

POLICY FOCUS

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Fixing Our Child Welfare System to Help America's Most Vulnerable Kids

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HIGHLIGHT

Every day, more and more children in America lack a safe, permanent, and loving home. Evidence increasingly shows that child welfare agencies and family courts are much more concerned with adults' needs and sensibilities than with children's safety. While reform must come from many different corners of this field, Congress should commit to creating a stronger and smarter child welfare system—one that puts the needs of the nation's most vulnerable population first.

INTRODUCTION

There are more than three million [reports](#) of child abuse and neglect each year in the United States. Deaths from child maltreatment are on the rise, reaching almost [2,000](#) in 2020, and nearly [440,000](#) children are in the foster care system. Almost every state reports a shortage of licensed foster homes. In [Texas](#) and [Washington](#), hundreds of kids have been sleeping in offices. Illinois's head of child welfare has been [held in contempt of court](#) for keeping foster kids in utility closets.

In **Kentucky**, 73 of the 208 suspicious child deaths in fiscal year 2021 were in families that child welfare agencies had already investigated. In Pennsylvania, a **report** from 2014–2016 found that “of the 220 substantiated fatality and near fatality incidents, 64% of the children and/or families were involved with the county children and youth agency prior to or at the time of the incident.” Moreover, of “the 140 children and/or families known to the agency, 58 were open at the time of the incident.” Child welfare agencies know these kids are in unsafe situations, but, regrettably, policies are leaving them there.

on child maltreatment and child fatalities, and the statistics should worry us. In Maine, for instance, the number of children experiencing maltreatment jumped **30 percent** from 2015 to 2019, while the number of children in foster care grew by only **12 percent**. This suggests pressure was placed on child welfare workers to leave kids in their homes. Unfortunately, the percentage of children in Maine with a recurrence of maltreatment within six months of exiting foster care has almost doubled between 2015 and 2019.

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Increasingly, agencies and family courts are much more concerned with adults’ needs than with children’s safety. Federal funds given to the states must include accountability measures to ensure that children are safe, that they do not languish in the foster care system, and that quality foster homes and institutions are available. Reform will require using data and technology available to us, training social workers to understand which children are at risk, and changing our family court system to ensure it operates on the timelines of children, not bureaucrats.

MISPLACED EFFORTS TO REDUCE FOSTER CARE PLACEMENTS

One reason for our situation is that states are desperately trying to reduce the number of children in foster care. While this seems like a great idea, simply looking at foster care placement is an insufficient measure of children’s safety. The real test of whether the child welfare system is working is the numbers

political left who has reduced the debate to a conversation about racial disparities. While the parents of black children are **more likely** to be investigated for allegations of child abuse and neglect, and black children are more likely to wind up in foster care, there is little evidence that these numbers stem from racial bias. More likely, more black children are in foster care because they are **twice as likely** to suffer from maltreatment and three times as likely to die from maltreatment as their white peers are. Child abuse highly correlates with family structure. Children living with a mother and nonrelative male are **11 times** as likely to suffer abuse as are those living with two married biological parents. Family structure is not distributed evenly across racial groups in this country. According to **data from the Centers for Disease Control and Prevention**, in 2018, 69 percent of all births to black women occurred outside marriage, compared with only 28 percent of all births to white women. Good decisions in the child welfare system should help the most

at-risk kids. But activists, caseworkers, and family court judges would rather hide racial disparities and make the spreadsheets come out even than rescue children of any race from dangerous situations.

FAILURE TO APPRECIATE THE ROOT CAUSES OF CHILD MALTREATMENT

In many child welfare agencies, including at the highest levels, **workers presume** that kids who are removed from their families weren't really in danger and that most of the families involved with child welfare simply can't afford to properly care for their children. Yet the statistics belie these assumptions. **At least 40 percent** of kids in foster care are removed from their homes because of parental substance abuse, but most experts say the number is closer to 80 percent. Drug use, alcohol use, and co-occurring mental illnesses prevent many parents from properly caring for young children, no matter how robust the safety-net supports available to them are.

