CHILD WELFARE
IN THE UNITED STATES
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CHILD WELFARE IN THE UNITED STATES
CHALLENGES, POLICY, AND PRACTICE

Sylvia I. Mignon, MSW, PhD
For All the Children
Let us put our minds together and see what life we can make for our children.

Sitting Bull
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On Wednesday, April 30, 2014, I picked up the morning newspaper to see the lead article on the front page of *The Boston Globe*, titled “Child Agency Gets a Change at the Top.” The article chronicled the succession of tragic deaths within the Massachusetts Department of Children and Families (DCF), such that the commissioner “resigned under fire” and was replaced by an interim DCF commissioner. The *Globe* story reported that the interim commissioner “has no experience in child welfare issues, but developed a reputation as a hardworking manager who helped modernize the Registry’s (Massachusetts Department of Motor Vehicles) computer system, allowing drivers to renew licenses and registrations online” (Levenson & Wen, 2014, p. A1). I could not remember a time when I was more enraged. Did the safety and health of children have no more importance than online renewal of drivers’ licenses and car registrations? Were there no child welfare professionals for the job? Were no credentials needed for child protection and safety? And thus the idea for this book took hold.

This textbook represents a culmination of the author’s many years of academic and clinical experience addressing the needs of abused and neglected children as well as collaborating with child protection systems to assist them in their important work. In my first job after receiving an MSW degree, I worked as a clinical social worker for a state department of corrections in a facility that performed a 30-day study and evaluation of children referred by family courts. Many years later, the stories of child abuse and neglect are still as shocking, including some children experiencing up to 15 different foster home placements. There were endless stories of parents with few emotional and physical resources who were childhood abuse and neglect victims themselves, struggling to provide for their children. The stories of poverty were overwhelming, and I quickly learned how few resources were available to help needy children and their families. Like many, I felt the full weight of the awesome responsibility to determine the plan for a child’s future.

After a year, it was evident to me that even hard work and high hopes for the future could not overcome the lack of funding and the lack of interest by the
child welfare and juvenile justice systems. They seemed more concerned with perpetuating the bureaucracies and giving professionals job security and the hope of a very comfortable pension. Here I saw firsthand the “revolving door” of families and children cycling through the system, often being pulled into more serious kinds of trouble. No matter how hardworking, I came to see that I was part of the endless machinery of misery from which very few clients seemed to escape into healthier lives. We are continually reminded of the limitations we have in addressing child maltreatment.

Although child protection agencies claim to focus on the “needs of the children,” there are many factors that come into play in determining the type and quality of services provided. Some workers and programs are helpful in keeping families together; others assist children who have been determined to need removal from their families. Still other workers and programs can perpetuate and even exacerbate the problems of children and families. We often have unrealistic notions about what child welfare systems can accomplish, especially because poverty is a pervasive problem in the United States, engulfing almost one quarter of the total population.

The purpose of the book is to highlight the enormity of the problems of child maltreatment and their relationship to poverty and other social ills. The main themes of the book include the challenges in developing appropriate federal, state, and local policies that address child welfare issues, and the ways these policies impact the provision of services. It reveals that there is no national policy on children to ensure that their basic needs are met. Policies and practices can serve to meet the needs of the systems, as well as the professionals who work within them, rather than providing for children. Another theme is the importance of coordination among human service professionals and organizations. Yet another theme is to examine improvements to the system by considering innovative approaches and programs.

Chapter 1 provides a general overview of the topics covered in the book. It introduces the reader to the issues that impact children, such as poverty, lack of education, and myriad other problems of child maltreatment, including physical, emotional, and sexual abuse; physical and emotional neglect; as well as parental substance abuse and mental health problems. The chapter places the issues of child welfare within a general cultural and cross-cultural context. It examines children who are treated as the property of adults and exploited for sex and slave labor.

Chapter 2 examines the development of the contemporary child welfare system in the United States. It addresses the rich history of “child saving” of the 19th century and the orphan train experience. It looks at the private efforts to provide services to abused and neglected children that have transitioned through the years into significantly greater governmental roles. The chapter offers a chronological perspective on laws, policies, and practices that have developed in the United States.
Chapter 3 addresses the fact that the majority of families known to the child welfare system live in poverty. The chapter examines the relationship between poverty and child abuse and neglect, and the increased risk of coming into contact with child protection agencies. Not surprisingly, the prevalence of all types of childhood abuse and neglect is higher among families living in poverty. The chapter also teases out the relationship among poverty, race/ethnicity, and child maltreatment. Experts have suggested that reducing poverty in the United States could be the most important way to prevent child abuse and neglect.

Chapter 4 examines the relationship among schools, educational opportunities and attainment, and the child protection system. In our society, it is accepted that families with financial resources can buy the best education for their children, whereas those in poverty have far more limited educational opportunities. It is significantly harder for a child to get a good education when he or she has to endure multiple foster placements and is denied continuity of education in a supportive environment. Overall, these children are more likely to have poorer academic skills, lower standardized test scores, lower graduation rates, reduced opportunities for college, and fewer career options. Education can be especially tough for homeless children forced to live in shelters.

