Foster Care and Adoption

BACKGROUND
Foster care and adoption have long served as society’s approach to providing alternative care for children who, on either a temporary or a permanent basis and for a number of reasons, cannot live with their families of origin. Although child placement institutions have aimed to provide the necessary assistance for these vulnerable children, a lack of resources has limited their potential to effectively address these children’s needs.

During the past several decades, social services systems have significantly evolved. The focus on reunification began in earnest in 1980; however, it continues. In 2009, reunification was listed as the primary goal for 49 percent of all foster children (U.S. Department of Health and Human Services [HHS], 2010a, 2010b). Over the years, the number of children in foster care placements has decreased from 552,000 children in 2000 (Child Welfare Gateway, 2010) to a low of 423,773 children in 2009 (HHS, 2010a, 2010b). The two most common placements for children in the United States today are kinship placements (48 percent) and foster care placements (24 percent) (HHS, 2010a, 2010b). Adoptions from public child-placing agencies have also risen, reaching 57,466 in 2009; however, 114,556 children were still waiting for a permanent home (HHS, 2010a, 2010b). In addition, there has been an increase in the number of youths who age out of foster care; 22,432 exited care in 2003 (HHS, 2006), whereas 29,471 transitioned out of foster care in 2009 (HHS, 2010a, 2010b). Data also reveal that children of color are disproportionately represented in foster care in comparison with white children (Harris & Hackett, 2008; U.S. Government Accountability Office, 2007; Washington State Racial Disproportionality Advisory Committee, 2008). In fact, 58 percent of children in foster care are children of color, including 30 percent black, 20 percent Hispanic (of any race), 2 percent Alaskan Native/American Indian, and 5 percent two or more races; the race/ethnicity of 2 percent of the children in foster care was unknown or could not be determined (HHS, 2010a, 2010b). Despite the efforts of states and local governments to reduce the disproportionate numbers of children of color in care (national percentage of black and Hispanic children in care decreased 7 percent over seven years), poor children and children of color still enter care in greater numbers and leave in smaller numbers than do white and middle and upper class children (HHS, 2010a, 2010b). More American Indian children remain in the system, partly due to a lack of access to Title IV-E funding for administrative support and for foster care and adoptive subsidies.

Significant Legislations
Federal legislation has had a profound effect on all aspects of foster care and adoption. Beginning with the passage of the Child Abuse Prevention and Treatment Act (CAPTA) (P.L. 93-247) in 1974, a number of laws have significantly affected child welfare systems. CAPTA was the first major piece of legislation addressing child abuse and neglect. Four years later, the Indian Child Welfare Act of 1978 (P.L. 95-608) focused on establishing standards to ensure reasonable efforts prior to the removal of Indian children from their families, whereas the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) prioritized family preservation and permanency as major goals of child welfare. The latter law helped to decrease the number of children in the foster care system. The significance of permanence for a child or
youth has become an increasingly important point in practice and in law. The Family Preservation and Support Services Program Act of 1993 (P.L. 103-66) authorized funding for family preservation and support services, aiming to keep families together and to assist in family reunification.

The Multiethnic Placement Act (MEPA) of 1994 (P.L. 103-382) intended to prevent discrimination on the basis of race, color, and national origin in the making of foster and adoptive placements. The Interethnic Adoption Provisions of the Small Business Jobs Protection Act of 1996 (P.L. 104-188) later clarified the intent of MEPA to eliminate placement searches to match by race or culture, decrease the length of time in care, facilitate the recruitment and retention of foster parents, and establish specific financial penalties for noncompliance with MEPA. With passage of the 1997 Adoption and Safe Families Act (P.L. 105-89) (ASFA), child welfare agencies were mandated to improve their foster care systems. ASFA emphasized the safety of children as a priority and established time lines relating to permanency and termination of parental rights after the first 15 months that a child is in placement. In addition, ASFA mandated state child and family services reviews and program improvement plans for states that failed the federal review process.

Older youths in care also require critical services to help to prepare them for adulthood. The Foster Care Independence Act of 1999 (P.L. 106-169) expanded existing independent living programs to include services for youths preparing to transition to adulthood and former foster youths up to age 21 years. The Promoting Safe and Stable Families (PSSF) Amendments of 2001 (P.L. 107-133) extended the PSSF program and also created a state grant program to provide educational and training vouchers for youths aging out of foster care. They also created a program for children with incarcerated parents.

Another change in the last quarter-century in foster care is the growing awareness of the need to have trained professionals who have the passion and skills to work with the foster care and adoption populations. The Child and Family Services Improvement Act of 2006 (P.L. 109-288) reserved funds to develop programs to improve caseworker retention, recruitment, and training.