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EMPHASIS ON PREVENTION

Congress passed the **Family First Prevention Services Act (FFPSA)** in 2018 partly to focus more on prevention in the foster care system. However, this goal of **strengthening communities** rather than focusing on rescuing children is expansive enough to intrude on the lives of families that do not need the government's help and narrow enough to fail children who are most at risk. For instance, a careful review of the **Administration for Children and Families' clearinghouse** shows that the FFPSA, in fact,

implicitly acknowledges that prevention services will not keep children safe in their homes, because it also funds informal placements with relatives.

Policymakers should therefore encourage agencies to ensure individual children's safety. This mission begins at first contact with a child. Child welfare agencies do a terrible job of determining which kids are at high risk. New developments in data analytics could go a long way toward fixing this problem as agencies simply fail to use their information properly. Officials know whether a child has recently missed school repeatedly, a newly released prisoner has listed that child's home as an address, or the family has previously been reported for abuse and neglect. Risk scores, which prove much more accurate than the gut instincts of hotline operators and even abuse investigators, do not determine whether abuse and neglect actually took place, but they allow supervisors to triage cases in an overwhelmed system.

Further improvement could be achieved by creating a national registry that would alert child protective services when a baby is born to a mother who has already killed another child or or had her parental rights terminated because of severe abuse or chronic neglect. Incentivizing states to develop databases and programs with predictive risk modeling would help bring our child welfare system into the 21st century.

WORKFORCE PROBLEMS

The child welfare workforce also has significant deficits that are evident in the

turnover rates for investigators, which are extraordinary: A [Casey Family Programs report](#) estimates that the average annual turnover rate at U.S. child welfare agencies is approximately 30 percent, with individual agency rates reaching up to 65 percent. As Sarah Font of Pennsylvania State University [notes](#), staff turnover costs agencies “both financially, through recruitment and training costs, and qualitatively, through having an inexperienced workforce, staff shortages and discontinuity in the relationship between caseworkers and families.”

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foster care system exit, or parental rights are terminated, after 18 months, and 24 percent exit between 18 and 36 months. Things are even worse in [Illinois](#), where almost 30 percent of kids in the system stay longer than 36 months. The challenge of reducing time in foster care even extends to young children. Almost a quarter of kids who entered the Illinois system before they turned age five remained in care longer than 48 months. This excessive time in foster care not only makes them less likely to be adopted as they age but also increases the trauma kids experience. “Short periods of time for adults seem interminable for children, and extended periods of uncertainty exacerbate childhood anxiety,” the National Council of Juvenile and Family Court Judges declared in [guidelines](#) published in 2016.

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REFORMS TO IMPROVE THE CHILD WELFARE SYSTEM

If we are serious about changing outcomes for the most vulnerable children in this country, there are a number of changes we should consider.

Reduce the Time Kids Spend in Foster Care

Family preservation remains an important goal for the child welfare system. According to the [Adoption and Safe Families Act \(ASFA\)](#) of 1997, states should move to terminate parental rights if children have been in foster care for 15 of the past 22 months. Yet in the [nation as a whole](#), 69 percent of kids in the

rehabilitate, officials need not drag matters out for children. Congress has begun moving to repeal these timelines altogether, but we should understand that the legislation has helped tens of thousands of children find permanent, safe, and loving homes since it was passed in 1997. We don’t want to turn back the clock.

Our child welfare system’s longest delays often result from inefficient family court operations. It is not uncommon for children under the age of three to wait six months between hearings. This inefficiency has real effects—not just slowing the process down but, more importantly, harming children.

ASFA also **specifies** that the courts can move more quickly in “aggravated circumstances” including abandonment, torture, sexual abuse, and murder. Lawmakers might be amazed to see how many of these circumstances states do not consider grounds for immediately terminating parental rights. Take sexual abuse, for instance. Several states clearly pursue reunification between children and their sexually abusive parents. Pennsylvania even has a **training protocol** for how social workers should place kids back with the family members who sexually abused them.

Americans who are rightly outraged about the ways various large and trusted institutions in this country (from the Catholic Church to USA Gymnastics) have covered up chronic sexual abuse might be shocked to know that many states keep children with their abusers, as long as those abusers are parents or other relatives. ASFA was not intended to keep children in danger.

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Increase the Number of Foster Families

It’s hardly a surprise that we simply don’t have enough homes for children who need foster care. Prospective foster parents who volunteer often never hear back from their state agencies. Training is held at inconvenient times and locations. And foster parents are not told about important problems—such as a child’s history of sexual abuse—when kids are dropped off. No wonder **half** of foster parents quit within the first year. Many states don’t even report how many foster parents they have.