Chapter 5 examines the health issues that are likely to be present in families known to child protection agencies. Children who have been maltreated have higher rates of health services use, and Medicaid expenditures are significantly higher for this group. Parental substance abuse and mental health problems can be significant contributors to children becoming known to child welfare agencies. Children in the child welfare system are more likely to be on psychotropic medications to address a variety of issues of the child or family. Homelessness of children known to child protection agencies flies in the face of all we know about the need for consistency and appropriate structure and support for children. Housing instability can be a major factor in why families become known to child welfare agencies.

Chapter 6 examines the strong relationship between child and adolescent delinquent behaviors and becoming known to child welfare agencies. It addresses the impact of parental incarceration on children. Children intersect with both the child welfare system and the juvenile justice system in a variety of ways. The chapter examines the increased likelihood of delinquent and maltreated children moving into the adult criminal justice system. It concludes with recommendations for how the juvenile justice and child welfare systems can integrate their delivery of services.

Chapter 7 examines the many facets of foster care—the consequences for children who have numerous unsuccessful foster care placements, and the long-term impacts of negative foster care experiences. The chapter reviews lawsuits that have been filed to address the inadequacies of the foster care system. It examines kinship care and its successes, the plight of older children as they age out of foster care, and the difficulties of transitioning into independent adulthood.
Chapter 8 reviews the various kinds of adoption with an emphasis on situations where biological parents are unable to care for their children. It addresses the barriers to adoption as well as the positive and negative aspects of adoption. The chapter grapples with issues of race and ethnicity in adoption. One such issue is whether it is preferable to place a child with a family of a different race or ethnicity if a family of the same race or ethnicity is unavailable. An overview of international adoption is provided as an illustration that only those with the ability to pay very high fees, and jump through many hoops, are eligible for out-of-country adoptions.

Chapter 9 examines the experiences of parents and children receiving interventions and services from the child protection agencies. Surprisingly little information and research exist on parental and child experiences within the child protection system. Certainly, parents and children can have remarkably different perceptions of services received, and perceptions far different from those of their child protection workers. The chapter offers case illustrations and examines the challenges parents and children face when receiving services from child protection agencies, often under legal supervision. Effective engagement between child welfare workers and biological parents can be made more difficult when parental substance abuse, mental illness, and/or violence are present in the family.

Chapter 10 addresses the professional and personal realities of those who work within the child welfare system. Expected to adhere to agency policies, child protection workers can feel caught between the bureaucracy and doing what they feel is necessary to address the issues of their client families. Many factors determine the professionalism of child welfare workers. These factors include the personality of the worker, the level of job interest, the type and level of education, and the kind of training offered by child welfare agencies. Typically, child welfare workers who thrive in their work possess strong coping strategies including positive organizational characteristics and strong social and emotional support.

Chapter 11 examines the most recent literature regarding innovative and effective child welfare intervention practices that promote healthy families and children. The chapter highlights the importance of family engagement in appropriate planning for children. The values underlying these innovative practices feature cooperation and collaboration within a mutually trusting relationship between the worker and the family. The chapter examines the need for continued advocacy and the future of public and private partnerships in the development of community-based programs. The chapter also showcases examples of private and public programs that successfully meet the needs of children and families.

Chapter 12 addresses the prevention activities and strategies to reduce child maltreatment. Primary prevention is defined as keeping child maltreatment from developing at all. Secondary prevention is defined as early intervention into families at risk for child maltreatment that can provide helpful supports. Tertiary
prevention is defined as services that treat child maltreatment to prevent abuse and neglect from becoming worse. The chapter also addresses future issues in child protection and identifies further steps to better protect children and ensure that they are living in safe and loving homes.

An Instructor’s Manual also accompanies this text. The manual provides PowerPoint slides for each chapter, learning objectives, brief chapter summaries, key concepts, test questions, and a list of current resources. Qualified instructors may request these ancillaries by e-mail: textbook@springerpub.com.

REFERENCE

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OVERVIEW OF THE AMERICAN CHILD WELFARE SYSTEM

Children not having enough food to eat? Children whose parents are unable to provide the basics of food, clothing, and shelter? Children as victims of violence within their own homes? Children without homes sleeping in cars or on the streets? Children without access to health care? Child prostitutes on American city streets? Can this happen to children in the United States? Unfortunately, yes.

There are few things in the world, and perhaps none, as important as the life of a child. Yet it is surprising how little is done in the United States, and around the world, to ensure that the needs of children are met. There are no national or international policies to ensure the well-being of children or even that children have enough to eat, a place to live, access to health care, and access to quality education.

This chapter presents an overview of child welfare issues including the international context of child welfare, the reporting of child abuse and neglect cases within states, the national picture of childhood maltreatment, legal issues in child welfare, and opportunities to strengthen American families that can reduce child abuse and neglect.

In the United States, policies are often enacted in response to horrific cases of abuse and neglect, making child welfare a reactive rather than a proactive system. For example, it took the disappearance and death of Jeremiah Oliver, a 4-year-old boy who went missing in 2013 and whose remains were not found until April 2014, to prompt a review of the Massachusetts child welfare system. This boy’s family had received intensive services from the Massachusetts
Department of Children and Families (DCF) for several years, and it required this deeply disturbing case to jolt Massachusetts into an evaluation of child welfare services (Child Welfare League of America, 2014). Major problems continued for Massachusetts child welfare services as the body of 2-year-old Bella Bond washed up on the shores of Boston Harbor in May 2015. Bella’s older siblings were removed from the home owing to abuse and neglect, and twice the DCF had intervened with her mother on child abuse and neglect complaints. See Box 1.1 for the case of Bella Bond, known as “Baby Doe.”

