

# **PART IV**

## **Systemic Issues in Child Welfare**



Facilitating an agenda of well-being, safety, and permanency requires that child welfare systems and the professionals who work in them institutionalize safety-focused, family-centered, and community-based approaches as the foundation of service delivery. Timely, quality services require policy, fiscal, and organizational cultures that promote and encourage effective practice with and on behalf of children, youth, and families.

To support the institutionalization of quality services, several components of an agency's infrastructure, such as its mission, goals, policies, and procedures, must be aligned with current practice standards as well as federal and state policy. Consideration must also be given to: appropriate caseloads; accountability at all levels of the agency; agency staff and caregiver qualifications; preservice and ongoing training for staff and caregivers; regular staff supervision; agency partnerships with legal entities and others from the court system and with other service delivery systems serving families, children, and youth; and agency partnerships with the community and its formal and informal provider networks.

Identifying the criteria and developing a process for making organizational-level decisions are complex tasks. To facilitate this process, managers are urged to familiarize themselves with child welfare practice standards, federal and state policies, and child welfare data for the state, and, where applicable, the local jurisdiction. The analysis of the data assists in identifying the needs of children and youth who most often are placed in out-of-home care, the outcomes of services provided to them, and the strengths and weaknesses of the service system. Such data are also useful in identifying the most frequently needed services, issues regarding caseload size, the nature of practice decisions by supervisors and frontline staff, child welfare workforce issues, and the need for resources for program development, training, and accountability at all levels.

In addition to the systemic challenges related to increased emphasis on data collection and

analysis for service planning and accountability, child welfare in the twenty-first century requires achieving case goals within briefer specified time frames.

### **Time Frames for Decision Making**

The Adoption and Safe Families Act (ASFA) (P.L. 105–89) requires that states hold the child's first permanency hearing within twelve months, rather than eighteen months, as required in previous legislation. Moreover, it requires that states initiate or join proceedings to terminate parental rights for parents of children who have been in care for fifteen of the past twenty-two months, except in situations in which: the child is placed safely with relatives; there is a compelling reason why termination of parental right is not in the child's best interest; or the family has not received the services that were part of the case plan.

These time frames have required supervisors and frontline workers to approach their work differently, as they must move quickly to complete comprehensive child and family assessments, provide services, assist the family in connecting with other supports in the community, and evaluate progress. Achieving case goals within specified time frames requires that sufficient resources are provided for caseworker, supervisory, and other positions within the child welfare agency. In addition, specified brief time frames require individualized service plans; high-quality, comprehensive, and coordinated services and supports; and, to support such support, effective collaboration with other service providers.

### **Collaboration with Other Service Providers: The Service Array**

No one agency or program has the resources or expertise to develop a comprehensive response to the needs of all families that come in contact with the child welfare system. Families served by this system typically experience complex and interrelated problems, such as child maltreatment, poverty, unemployment, poor housing,

substance abuse, domestic violence, and mental illness. The degree to which community-based social service agencies and courts can be effective in helping children and families depends in large part on their ability to connect families with the resources available from various agencies, community-based organizations, and other formal and informal supports in the community.

To achieve positive outcomes for children and families, it is essential that all components of the community work together to provide the child and family an individualized array of comprehensive, coordinated, family-centered, and community-based services and supports. An absence of collaboration and coordination of services among these agencies can undermine the efforts to create safe, stable family environments; it can also result in unnecessary and duplicated requirements and services that complicate, rather than simplify and support, family life.

Collaboration of multiple services, particularly when various interdisciplinary styles are involved, is not a simple task. With resources stretched throughout the human services system and with differences in philosophy and practice approaches in various systems, collaboration can be perceived as a real challenge. However, many child welfare systems are beginning to effectively forge collaborative partnerships that acknowledge the limitations of each agency and yet find ways to work effectively together to provide the individualized services that families need.

For collaboration to be successful, partnering agencies must be guided by a common vision and commitment. Therefore, the child welfare system, together with other service systems and community providers, must form partnerships that select and focus on the same goals (e.g., creating more substance-abuse resources or programs to prevent family violence), even if the mandates for and means of attaining that goal differ for each agency. Responsible parties must outline the concrete tasks and functions

to be performed by each agency. This means that interagency agreements must be specific about the purpose of collaborative efforts (e.g., providing cross-training to the courts, mental health, substance abuse, and other service providers regarding ASFA time limits and other mandates; developing interagency referral protocols and/or contracts to provide services to families). Community partnerships must subsequently evaluate their effectiveness and identify policies and practices that would benefit from modification. Thus these partnerships will be continually evaluating and advancing efforts to ensure that families receive the most comprehensive, coordinated, individualized supports and services possible to promote safe, stable family environments.