Two pieces of legislation intended to improve the child welfare systems have recently been signed into law. The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) is the most significant child welfare reform legislation in more than a decade. The result of this legislation has been improved outcomes for children and youths who have spent time in foster care as well as for those at risk of child welfare involvement. The provisions of this law will help more children who cannot return to their parents to exit the foster care system more quickly and safely and enter the care of permanent families, which can include relatives or adoptive parents. The law also provides support for young people at age 18 and older as they begin the transition from foster care to adulthood. In addition, Native American tribes will have the opportunity to receive federal resources to strengthen services that address child welfare needs in their communities (Fostering Connections Resource Center, n.d.). Finally, the CAPTA Reauthorization of 2010 (P.L. 111-320) aimed to improve data collection; improve systems for training and supporting individuals who identify, prevent, and respond to reports of child maltreatment; and strengthen coordination among service providers focused on challenges associated with child maltreatment (American Humane Association, 2010). Child welfare legislations have underscored the importance of safety, family reunification, and child well-being.

Fifty-four percent of children in foster care were adopted by foster parents, while 32 percent were adopted by relatives (HHS, 2010a, 2010b). Traditionally, postadoption services were not provided to families by the child welfare agencies. Budget constraints have limited response to this need (Coakley & Berrick, 2008; Gibbs, Barth, & Houts, 2005). Federal legislation has been active in encouraging and supporting adoption of children who cannot return to their original homes. Adoption subsidies established to support the financial burdens taken on by adoptive parents were origi-
nally focused on children with special needs (for example, P.L. 95-266) but have been expanded as experts have explained that all children in foster care have experienced difficulties and trauma (for example, P.L. 96-272; P.L. 99-509; P.L. 101-508; P.L. 104-191; P.L. 106-310). In 1993, access to family leave was broadened to include a new family member through adoption (P.L. 103-03). Since then, legislation at the federal level has changed tax codes to assist adoptive parents (P.L. 104-188), expanded medical insurance coverage definitions to include adopted people (P.L. 104-188), and clarified citizenship issues in international adoptions (P.L. 106-398).

**ISSUE STATEMENT**

Many of the most vulnerable children, youths, and families are touched by foster care and adoption programs across the country. The children, from infants to older youths, who are involved with the child welfare system come from diverse racial, ethnic, and economic backgrounds. They often have special needs and require resources and supports to address their physical, developmental, educational, and emotional challenges. Compared with their peers, maltreated children are more likely to experience depression, posttraumatic stress disorder, chemical dependency, and poor physical health, and they are more likely to engage in criminal activity (Paxson & Haskins, 2009). Generally, the families that come to the attention of child welfare have experienced a range of risk factors that can include a lack of child care, unstable or unsafe housing, disadvantaged neighborhoods, limited support networks, and financial hardships. Domestic violence in the home and behavioral issues can also put children at risk of child welfare involvement. Another growing population is children of incarcerated parents. Children with incarcerated mothers are four times more likely than others to continue to be in foster care. They are also more likely to age out of foster care and less likely to be reunified with their parents, get adopted, enter into a subsidized guardianship, or go into independent living (Casey Family Programs, n.d.).

By the time children, youths, and families come to the attention of child welfare systems, they have already experienced multiple stressors. In some instances, families have been investigated and provided the necessary resources (for example, housing, child care, and so forth) to keep the family intact. However, in cases in which safety is a concern, children are removed from their family’s care and placed in foster care while their family is stabilized. Although the placement of children in out-of-home care is generally avoided unless it is the only way to keep them safe, there are some cases in which removal is necessary. After removal from their parent’s care, children go into a kinship care or adoption placement.

Across the country, social workers in child welfare systems work diligently to serve some of the most vulnerable children, youths, and families with limited resources, high caseloads, and stressful working conditions that can include inadequate salaries, numerous administrative burdens, and limited supervision training and supports (NASW, 2010). In addition, social workers are at risk of experiencing safety issues while on the job. All of these factors can influence the recruitment and retention of qualified social workers in child welfare systems. To help reduce some of these stressors, an increasing amount of child welfare agencies have used technology to track data, clients, and outcomes. Over the past 10 years, federal, state, and local agencies have spent more than 2.8 billion dollars on child welfare technologies (Bissell & Miller, 2007).

In addition to complex work environments, funding of child welfare services is affected by economic downturns, which affect budgets and force many agencies to reduce capacity. Some agencies cut programs, decrease foster care subsidies, and furlough or lay off qualified staff. Another growing trend in the child welfare arena is privatization and the use of managed care. Although this approach may help to reduce costs, it is difficult for public agencies to monitor areas such as staffing, quality of service, and caseloads (American Federation of State, County and Municipal Employees, n.d.), all of which can influence child, youth, and family outcomes.
Another emerging population for child welfare is immigrant families and youths. Immigrant raids, limited supports and resources, and cultural differences—including parenting styles and language barriers—can lead many immigrants to the attention of child welfare systems. Unfortunately, social workers face several challenges in addressing the complex needs of immigrants. A shortage of bilingual or bicultural staff and limited translation services are among some of the biggest challenges in serving immigrants. In many instances, a lack of culturally relevant services can affect permanency goals, leaving children in out-of-home placements.