We do not have to dig deep to understand the importance in every culture of taking care of children. It is very easy to provide justification for making the needs of children paramount in every society. Children are the most likely victims of all kinds of maltreatment including physical, emotional, and sexual abuse as well as physical and emotional neglect. Not surprisingly, the youngest children are the most vulnerable to maltreatment and the least able to protect themselves (Stepleton, McIntosh, & Corrington, 2010).

The failure to provide a safe and loving home environment has lifelong consequences for children and their families. Brain development is adversely affected by abuse and neglect, and maltreated children are set up for a lifetime of difficulties (Center for the Study of Social Policy, 2013; Fang, Brown, Florence, & Mercy, 2012; Stepleton et al., 2010). More recent research correlates poverty with problems with brain development (Hair, Hanson, Wolfe, & Pollak, 2015). This does not mean that children cannot overcome an abusive childhood. We are all aware of situations of remarkable resilience where children successfully overcome their challenging and abusive childhoods. However, these successes of individuals tend to be memorable because they are outside of the norm.

A myriad of issues impact children that are associated with poverty and propel them toward involvement in the child welfare system. Parental substance abuse and parental mental illness can be contributors to abusive and neglectful family situations. Indeed, children in the child welfare system are significantly more likely to have emotional and behavioral problems, health care issues, and educational challenges (Kortenkamp & Ehrle, 2002).

The economic costs of child maltreatment in the United States are huge. It is estimated that the economic burden to the United States in 2008 was $124 billion (Fang et al., 2012). An economic analysis can encourage increased public attention to this very important social problem, and places child maltreatment in the broader context of public health problems—the short- and long-term medical costs and loss of productivity that already command attention owing to the costs of intervention and treatment. The “substantial economic burden” of child maltreatment should encourage prevention efforts (Fang et al., 2012, p. 163).

Family structure has changed enormously over the years, especially since the 1960s. Today, marriage and childbearing are no longer closely associated,
especially among the poor (Furstenberg, 2014; Lopoo & Raissian, 2014). The nuclear family does not exist as it did until the 1960s, and the American family has had to adapt to numerous economic, technological, demographic, and cultural changes (Furstenberg, 2014). These changes can be attributed mostly to the feminist revolution and the reduction in the division of labor according to gender (Furstenberg, 2014; Putnam, 2015). Employment rates for all women increased after 1960 and were especially evident among women with college degrees (Putnam, 2015). While women continue to earn only three
quarters of what men do for comparable work, women have made significant strides in the workplace. Yet the income inequality between men and women continues and is referred to by Mink (2010) as “sex-based occupational segregation” (p. 38).

Single parenthood is no longer severely stigmatized. We did get over the Murphy Brown television show flap in 1992 when Vice President Dan Quayle criticized the fictitious Murphy Brown character for choosing to have a child out of wedlock. Today, those who want to continue to stigmatize single-parenting often give religious reasons for doing so. Indeed, childbearing among single women has risen in all Western nations (Furstenberg, 2014). A variety of issues can help explain the changes. Contraceptives, especially oral contraceptives, which were developed in the late 1960s, have become widely available and have had a major impact on declining births. Within marriage, couples are having children at older ages as they take time to build their careers.

Overall, social class differences in families have become wider as inequality has grown in the wealthiest countries (Furstenberg, 2014). In fact, “…the United States has moved toward a two-tier family system in which practices in establishing and maintaining families among the affluent and the disadvantaged have become more dissimilar” (Furstenberg, 2014, p. 18). Those with low incomes do not have the opportunity to achieve economic security and have far fewer opportunities to move into the middle class. The affluent have the resources that support family stability, whereas those in poverty continue to struggle and have greater difficulty in achieving economic and family security. In comparison with other rich nations, the United States offers an “unusually small cash benefit package” (Garfinkel & Zilanawala, 2015, p. 211). More generous European and Nordic countries with stronger safety support networks include Austria, Germany, France, Norway, Sweden, and Denmark.

The single most important reason that families come to the attention of child welfare agencies is that they are poor—poverty and child welfare cases go hand in hand. Foster care in the 1960s as well as today is primarily for children of those living in poverty (Davidson, 2008). Indeed, the child welfare system “is the final social safety net that a family arrives at after falling through all other safety nets” (Pelton, 2010, p. 272). Typically, all facets of the child welfare system deal with poverty as an underlying issue with the exception of some types of adoption. Adoption of American-born infants and international adoption are typically available only to those with sufficient funds to pay the very high adoption fees, specifically the upper middle class and the wealthy.