Beyond collaboration, child welfare agencies must take a leadership role to expand the network of services available at the neighborhood level, including those provided by schools, churches, health and child care centers, and other family support agencies. This requires a clear understanding of current and projected trends, of the services families need that are not yet provided in a community, and of strategies to elevate critical issues and obtain responses from agency administrators and policy makers. Agencies may also find it useful to enlist the court's help in working with other providers.

### **Use of the Agency's Legal Authority**

In all child welfare agencies, the principles of good practice must be addressed in the context of the agency's authority and responsibilities. All agency staff—from administrators to frontline practitioners—must recognize that they function as agents of the state's authority and responsibility to ensure the mandated safety, permanency, and well-being of children. They also must educate other systems (e.g., employment, housing, health, mental health, substance abuse treatment, schools) involved with children and families regarding the unique authority of the child welfare agency and the requirements of federal and state legislation.

The decision-making process in child welfare takes place in the context of deeply held but often competing social values. Society recognizes that parents have the fundamental right and responsibility to protect and nurture their children. However, when parents are unable or unwilling to do so, the public child welfare agency has the societal and legal mandate to intervene promptly to ensure the child's safety. Most families become involved with the child welfare system involuntarily due to abuse and neglect. This nonvoluntary nature of child protective services creates special challenges for child welfare agencies. Frontline practitioners must take into account the possible existence of competing goals among different members of the system—the child or youth, the family, out-of-home caregivers, the agency, and the courts.

### **Child and Family Services Reviews**

Fittingly, part 4 begins with a chapter by Mitchell, Thomas, and Parker in which they examine child welfare data and the implications from two rounds of Child and Family Services Reviews (CFSRs). In 1994, prior to the enactment of ASFA, Congress directed the U.S. Department of Health and Human Services to develop regulations for reviewing state child and family service programs administered under Titles IV-B and IV-E of the Social Security Act. Dissatisfaction among states and the federal government with prior federal reviews led, at least in part, to the passage of ASFA legislation. Although prior review processes had effectively held states accountable for meeting procedural requirements associated with the foster care program, these reviews were less successful in ensuring positive outcomes for the children, youth, and families served by state child welfare agencies, especially those outside the foster care program—those children, youth, and families served by in-home family preservation and support programs.

As noted by Mitchell, Thomas, and Parker in their chapter, the CFSRs examine child welfare practices at the ground level, capturing

the interactions among caseworkers, children, families, and service providers and determining the effects of those interactions on the children and families involved. The reviews stress practice and are based on the belief that, although certain policies and procedures are essential to an agency's capacity to support positive outcomes, it is the day-to-day casework practices and the underlying values that most influence such outcomes. In addition, the CFSRs are the federal system's primary mechanism for promoting an agenda of change and improvement in services to children and families nationally. With a focus on program improvement planning, CFSRs have provided an opportunity for states and the federal government jointly to implement reforms at a systemic level that will realize and sustain improved outcomes for children and families. Rather than seeking quick, and possibly ineffective, answers to the complex problems that weaken the responsiveness of state child welfare programs, the reviews are intended to stress thoughtful planning and the development of lasting solutions. Furthermore, CFSRs offer opportunities to frame solutions in the context of practice principles that reflect the mission and intent of federally funded child and family service programs and state-of-the-art knowledge on the most effective approaches to serving children and families.

### **Placement Stability as a Systemic Factor**

D'Andrade and James's chapter focuses on placement stability. It explores a phenomenon in child welfare that might be considered the antithesis of permanence: placement instability, which occurs when children experience a series of homes or facilities while in care. Placement instability was first identified in studies examining the child welfare system in the 1950s, 1960s, and 1970s, with findings that many children and youth were "drifting" in care, often enduring multiple placements, with no actions being undertaken on their behalf to find them permanent homes. The consequences for children that are associated with placement stability,

we believe, should cause readers to consider this subject not only as a practice issue but also as a broader systemic matter to be considered in the context of necessary child welfare reform. The problem of children and youth “drifting” in foster care is still unresolved more than a decade into the twenty-first century. According to D’Andrade and James, approximately 20–25 percent of children and youth who enter out-of-home care are neither reunified with their families nor placed in other permanent homes through adoption or guardianship; for these young people, placement instability remains an ongoing concern. D’Andrade and James’s chapter describes the challenges involved with defining instability and details the evidence regarding its effects on children and youth. Promising approaches are considered along with evidence regarding their effectiveness.

Placement instability potentially affects any child or youth entering out-of-home care. The next three chapters in this section address systemic issues that have been found to negatively affect specific groups of children and youth in the child welfare system and their families: children and youth of color; African American fathers; and immigrant children and youth.