Current laws and policies can also make it difficult for social workers to deliver effective services to immigrants. State and local child welfare systems are forced to rely on scarce local funding streams to fund child welfare services, translation services, and immigration counsel because of the lack of federal reimbursement of child welfare services for undocumented immigrant children (Lincroft & Resner, 2006). In addition to families, social workers also face challenges in serving undocumented, unaccompanied youths. Undocumented youths cannot transition into adulthood successfully without a legal status. However, the Trafficking Victims Protection and Reauthorization Act of 2008 (P.L. 110-457) grants a special immigrant juvenile status to youths who are under the care of child welfare as a result of abuse, neglect, or abandonment. To effectively serve this population, agencies and social workers have to seek out appropriate resources, including training and technical assistance to address such immigrant relief options.

In addition to the immigrant youths in care, social workers continue to support other youths aging out of foster care. Despite previous changes in legislation providing supports and resources to older youths in care, they continue to face challenges after they exit foster care. Former foster youths face a range of hardships, including inadequate educational preparation, unstable finances, and limited access to employment and housing opportunities. Many former foster youths experience negative outcomes once they transition into adulthood. In fact, 74 percent completed high school, 3 percent to 11 percent completed a bachelor's degree; 52 percent were employed at age 21, 22 percent experienced homelessness, and 25 percent report suffering from posttraumatic stress disorder (Casey Family Programs, 2010).

Currently, greater numbers of self-identified parents and children who are lesbian, gay, bisexual, and transgender (LGBT) are found in the foster care and adoptive arena, both as children in need of care and adults willing to parent. McRoy and Madden (2009) found that more gay men and lesbian women are interested in becoming foster and adoptive parents, sometimes placing agencies, social workers, and local governments in positions at variance with societal preferences. The NASW (2008) Code of Ethics is clear about the ethical responsibilities of a professional in this area.

The complex issues of families involved with the child welfare system require professionals who have proper education and training, supervision, and resources. As policies and practice evolve to support child welfare-involved families, states have also developed relationships with schools of social work to provide specialized certificates, courses, and workshops to improve social work skills for professionals who work with the child welfare population. A strong workforce is critical to effectively address the needs of child welfare-involved children, youths, and families.

**POLICY STATEMENT**

NASW supports the following:

- a child welfare policy designed to provide the best care for all children in need of foster care and adoption services.

- the prioritization of child safety; permanency for children involved in the child welfare system; and respect for the civil rights of parents and children, regardless of their race, ethnicity, language, capabilities, religion, sexual orientation, gender identity, geographic location, or socioeconomic status.

- concurrent planning for family reunification or preparation for adoption through ter-
mination of parental rights when a child enters the foster care system.

- a transparent system in which all parties involved have timely access to all relevant information involving the indexed case.

- all efforts to keep siblings together in placement. Siblings should be separated only for the purpose of child safety.

- all efforts to ensure that children of immigrant families, regardless of citizenship status, are subject to the same societal protection and foster care and adoption services as children from nonimmigrant families.

- efforts to maintain a child's identity and his or her ethnic heritage in all services and placement actions.

- the removal of barriers that prevent children from being placed in permanent homes, including barriers that are unsupported by tested experience such as resistance to using single parents, foster parents (for adoption), and nontraditional family patterns (including LGBT parents) as potential foster care and adoption resources.

- the employment of social workers with professional social work education to provide child welfare services.

- recruitment of qualified foster and adoptive parents, including gay and lesbian and racially diverse individuals.

- required comprehensive and specialized training of foster parents as a precondition of licensure of foster homes and in-service trainings as a condition of continuing licensure.

- rigorous training and ongoing services of adoptive parents as needed and in the best interests of the child.

- the provision of publicly funded subsidies in all cases in which the cost of a child’s permanent care becomes a barrier to appropriate adoptive placement.

- the needs and rights of adult adoptees to have access to legally available information regarding their birth and family medical history.

- legislation legitimizing second-parent adoptions in same-sex households.

- competitive compensation for all professionals, especially social workers, employed in the field of child welfare.

- the funding of foster care and adoption services to guarantee high-quality needed services to all children, youths, and families.

- additional recruitment alternatives for LGBT adolescents for whom existing resources are not accepting or are inadequate, such as family foster care using LGBT adults as foster parents and group homes designed specifically for LGBT adolescents.

- reasonable caseload limits, in accord with nationally established standards, to allow child welfare workers to provide competent and effective services.

- the involvement of relatives and grandparents through policies that give them standing when it is in the child's best interests. Accordingly, this would include support for the financial, educational, and emotional support of children in foster care and of those who would care for them permanently.

**REFERENCES**