Statistics regarding sex trafficking are probably underestimates of the true picture, and a significant number of child victims of sexual exploitation have been involved with child protective services (Walker & Quraishi, 2014). The National Center of Missing and Exploited Children estimated that in 2014,
approximately 17% of runaway children were victims of sex trafficking (Child Welfare Information Gateway, 2015). Children in foster care are among the most vulnerable to abuse and are more likely to go missing than other children. In June 2014, 168 juveniles were found by the Federal Bureau of Investigation (FBI) to be involved in just one specific child sex trafficking case, a number of whom had never been reported as missing (Tucker, 2014). The National Center of Missing and Exploited Children has supported legislation to require child protection agencies to notify them at the same time police are notified. Clearly, better tracking of missing children is needed.

CHILD WELFARE IN AN INTERNATIONAL CONTEXT

Child welfare within an international context looks at the enormous problems of human trafficking, sexual exploitation, and child slave labor that exist in the world today. The United Nations Declaration of the Rights of the Child was adopted in 1959. After ratification by the required number of nations, the UN General Assembly adopted the Convention on the Rights of the Child that came into force in September 1990. This is the first treaty to set minimum protections for the rights of children around the world. Currently, 194 countries have signed it, including every member of the United Nations, except Somalia and the United States. The process is onerous, and the executive branch of the U.S. government must initiate the process to ratify a treaty. It must then be reviewed by the Senate Foreign Relations Committee and by the State Department. Then it must receive at least a two thirds vote by the full Senate, and finally be signed by the U.S. President (National Council of Juvenile and Family Court Judges, 2012). Again we see that children are not a priority, especially in the world of politics. The chairwoman of the National Association of Social Workers International Committee, Robin Mama, declared: “The U.S. is such a supporter of children’s rights and is seen as a leader in international human rights” (Malai, 2014). This statement seems unduly optimistic and does not reflect reality.

According to the 2015 World Report on Child Labour, there are approximately 168 million child laborers, mostly working in agriculture, with 85 million children engaged in work that is considered hazardous (International Labour Organization, 2015). Child laborers face both health and safety risks and lower educational attainment, and are less likely to find better work in the future. Despite such adverse impacts, child labor issues around the world are unlikely to be resolved anytime soon.

Walmart has long been known to use child slave labor from other countries, even while boasting that their products are made in the United States. In an exposé of Walmart by Dateline NBC in 1992, Walmart denied that it used child
slave labor in Bangladesh (Dateline NBC, 1992). When confronted with evidence of children working in factories making clothing for Walmart, then Chief Executive Officer David Glass terminated the television interview with NBC journalist Brian Ross. Mr. Glass asked to return 2 weeks later to continue the Dateline NBC interview, stating he could not verify that children were making clothes for Walmart in factories in Bangladesh. Even when looking at photographs of children of about the age of 12 seated at sewing machines, Mr. Glass continued his denial by stating: “Children. You and I might perhaps define children differently.”

In some countries, the economy has come to rely on the labor of children. For example, in Honduras, 15% of children in the country, about 500,000 children, have jobs (Arce, 2014). According to the United Nations International Children’s Fund (UNICEF), a spokesperson for Honduras stated: “Children need to support their families and themselves, and escape the gangs. You can prohibit child labor, but if the state does not take care of families, there are no options for the children but to work” (Arce, 2014, p. A7).

Examples abound of international abuses of children. In 2015, French soldiers were accused of sexually abusing children they were sent to protect in the Central African Republic (Charlton, 2015). In the aftermath of the 2015 earthquake in Nepal, orphaned children were sold by traffickers in to the work and sex industries (Rossington, 2015). UNICEF estimates that approximately 14 million children in Syria and Iraq have been traumatized by war (Cumming-Bruce, 2015). The UNICEF director stated: “Violence and suffering have not only scarred their past; they are shaping their futures” (Cumming-Bruce, 2015, p. A9). Currently, children are being groomed as perpetrators of violence and subjected to military training and indoctrination by the Islamic State.

The term Commercial Sexual Exploitation of Children (CSEC) refers to sexual abuse of children up to the age of 18 in exchange for money or another form of compensation. This includes exploitation of girls and boys who are engaged in prostitution on the streets or in brothels, or are the subject of pornographic materials. Initial sexual victimization and exploitation can be a setup for continued sexual abuse in adulthood (Mignon, Larson, & Holmes, 2002). See Box 1.2 for a description of a young girl in the United Kingdom who was a victim of sexual exploitation.

Children may not understand that their experiences constitute sexual exploitation. One 16-year-old who had been abused, neglected, and abandoned by her parents found herself taken in by a pimp and his girlfriend (Featherstone, 2015). She had sex with the pimp regularly, and then he was present while another man had sex with her in a hotel room. She did not see any money change hands and at the time, did not recognize this as prostitution. Later, the pimp and his girlfriend decided that because she was only 16 and had a warrant out for her arrest, she was not “ready to work yet.”
CHILD ABUSE REPORTING

The first federal laws requiring mandated child abuse reporting were enacted in 1990 (Davidson, 2008). Individual states have the primary responsibility for intervening in cases of child abuse and neglect with legislation and funding provided by the federal government (Child Welfare Information Gateway, 2013). The “system” is not simply one organization, but a variety of organizations to address the multiple needs of children and their families. Each state has its own state child protection agency or local agencies charged with investigating reports
of suspected abuse and/or neglect of children by parents or other caregivers. When children are harmed by others outside of the family or by strangers, these cases are handled by law enforcement organizations including the police and court systems (Child Welfare Information Gateway, 2013).

