its entire child welfare system to emphasize keeping families together. Alabama takes away children at one of the lowest rates in the nation. But the state has cut the rate of reabuse of children left in their own homes in half, and **the**

independent, court-appointed monitor who oversaw the lawsuit found that children are safer now than they were before the changes. (See our Issue Papers, <http://nccpr.info/issue-papers/> and this *New York Times* story about the Alabama reforms: <http://bit.ly/5ydDoW>).

- That's also the lesson from Illinois. A decade ago, at any one time, more than 50,000 children were trapped in all forms of substitute care. Today the number is under 17,000. Illinois takes away children at an even lower rate than Alabama. **And in Illinois, as in Alabama, independent court-appointed monitors have found that, as the number of children taken away has declined, child safety has improved.**

Why it works

Contrary to the common stereotype, **most parents who lose their children to foster care are neither brutally abusive nor hopelessly addicted. Far more common are cases in which a family's poverty has been confused with child "neglect."** Several studies have found that 30 percent of America's foster children could be home right now if their parents just had decent housing. And single parents, desperate to keep their low-wage jobs when the sitter doesn't show may have to choose between staying home and getting fired, or going to work and having their children taken on "lack of supervision" charges. (See NCCPR Issue Papers 5 and 6, <http://nccpr.info/issue-papers/>)

Other cases fall between the extremes, the parents neither all victim nor all villain. What these cases have in common is the fact that there are a wide variety of proven programs that can keep these children in their own homes, and do it with a far better track record for safety than foster care. And all of the problems are compounded by pervasive racial bias. (See NCCPR Issue Paper , <http://www.nccpr.org/reports/7Race.pdf>.)

Some of those "in-between cases" involve drug abuse. And that raises another question: Why even bother with parents – usually mothers -- in these cases? But the reason to "bother" is not for the sake of the parents, but for their children.

University of Florida Medical Center researchers studied two groups of infants born with cocaine in their systems. One group was placed in foster care, the other with birth mothers able to care for them. After six months, the babies were tested using all the usual measures of infant development: rolling over, sitting up, reaching out. Consistently, the children placed with their birth mothers did better. **For the foster children, being taken from their mothers was more toxic than the cocaine.** (See Issue Paper 13, <http://www.nccpr.org/reports/13Substance.pdf>)

It is extremely difficult to take a swing at "bad mothers" without the blow landing on their children. If we really believe all the rhetoric about putting the needs of children first, then we need to put those needs ahead of everything – including how we may feel about their parents. That doesn't mean we can simply leave children with addicts – it does mean that **drug treatment for the parent almost always is a better first choice than foster care for the child.**

For more on what works, see NCCPR's publication *Twelve Ways to do Child Welfare Right*, (<http://nccpr.info/solutions-services/>)

But services are no substitute for due process

The normal protections of due process of law simply don't apply in child welfare proceedings. Children can be stripsearched – and seized – without a warrant. Children can be taken solely on the authority of a caseworker without a hearing beforehand. At the hearing afterwards, there is no guarantee of counsel for the indigent, and usually no *effective* counsel at all. The standard of proof is no higher than that used to determine which insurance company pays for a fender-bender. Once again, the problem with all this is not the harm to parents – rather the harm is to children needlessly trapped in foster care. For more on this see NCCPR's *Due Process Agenda*. (<http://www.nccpr.org/reports/dueprocess.pdf>)