### **Foster Parent Recruitment, Development, Support, and Retention**

The increased emphasis on achieving permanency for children in a timely manner has prompted professionals and policy makers to find more effective ways to recruit and retain resource families for children in need of permanent homes. Increasingly, the child welfare system is relying on foster parents to fill the gap. Foster parents, rather than newly recruited adoptive parents, are serving as the most consistent and viable option for permanence for large numbers of children and youth in care. Most children separated from their families reside with licensed foster parents in family-like, community-based settings.

According to the *Children’s Bureau Express* (Children’s Bureau 2011), 64 percent of children

adopted from the child welfare system are adopted by their foster parents (although not necessarily the families with whom they were first placed). In some states (e.g., Virginia) almost 81 percent of all adoptions are finalized with foster parents. Not only are foster parents adopting children in their care but also, according to the National Adoption Information Clearinghouse these adoptive placements are very successful, with 94 percent remaining intact for the life of the child (Children’s Bureau 2011). Thus the promise of permanency for children and youth in the child welfare system who are unable to return to their birth parents lies in many instances with their foster parents. This reality has far-reaching practice and policy implications. One of the critical practice implications is the need to keep the pool of foster parents growing, because as foster families take on the role of adoptive parents to children in their care the pool of foster parents naturally diminishes.

Foster parents have historically been viewed as temporary caregivers or, in some cases, as “babysitters” for children in foster care. Traditionally, foster parents have not been considered as potential adoptive parents for the children cared for in their homes, even when the children had deeply bonded with them.

Mallon (2004:58) in his research on gay dads provided this observation about foster parents from Terry Boggis, the director of CenterKids in New York City:

I think it takes a very different, almost enlightened being to be a good foster parent. You have to be willing to love them [the children] on a spiritual level, totally embracing them and accepting that you must ultimately be willing to say good-bye. In this one way, it’s a dramatically different approach to the kind of parenting most of us imagine; it’s not about claiming and owning. It’s not about saying “This child is mine.” But you have to say, “This child is a gift in my life, someone I am allowed to love and nurture and then, perhaps, let go.” All parenting is about that, really,

but it's a greater likelihood—a bigger risk looms larger with foster children.

A foster parent may be able to adopt the child, but that is not the deal when you go into the relationship. You absolutely have to be willing to share in the role of parent, but understand that you are not, in the end, their parent. Just because you set the meals on the table and cuddle with them and read them bedtime stories does not erase the fact that they already have a mother and/or father somewhere.

I have the greatest respect for foster parents. They have to be really centered and mature to approach parenthood through that channel because they have to want the child to be reunited with his or her biological family. They have to want the parent to get to the place where he or she is able to take care of the child they are raising. People tend to enter into parenting assuming there it will be a permanent relationship. But foster parents have to say, "Until your parents are able to take care of you, I will love you like my own." It requires a lot of maturity to tolerate that reality.

You also have to be willing to see your home as a revolving door, but at the same time consider permanency planning as a possible outcome. The reconciliation with birth parents might not work out, and then the child might be freed for adoption. It is hard to sign on to both of these realities at the same time. Again, you have to be able to say, "However this goes, I am willing to attach my fate to this child's life and do whatever is best for this child."

In their chapter, Pasztor and McNitt provide a framework for an approach to finding and maintaining foster parents, a critical area of systemic reform.

### **Families, Children, and the Law**

Ventrell's chapter explores court systems and child welfare legislation noting how both are indispensable components of child welfare practice. Social workers, attorneys, judges, guardians ad litem, Court Appointed Special Advocates (CASA) volunteers, and others

involved in the legal and judicial system are key actors in promoting systemic child welfare reform. But without laws authorizing the agency, police, and courts to intervene on behalf of abused and neglected children, society would be powerless to protect children.

Juvenile and family courts, as well as tribal and many general trial courts, have jurisdiction over cases involving child abuse and neglect. Only children who are identified in a state's law as needing the court's protection may become the subject of a child protection petition. Each state has its own terms and definitions related to the jurisdiction of these cases and each has its own court structure for handling such cases.

The passage of ASFA expanded the role of juvenile and family courts in several ways, as elaborated throughout this volume. Although these changes have been important for improving outcomes for children, ASFA did not address the systemic challenges faced by courts in meeting these new requirements, nor did it provide additional resources to assist courts in overcoming these challenges. In his chapter on families, children, and the law, Ventrell provides a comprehensive review of the salient issues involved in family, child welfare agency, community, and legal collaboration.

In the following two chapters Munson, McCarthy, and Dickinson and Potter, Hanna, and Brittain discuss the critical role supervisors and administrative staff play in ensuring that state and federal policies as well as local, regional, and federal initiatives are fully supported and that outcomes focused on safety, permanency, and well-being of children and families are achieved through the delivery of competent, individualized, and timely services. Supervisors and other administrative level staff convey the mission, policies, procedures, and resources of the organization and direct the frontline action—the points of contact with children, youth, and families. Simultaneously, these professionals communicate information from the direct practice level to upper



management to help agency administrators plan and allocate resources. As such, effective supervision is essential to achieving quality child welfare services.