State or county child protection agencies are responsible for receiving reports of child abuse and/or neglect from other family members, and from professionals or others, typically through an initial telephone call. These state agencies are often named the Department of Children and Families or the Department of Social Services. Reports of suspected abuse or neglect can be made anonymously. The child protection agency then determines whether the allegations of abuse and/or neglect warrant an investigation by a child protection worker. Unsubstantiated cases are those where the child protection agency has determined there is insufficient evidence of abuse or neglect. (Remember that insufficient evidence is not the same thing as no evidence.) Substantiated cases are those where the child welfare agency has determined there is the likelihood that abuse and/or neglect did occur, and intervention is needed (Child Welfare Information Gateway, 2013). Families that are “screened in” can be offered supportive services, or in the most serious cases, the child or children can be removed and placed with other relatives or in a state-approved foster home.

A variety of professionals are “mandated reporters,” meaning that they are required by law to notify the state or local child protection agency if they suspect child abuse or neglect. Mandated reporters include physicians, nurses, teachers, police officers, social workers, and psychologists. Mandated reporters are often unclear about their role and responsibility, and can erroneously assume they need to produce proof of abuse or neglect before making a report. Again, it is the “suspicion” that requires the report, and it is the responsibility of the child protection agency to determine whether actual abuse and/or neglect occurred.

How the child protection agency responds to reports of suspected abuse or neglect can be problematic. For example, in Vermont in 2013, of 17,458 telephone reports regarding suspected abuse or neglect, 70% were “screened out” and found not to warrant any assessment or investigation (Rathke, 2014). It is exceedingly hard to imagine that among those 70% of reports, no abuse and/or neglect problems existed. In Arizona in 2015, the director of the child welfare agency planned to reduce the number of cases initially screened in by making the criteria more stringent to cope with a backlog of 14,635 cases, where no worker had examined the file or been in touch with the child for over 60 days (Fischer, 2015). The simple explanation is that an already overworked staff and overloaded agency screens out all but the most severe cases. These examples are strong indicators of foundering child welfare systems.

As early as the 1970s, it was noted that there was little public understanding of the child welfare system. Kadushin (1974) found “a low level of public
knowledge about child welfare services” (p. 46). Protective services, followed by adoption services, were considered to be the most important by the child welfare system. The same lack of knowledge about and support for child welfare services appears to be true today. There is an acknowledgment that these services are important, yet little is known about them, and they are not a top social or political priority.

THE NATIONAL PICTURE

National data on the numbers of children in child protective systems provides a picture of the types and severity of child maltreatment. The Child Welfare Outcomes 2009 to 2012 Report to Congress found that nationally in 2012, there were approximately 679,000 cases where abuse or neglect was substantiated by a child protection agency (Child Welfare Information Gateway, 2013). This translates into 9.2 child victims of maltreatment for every 1,000 children in the United States.

The first national survey of well-being of children served by child welfare agencies found a troubling picture (Kortenkamp & Ehrle, 2002). Regarding education, 39% of children in the child welfare system had academic challenges, whereas 28% had a learning, physical, or mental health problem that “limits their activities” (p. 5). Twenty-seven percent had significant emotional and behavioral problems, yet one third of this group did not receive mental health services. One quarter of children did not receive adequate cognitive stimulation.

The National Survey of Child and Adolescent Well-Being II (NSCAW II) is a national longitudinal study of children and families who have been investigated by child protection agencies. Data is collected from children and parents as well as from teachers and child protection workers for two cohorts of children. The NSCAW II studied 5,873 children, ranging in age from 2 months to 17.5 years old, who had contact with the child welfare system between 2008 and 2009 (Stambaugh et al., 2013). More than half of the children in the NSCAW II sample reported four or more adverse childhood experiences by the time the abuse/neglect was reported to child protection agencies. The NSCAW II also found that children involved with child protective services subsequently acquired additional risk factors including poverty, frequent moves to foster placements, and lack of needed health and social services (Stambaugh et al., 2013).

We have long known the negative consequences for children living in homes with intimate partner or other kinds of violence. The 2011 data from the National Survey of Children’s Exposure to Violence found that approximately 25% of
children in the United States have been exposed to violence involving weapons, as victims or witnesses (Mitchell, Hamby, Turner, Shattuck, & Jones, 2015).

In 2013, 31% of children were living in a family household where no adult had a full-time year-round job (Annie E. Casey Foundation, 2015). Nationally, 22% of children were living in poverty, a rate that should be unacceptable in one of the richest countries in the world. This breaks down to 39% of African American children living in poverty, 37% of Native Americans, 33% of Hispanics, and 14% of Whites (Annie E. Casey Foundation, 2015). The Department of Health and Human Services defines the federal poverty level as $24,250 for a family with four members, “an inadequate measure of a minimally decent standard of living” (Annie E. Casey Foundation, 2015, p. 6). An in-depth examination of the relationship between poverty and child maltreatment is the subject of Chapter 3.

Although there are innovative approaches to child welfare issues that will be described in Chapter 11, there is consensus that state and local systems do not function as well as they should to keep children safe. Although child protection systems and agencies get media attention when things go awry, often when children die of neglect or are murdered, there are very few opportunities for the public and the media to see appropriate child welfare interventions that benefit children.