Faith-based foster agencies do much of the heavy lifting in this space. Congress should protect their work from activists who are

trying to shut them down. For instance, since Catholic Social Services does not work with same sex couples, the city of Philadelphia, Pennsylvania, ended its foster care contract with the organization. But in June 2021, the Supreme Court ruled in **Fulton v. City of Philadelphia** that Philadelphia’s decision was unconstitutional. Apparently, this message was not clear to some. At least 10 cases regarding faith-based foster and adoption agencies’ ability to operate are now pending in lower courts, some filed since the Supreme Court decision came down. Recently, **Alaska reported** such a severe shortage of foster homes that children are sleeping in state offices. Three thousand children are in the system, but only 650 homes are licensed to take a child. Under such circumstances, shouldn’t the foster care system take an all-hands-on-deck approach?

This type of crisis highlights the importance of ending the back-and-forth at the

Department of Health and Human Services (HHS) over whether the federal government should restrict faith-based organizations’ use of federal funds. As a **letter** to the HHS secretary from Sens. Mitt Romney (R-UT) and Mike Lee (R-UT) recently put it, “HHS should be welcoming child welfare providers, not excluding them. Children are too important to be pawns in political games.”

Recognize the Role for Congregate Care

We must realize that even if policies mitigated the shortage of foster families, some vulnerable children would still have behavioral and mental health problems that need residential care. Thousands of foster

kids across the country sleep in offices and hotels each night. These young people may be violent and mentally ill, and may have substance abuse problems or even criminal records. Pushing them into one home after another, only to be rejected by families with noble intentions but insufficient resources and experience, amounts to punishing these children further. Today, of the 425,000 children in the foster care system, only about **55,000** reside in institutional settings. A **third** of those in institutions spend fewer than 60 days there, and their average age is 14.

CONCLUSION

A crucial piece of the U.S. safety net is the child welfare system and its ability to care for the country's most vulnerable children. From the earliest reports of child abuse and neglect to the decisions about where to place foster children who need safe, loving, and permanent homes, the child welfare system in the U.S. is failing.

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The federal government should incentivize states to improve family court systems and stick to the timelines for children in foster care that federal law has already laid out. Through HHS, it should reward states for partnering with nonprofit groups—particularly faith-based organizations, which are on the cutting edge of efforts to recruit, train, and support quality foster parents.

In congregate care centers, the labor shortage has aggravated the loss of staff to federal centers housing migrant children and paying significantly more. Skyrocketing **insurance** rates and the possibility of lawsuits further make these programs prohibitively expensive. The 2018 **Family First Prevention Services Act** attempted to reduce congregate care by restricting federal reimbursements to states for certain kinds of group-home care. Another regulation, known as the Institutions for Mental Diseases (IMD) exclusion, prohibits using Medicaid for care provided to most patients in mental health residential treatment facilities larger than 16 beds. The exclusion was part of the large-scale deinstitutionalization efforts in the 1970s. But now it may apply to foster children who have serious mental health challenges.

To preserve the option of residential care for children whose needs are too great for foster families to meet, Congress should pass an exception to the IMD exclusion for children in the foster care system.

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Although prevention strategies are an important part of child welfare, foster homes will always be needed. Policymakers should reward states for ensuring that each child who enters the system has multiple options for placement. America's most vulnerable kids deserve nothing less.

WHAT YOU CAN DO

Get Informed

Learn more about adoption and foster care in the U.S. Visit:

- [National Council for Adoption](#)
- [Child Welfare Monitor](#)
- [Christian Alliance for Orphans](#)

Talk to Your Friends

Help your friends and family understand these important issues. Share this information, tell them about what's going on and encourage them to join you in getting involved.

Become a Leader in the Community

Start an Independent Women's Network chapter group so you can get together with friends each month to talk about a political/policy issue (it will be fun!). Write a letter to the editor. Show up at local government meetings and make your opinions known. Go to rallies. Better yet, organize rallies! A few motivated people can change the world.

Remain Engaged Politically

Too many good citizens see election time as the only time they need to pay attention to politics. We need everyone to pay attention and hold elected officials accountable. Let your Representatives know your opinions. After all, they are supposed to work for you!

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