

Competing Solutions to the Foster Care Crisis

by Dee Wilson

The most visible indicator of the nation's foster care crisis is the widespread shortage of foster homes for all ages of children, including babies, in some states especially hard hit by the opioid epidemic. In Washington State where the number of children in out-of-home care has been relatively stable in recent years, the shortage of foster homes is the result of the gradual loss of foster homes over the past decade, along with large cuts to the Children's Administration (CA) foster care budget during the Great Recession which eliminated funding for most receiving homes in the state. In some states, the ratio of children placed in foster care to the number of licensed homes is 2-1 to 3-1, though this ratio is not an accurate reflection of the extent of foster home shortages. In my experience, possibly 20-30% of licensed foster homes are likely to be inactive on any given day for a variety of reasons; and many active foster parents have strict limits regarding the ages and types of children they will care for. Child welfare agencies with chronic and acute foster care shortages may frequently lack any foster homes willing to take children on short notice. In these circumstances, foster children are sometimes placed in distant communities, in hotels, in child welfare offices or a succession of 24 hour placements. Some of these children will eventually be placed in overloaded homes with inadequate care and supervision.

In addition to severe shortages of foster homes and the dubious practices resulting from these shortages, there has been a growing concern regarding the safety of foster care. In recent years, millions of dollars in damages has been paid out due to abuse and neglect of children by foster parents or residential care staff in Washington and Oregon. In Texas, a class action lawsuit resulted in a 2015 federal court finding that the state's child welfare system had systematically violated children's constitutional right to reasonable care and protection. In the aftermath of this lawsuit, an editorial writer in Texas castigated public officials for operating a "state sanctioned rape factory" in the

state's foster care system. Young adults aging out of care have told story after story of the abuse and neglect they experienced in foster care, as well as being pressured into taking cocktails of powerful and damaging psychotropic drugs. A recently published study from Illinois found that almost half of older youth and young adults with extensive foster care histories reported being abused or neglected in care; 40% of youth or young adults with self-reported histories of maltreatment in out-of-home care reported experiencing multiple types of child maltreatment. 12.8% of young people who reported being maltreated in care asserted that they were physically abused, sexually abused and neglected (Havlicek and Courtney, 2016)

There have been long standing concerns regarding unstable placement histories of children/youth with behavior problems and the poor permanent planning, educational and mental health outcomes for these youth. It is obvious that foster care is frequently not a stable, safe or therapeutic experience for behaviorally troubled school age children and youth. Furthermore, foster home shortages and poor oversight are endangering the safety and well-being of younger, developmentally normal foster children as well. Steps must be taken to eliminate foster home shortages and to better protect children in foster care. Foster care needs to become a therapeutic experience for traumatized and severely neglected children. In addition, there needs to be concerted action to develop safe alternatives to foster care, alternatives that go well beyond current family preservation services programs.

Should Foster Care Systems Depend on Volunteers?

Some of the most insightful recent discussion of the foster care crisis has been provided by Jim Kenny, a former foster parent, in *The Chronicle of Social Change*. Kenny has written that "the continuing and increasing shortage is due to basic changes in the family of today, to our dependence on volunteers to provide vital child care services and

our lack of ... data documenting the problem.” Kenny maintains that “no one takes volunteers seriously...” though “foster parents do the hard work and bear responsibility when things go wrong; ... they have no status or standing and receive no pay.” Kenny argues that “We don’t expect volunteers to handle other serious problems. We pay people to care for those who are seriously ill, to provide residential care for our elderly, or daytime child care for working parents. We value these tasks and expect to pay for them. Yet we call on volunteers and lean on their generosity to take care of our most vulnerable children.” Kenny adds “... the answer to our foster care shortage seems both obvious and inevitable: stop depending on volunteers.”

What seems obvious to Kenny (and to me as regards finding enough skilled caregivers for behaviorally troubled children) has not been obvious to many influential advocates and policymakers. The Annie E. Casey Foundation’s, *A Movement to Transform Foster Parenting* (2016) asserts that “broadly professionalizing foster parenting would do more harm than good – except in the limited case of foster parents who care for high needs children – Casey is convinced professionalizing the role would undermine the fundamental purpose of foster parenting.” The Casey report acknowledges that for “a limited number of children who need parents with very specific skills who are available around the clock,” such as medically fragile children or children with severe behavior problems, “agencies may want to consider a more professionalized model.” However, in language conveying strong conviction, the report argues that “professional foster parenting risks marginalizing many of the families that agencies are trying to attract but who lack professional training, such as kin, families of color and caregivers who live in or near the same communities as children in foster care.”

In summary, the Annie E. Casey Foundation believes that “in general foster parents should be volunteers who are supported, trained to provide high quality care and who

are reimbursed for the cost of care,” not salaried or compensated for knowledge and skills through a rate structure. In an interesting afterthought, the Annie E. Casey report asserts that “Children and youth in foster care want to believe and feel that the people caring for them do so out of love ... not because it’s a job they are being paid to do.”

A Movement to Transform Foster Parenting is an emotional defense of volunteer foster parenting as an ideal, along with a grudging acknowledgment that some limited (unspecified) percentage of special needs children and youth require a professional model of care. In previous Sounding Board commentaries, I have estimated that professional foster parents are needed for about one-fifth of foster children, that is approximately the percentage of children and young adults, 0-17, in Behavioral Rehabilitation Services (BRS) and levels 3-4 in the foster care rate structure in Washington State.