LEGAL ISSUES

It has been only since 1974, with the Child Abuse Prevention and Treatment Act (CAPTA), that the federal government created federal definitions of child abuse and neglect, with state laws following federal laws in order to receive federal funds (Davidson, 2008). Davidson (2008) described federal funding as “woefully deficient” (p. 490) to assist states in bolstering casework interventions.

Legal issues and dilemmas abound within the child welfare system. As Davidson (2008) noted: “A system that both rests on legal standards and affords an immense amount of discretion in its operation is one that is likely (especially if underfunded) to be troubled” (p. 481). Typically, public attention is stirred only when there is media attention to a horrific case. In general, juvenile courts have been “complacent” in addressing the issues of abused and neglected children (Davidson, 2008, p. 482). A child welfare–related lawsuit is likely to lead to an increase in legislation; however, that does not mean that states add more financial support to address child welfare issues (Gainsborough, 2009).
A number of court cases and media exposés have been designed to pressure individual states to do a better job in child protection efforts. For example, in Florida, an official report acknowledged 79 child deaths in the year 2008. Yet a review by the *Miami Herald* newspaper counted 103 child deaths on the basis of records from the child protection agency itself, the DCF (Miller & Burch, 2014). It is troubling when lawsuits and media attention must be relied upon to pressure child protection agencies to provide adequate child welfare services. See Box 1.3.

**BOX. 1.3 Lawsuit Against the Department of Children and Families in Massachusetts**

In April 2010, Children’s Rights of New York filed a class action lawsuit to force Massachusetts to improve its foster care placements for children. One case that spurred this lawsuit was that of Connor, who was first placed in a foster home at age 6 and had 4 different foster placements within a year. Although still only 6 years old, Connor spent 4½ months in a locked psychiatric unit.

Testimony revealed that in 2011, Massachusetts had the seventh highest rate of child abuse in foster care of 49 reporting states. Massachusetts ranked 49th of 52 reporting jurisdictions on timeliness of adoptions. And between 2008 and 2011, no more than 50% of children in the custody of the DCF received monthly caseworker visits; DCF failed miserably to meet the federal government’s benchmark of at least 90%.

The lawsuit was dismissed by the district court judge. In December 2014, on appeal, the Chief Judge of the U.S. First Circuit Court of Appeals upheld the dismissal and wrote:

The plaintiffs have articulated moral arguments that Massachusetts should do better. But they have not established, based on facts, that there have been constitutional violations as to the class of foster children, so they are not entitled to an injunction or federal court oversight. Improvements in the system must come through the normal state political processes. The problems are now for the Governor and the legislature of Massachusetts to resolve. (McKim, 2014, p. 1)

*Sources: Children’s Rights Organization (2015); McKim (2014); Vennochi (2014).*
Often, caseloads are very high, and the workload for child welfare workers can be overwhelming. The sheer number of cases is exacerbated by the seriousness of the abuse and neglect cases (Child Welfare Information Gateway, 2010; Smith & Donovan, 2003). As discussed in Chapter 10, child welfare workers can feel caught between the bureaucratic rules and doing what they think is right to help maltreated children.

Much more can and must be done to support children and families within the child welfare system. This includes shared philosophical principles as well as the provision of practical supports such as financial assistance, availability of childcare and counseling services, and the entire range of services to address problems within a coordinated framework. See Box 1.4 for principles to guide child welfare efforts to strengthen families.

Although it is a cliche, children are the future of every society. Thus, the goals of child welfare services are to provide the services for families that focus on the “safety, permanency, and well-being of their children with equal emphasis on all three” (Child Welfare League of America, 2013, p. 3). Inroads have been made by advocacy organizations such as the Child Welfare League of America, the Children’s Defense Fund, the National Indian Child Welfare Association, and the Casey Family Program National Center for Resource Family Support. However, so much more needs to be done to improve child protection services.

**BOX 1.4 Guiding Principles for Strengthening Families in Child Welfare**

1. Families, as first teachers and primary protectors, are fundamental to children’s optimal development.
2. Building protective factors as well as reducing risk factors strengthens a family’s ability to promote optimal development for their children.
3. Relationships—within families and communities, between families and providers, and across systems—are essential as vehicles of change.
4. Systematic and intentional coordination promotes healthy cross-system relationships, and maximizes the ability of systems and services to support families and children.
5. Shared accountability for optimal development and strengthened family functioning across broad networks of services and opportunities is essential at all levels.

*Source: Stepleton, McIntosh, and Corrington (2010).*
By necessity, child welfare work focuses on risk factors for abuse and neglect. It is important to develop assessment protocols for suspected child physical abuse that can foster clarity and agreement in diagnosis as well as standardize and improve the quality of research (Campbell, Olson, & Keenan, 2015). Child protection is a very delicate balance between the conflicting goals of providing safety for children and the professional efforts to preserve the family system. It is important to acknowledge family strengths and work with them, as well as support their development. The challenges are to strengthen families by developing parental resilience including increased knowledge of parenting and child development, fostering social connections, providing concrete services when the family has specific needs, and developing emotional and social competence in children (Stepleton et al., 2010). Yet there are dire situations that require removal of children for their safety.