Therefore, supervisory skills and ongoing training are critical to enhance supervisory capabilities in managing the practice-level staff and caseloads. Supervisors are increasingly more computer savvy and use their computer skills to access state child welfare data systems to monitor the practice-level work and individual worker performance. Understanding the data reports enables supervisors to identify outcome trends, more effectively manage frontline staff, and influence necessary changes in policies and procedures within agencies to yield better outcomes for children and their families.

To achieve positive outcomes, child welfare organizations must have a vision of what they hope to achieve and a strategy to guide their practice. With competing and often changing demands, organizing this work to achieve selected outcomes can be an arduous task. There is frequently a lack of direction, agreement, or understanding as to the outcomes that the organization is working to achieve. Unfortunately there is often a contradiction between what is targeted in practice and what is targeted by administration and supervision. Similarly, the systems that have been implemented to support the staff, such as information systems and training, sometimes might appear to be focused in different directions.

### **Research and Evaluation in Child Welfare Systems**

Collins-Camargo provides a rationale for and an overview of the history of child welfare research and evaluation, describing the various types of evaluation and research utilized in child welfare systems. Collins-Camargo discusses strategies for conducting research and evaluation while at the same time addressing issues associated with its complexity in child welfare settings.

### **Overrepresentation of Children and Youth of Color in Foster Care**

Children of color, belonging to various cultural, ethnic, and racial communities (primarily African American, Hispanic, and Native American) are disproportionately represented in the child welfare system and frequently experience disparate and inequitable service provision. The overrepresentation of children of color in child welfare and other social service systems (e.g., juvenile justice) is linked to social class, economic, and other factors that must be addressed to ensure that the needs of all children are fairly and appropriately served. In her chapter on overrepresentation of children and youth of color in foster care, McRoy takes a close look at the latest statistics available from the Adoption and Foster Care Data Analysis System (U.S. Department of Health and Human Services 2013). These reveal that in 2012 56 percent of the 399,546 children in the U.S. foster care system were children of color; yet only 38 percent of all U.S. youngsters are children of color. The inverse is true for white children, who represent 61 percent of the U.S. child population and comprise only 42 percent of the children in out-of-home care. McRoy's chapter reviews the literature on the causes and correlates of overrepresentation and presents systemic strategies for addressing this growing problem.

### **Fatherhood**

There is a dearth of information on the involvement of fathers in the child welfare system. Yet every child who has a mother not only has a father but also an entire set of paternal resources. The majority of state child welfare systems have failed in their attempts to locate and involve fathers and paternal resources in meaningful ways in the lives of children and youth. Coakley's chapter focuses on African American children who are disproportionately represented in the child welfare system and highlights narratives from in-depth interviews with five fathers. Coakley thus gives a voice to the many fathers that child welfare agencies

and agency staff fail to engage and discusses the importance of involving fathers in the lives of children and youth.

### **Immigrant Children, Youth, and Families**

Child welfare workers do not routinely identify their clients' immigration-related needs; nor do they make referrals for immigration legal services. Although a great deal of attention is given to laws and systems governing the entrance of new immigrants into the United States, there is little coordination between federal and state policies for addressing the human service needs of these newcomers once they are here. The result is an ad hoc, patchwork approach to federal, state, and local services that can permit

new immigrants, especially children and youth, to fall between the cracks. In their chapter on immigrant needs, Earner, Fong, and Smolenski focus specifically on how immigration status affects permanency planning for youth in out-of-home care. The different types of immigration status of children and youth in care, the importance of early identification and assessment of immigration status, and guidelines for effective intervention are highlighted. Earner, Fong, and Smolenski also provide examples of collaborative programs between public child welfare systems and community-based immigration service providers that enhance capacity to meet the permanency planning needs of this population.

---

### **REFERENCES**

- Children's Bureau (2011). *Changing social work in child welfare*, 12 (June), 4–6.
- Mallon, G. (2004). *Gay men choosing parenthood*. New York: Columbia University Press.
- P.L. 105-89, Adoption and Safe Families Act. (1997).
- U.S. Department of Health and Human Services (2013). *Preliminary FY 2010 estimates as of September, 2010. (The AFCARS Report)*. Retrieved October 26, 2013, from [www.acf.hhs.gov/programs/cb/publications/afcars/report20.htm](http://www.acf.hhs.gov/programs/cb/publications/afcars/report20.htm).
- U.S. Department of Health and Human Services (2013). *The AFCARS Report #20: Final estimates for FY2012*. Retrieved October 26, 2013, from [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/tar/report20.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report20.htm).