Improving Supports and Increasing Foster Parents’ Voice

Both Jim Kenny and the Annie E. Casey Foundation recommend many of the same actions and supports to improve foster parenting and retain foster parents, for example, periodic respite care, the right to notice of court hearings pertaining to children in their care and the right to be heard in court proceedings. Several of these recommendations have already been implemented in Washington State and in a number of other states. The Annie E. Casey report advocates for the development of a “partnership culture” in which foster parents are members of the child’s team and have the same status in decision making as community professionals. However, what the Casey report does not do is address candidly why it has been so difficult for public child welfare agencies to improve their relationships with foster parents:

- Public child welfare agencies are responsible for the safety of children in foster care and, to this end, investigate allegations of abuse and neglect in out-of-home care. Every experienced foster parent understands that, at some point, her/his family is likely to be accused of maltreating a child in their care, and that these investigations can take weeks or months to resolve. Foster parents believe that these investigations can be initiated for the flimsiest of reasons, and are sometimes used to retaliate against foster parents who complain of mistreatment or have differences with caseworkers over case plans.
- Caseworkers and foster parents sometimes have conflicts over case plans, especially over parent-child visitation arrangements and reunification decisions. Caseworkers vary from A-Z in how they handle conflicts with foster parents. Some caseworkers respond with irritation or anger to foster parents' opposition to elements of children's case plans, believing, as Kenny states, that foster parents have no legitimate role in decision making. It is difficult to undo a decision making hierarchy in which unpaid volunteer foster parents are on the bottom despite the vital services they provide.
- Caseworkers are too often "missing in action" when foster parents and foster children have urgent unmet needs. Most foster parents I've met understand that caseworkers often have overwhelming workloads that leave them without the time needed to have frequent contact with them or the children in their care. However, neither foster parents or private agency staff can understand why phone calls or emails sometimes go unanswered for days or weeks. When foster parents are unable to reach caseworkers in emergencies, and are left on their own to tackle children's behavior problems and/or health needs with inadequate resources, they frequently become angry and embittered. Their anger intensifies when complaints to supervisors or middle managers lead to CPS reports or even the removal of children from their homes. Some foster parents develop the belief that their foster child's caseworker could not handle the challenges they deal with every day, but have the gall to treat them like a social class that doesn't know their place in the scheme of things. These are not experiences that build a culture of partnership among foster parents and child welfare staff, or motivate foster parents to recruit their friends and acquaintances to become foster parents.

Is Kinship Care the Answer?

I occasionally encounter practitioners and advocates who believe that non-kinship “stranger” care can be eliminated or greatly reduced, and that a much greater investment in kinship care can transform foster care systems. In Washington State, the percentage of children in out-of-home care placed with extended family members has increased from less than 30% to almost 50% over the past dozen years. Kinship care has been found to be more stable than non-kin care even after controlling for children’s behavior problems, and often maintains sibling connections that would likely be broken in non-kin foster care. However, licensed or unlicensed kinship care has many of the same deficiencies as non-kin care, including caregivers’ lack of knowledge or skills regarding how to cope with children’s behavior problems and meltdowns. Surveys of kin and non-kin foster parents have found about the same percentage of caregivers who admit to using harsh, non-nurturing parenting practices and who struggle with mental health problems of varying sorts.

CA licenses a low percentage of kinship families, much lower than in many other states, with the result that kinship families receive less economic support for sibling groups than non-kin foster parents. If public policy and the CA foster care budget permitted, a much higher percentage of kinship families could become licensed foster homes. These families could be supported through the Mockingbird Family Model’s Hub homes or other social networks. The extent to which the percentage of children in kinship care can be further increased in Washington State is anyone’s guess, although even with a significant increase there will continue to be a large number of children and youth who need a professional model of care, 15-20% of foster children and youth according to my estimate. Nevertheless, strengthening kinship care through better economic support and the development of social networks for all kinship families is a policy direction policymakers should pursue.

Alternatives to Foster Care

There is an articulate body of opinion coming from opposite ideological directions that opposes large additional investments in foster care, on the grounds that foster care is a failed system that does children more harm than good. Some critics believe that there are already far too many children in foster care; that these children could be safely maintained in birth families with modest investments in family support services. In past decades, there were bad tempered debates between proponents and critics of family preservation services (FPS), disputes that left FPS advocates on the defensive attempting to explain away findings from several randomized controlled trials which found no effect on placement prevention for FPS services. However, what tipped the balance in this debate were stories of the inadvisable use of FPS with babies and other young children that led to child deaths or serious injuries to children. Given this history, proponents of large new investments in FPS services have a steep hill to climb, especially in the midst of an opioid epidemic that has led to increased removals of babies and toddlers from substance abusing parents.

The other side of this argument is from scholars who believe that foster care is an inherently unsatisfactory care-giving arrangement for young children, and that parents with chronically relapsing conditions are given unreasonable opportunities to regain custody of their children even after multiple relapses and treatment failures. These advocates believe every effort should be made to increase the number and timeliness of adoptions. Proponents of greatly increased and quicker adoptions advocate for dramatic changes in laws that give initial preference to reunification efforts, and sometimes urge that once children are placed in foster care due to abuse or neglect, juvenile courts should be required to employ a pure 'best interest of the child' standard that gives foster parents the same legal standing in dependency actions as birth parents.

A change of this type would be a radical departure from the current attempt of child welfare law to balance the rights of children with the rights of birth parents, and would open child welfare systems to fierce attack from parent advocates claiming that foster care has become an instrument of economic and racial oppression.

References

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