The child welfare system should promote strong family relationships and good physical and mental health within a nurturing and consistent environment. The quality of services these children receive has a tremendous impact on their ability to become fully functioning and independent adults (Gainsborough, 2009). See Box 1.5 for a description of the National Blueprint of the Child Welfare League to improve child welfare services nationally.

**BOX 1.5 The National Blueprint of the Child Welfare League of America**

The National Blueprint of the Child Welfare League is an effort by a coalition of federal, state, and local agencies to advance the field of child welfare through advocacy, providing standards of excellence, and the development of best practices. There are eight core principles of the National Blueprint:

1. All citizens should participate in advancing the rights and needs of children.
2. The responsibility for ensuring the well-being of children lies within individuals, families, organizations, and communities.
3. Families and organizations need to participate and engage communities so that their voices are heard and the physical and psychological safety of children is ensured.
4. Supports and services are developed and implemented to meet the needs of children and their families and communities participate in policy and program development.

(continued)
SUMMARY AND CONCLUSION

The American child welfare system consists of a variety of organizations that have been challenged in keeping children safe and ensuring their rights to food, clothing, shelter, and emotional support within a healthy family. However, as described later, there is great variation in the types of services and levels of funding by individual states. There are no simple fixes for a challenged child welfare system to adequately meet the needs of the families they are to serve. Often, changes to systems are forced through legal cases, hardly the optimal way to improve a system.

As we will see in the following chapters, child maltreatment does not occur in a vacuum, but instead is correlated with critical social ills such as poverty, racism, substance abuse, and mental illness. A multipronged approach is necessary on the federal, state, and local levels, and must also include private foundations. The National Blueprint of the Child Welfare League of America offers important recommendations to strengthen child welfare systems and the specific services they offer.

DISCUSSION QUESTIONS

1. Why are children not a top priority in U.S. social policy?
2. Describe some of the challenges of child welfare work for social workers.
3. What are the duties of mandated reporters? Give examples of those designated as mandated reporters.

4. Why is child slave labor such a big problem in the world today?

5. Why has the United States not adopted the UN Convention on the Rights of the Child?

6. Discuss how child maltreatment impacts adulthood of abuse victims/survivors.

7. How has the American family structure changed since the 1960s?

8. How does social inequality impact child abuse and neglect?

9. Why does child welfare policy seem to be a reaction to serious cases of abuse rather than the product of strategic planning?

10. In what ways can child welfare organizations strengthen families?

REFERENCES


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The concerns and problems of child welfare systems today have their seeds in the unresolved issues of the past (McGowan, 2005). These issues include the needs of children versus the rights of parents, in-home services and family preservation versus foster care and adoption, and issues of federal, state, and local child welfare responsibility and funding.

Chapter 2 examines the development of the contemporary child welfare system in the United States, including the rich history of “child saving” of the 19th century. It reviews the private efforts to provide services to abused and neglected children that have transitioned into significantly greater governmental roles through the years. Overall, this chapter offers a brief chronological perspective on laws, policies, and practices that have developed in the United States.

The history of child protection has been divided into three eras, a useful way to examine the history of social and child welfare (Myers, 2008/2009). The first era, up to 1875, focused on the period before child protection efforts and programs became organized. The second era, between 1875 and 1962, brought the development of private charitable child protection efforts. The third era, from 1962 up to the present, has focused on the roles of state and federal governments in child protection services (Myers, 2008/2009).
CHILD PROTECTION BEFORE 1875

The initial era of child protection focused on private efforts to aid the children of the poor, if children received any protection at all (Myers, 2008/2009). The English Poor Law of 1562 required a weekly charitable contribution to the poor. Failure to give voluntarily could result in increased taxes and even imprisonment in England. These laws allowed poor children to be placed in homes to perform indentured service until they reached adulthood. This arrangement extended to the United States. Some children came alone to the United States. It is not known how many came voluntarily and how many were compelled to come, although, clearly, poor children did not come voluntarily (Mason, 1994). These forms of “apprenticeship” were based on the English custom of placing children in the home of a master. The master and his family were obligated to provide food, clothing, and shelter as well as some form of training in return for services.

Organized services for children did not exist in the United States in the 1600s and 1700s (McGowan, 2010). The first orphanage was founded in 1727 in New Orleans by the Ursuline Convent; the children typically remained only until the age of 8 or 9 and were then indentured to families (McGowan, 2010).

Concerns about child labor emerged in the 1800s in the United Kingdom. The Report of the Select Committee on Factory Children’s Labour, better known as the Sadler Report, was written in 1832 by Michael Sadler, the chairman of a United Kingdom parliamentary committee. Mr. Sadler introduced a legislative bill seeking to limit the hours children could work in textile mills and factories (Grundfossen, 1965). Mr. Sadler obtained testimony of child laborers describing long working hours under bleak and abusive conditions. For example, Mathew Crabtree, a child laborer, testified that he began work in a factory at the age of 8 and worked 14 hours each day, with 1 hour for a break. If deemed necessary, Mathew was required to work 16 hours a day. Mathew testified that if he was late to work, he was beaten with a strap (Sadler Report, 1832). The English Parliament did not directly act as a result of the Sadler Report, citing imbalances in the testimony; however, this did lead to the passage of the Factory Act of 1833, which began the era of modern factory legislation (Grundfossen, 1965). In the 1800s in the United States, decreased numbers of White children became indentured as a result of the rise of the large slave industry (McGowan, 2010).

Nineteenth century life in America emphasized the “good family life and childhood” (Holt, 1992, p. 11). This was a time when child-rearing practices and the education of children received close attention, and literature burgeoned on the topic. Industrialization and the movement West encouraged paying more attention to children, especially the societal expectations for
them to have a positive childhood, which in turn would make for healthy and positive adults.

Clearly, not all children had the benefit of families that could provide for them in loving homes. Cases of child abuse could mean criminal prosecution of the abuser. For example, in Massachusetts in 1866, a law was passed that authorized judges to intervene when parents failed to provide appropriate parenting or education, when parents had alcohol problems, or when parents engaged in criminal activity (Myers, 2008/2009). In Illinois in 1869, a father was criminally prosecuted for keeping his blind son in a cold basement in the wintertime. Although the defense attorney argued that parents had the right to parent their children as they wish, the Illinois Supreme Court decided that parents must use reason and not commit cruelty toward their children (Myers, 2008/2009). These cases in the 1860s brought greater awareness of the responsibility of society to intervene when parents were not providing proper care of their children.

According to the Children’s Aid Society, in New York City in the mid-1800s, approximately 30,000 children were homeless. The Society founder, Protestant minister Charles Loring Brace, thought that instead of remaining in the poverty-stricken and chaotic streets of the city, children could escape by being sent to the West by train to live and work on farms. The orphan trains ran from 1853 into the early 1900s, stopping in more than 45 states, transporting some 100,000 to 120,000 children (Children’s Aid Society, n.d.; Mandell, 2010). However, not all shared the same view of Charles Loring Brace, and not all agree that children were sent on the orphan trains because they were homeless. Indeed, Reverend Brace preached that immigrants to New York were “genetically inferior,” and that children needed to be removed from their poor parents to give them hope for a better future. Over time, Reverend Brace came to think that it would be useless to try to help poor adults (Holt, 1992). Reverend Brace “hated” Catholics, and most of the children on the trains were children of Catholic parents who were sent to Protestant homes (Mandell, 2010, p. 113). Many of the children had to do difficult labor in their families, and some were physically and sexually abused. Rather than being “child savers,” the members of the Children’s Aid Society on New York City streets looking for children were considered by some to be “child stealers” (Mandell, 2010).

Issues of race and ethnicity were concerns during this period. One disturbing episode was the case of Catholic nuns taking 40 Catholic children, most of whom were Irish, to settle with previously chosen Mexican families in Arizona in 1904 (Gordon, 1999). Upon arrival, there was a strong outcry from White families that Mexican families were adopting the children. The Mexican families were forced to return the children, or in some cases, children were kidnapped, and the children were then reassigned to White families. The case was taken up by the Arizona Supreme Court, and it was decided that Mexicans were “unfit” to raise White
children, and that it was right to take the children away from the Mexican families. Many would like to think that this kind of discrimination in the child protection system is a thing of the past. We will see that discrimination is alive and well today.

The orphan trains ended when the entire system received criticism, the Catholic Church objected to placements in Protestant homes, and expansion westward was coming to a close (Cook, 1995; Holt, 1992). Other reasons included increased industrialization and development of child labor laws, as well as the rise of social work as a profession that offered services to families to help keep them together (Cook, 1995). Cook (1995), in an interview with 25 individuals who were subjected to the orphan train experience, learned that they had been torn from their parents and siblings, experienced prejudice in their new homes and communities, and were neglected by agencies: “Some interviewees described circumstances in which they were treated by their adoptive or foster families as unpaid workers, more like slaves than family members” (p. 4). See Box 2.1 for a description of the experiences of two children on the orphan trains.

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**BOX 2.1 The Orphan Trains**

A boy on a train that stopped in Benton County, Arkansas, had this to say:

We were taken from the train to the Methodist church. Speeches were made and folks were asked to take an orphan home for dinner. Later that afternoon we were brought back for the selection process. . . . I felt sorry for the others because some of them were not chosen. I know now how it must have hurt them to feel that no one wanted them.

Another boy actually refused to be taken in until he felt comfortable with the adults:

I refused to go home with two different farmers . . . but I was fortunate I did not. The two boys the farmers adopted were hardly more than slaves to them. . . . Everyone seemed to think I was a very bad character and I was left alone on stage that day alone, with no place to go. . . . A 60 year-old couple heard about me and . . . persuaded me to go home with them . . . as it turned out, I had the best home of all the orphans. . . .

In general, because there were few complaints, it was assumed that the orphan train experience worked well for all. The children found homes, and the families benefited from their contributions, despite evidence to the contrary (Holt, 1992). The orphan train experience is considered the precursor to the foster care system of today (Children’s Aid Society, n.d.; McGowan, 2005).

Thus, it was the children of the poor in cities that bore the brunt of the child-saving efforts through “control, constraint, and punishment” (Platt, 1977, p. 177), and who were denied the opportunity for “initiative, responsibility, and autonomy” (p. 177). Platt (1977) reminds us:

The child-saving movement was not a humanistic enterprise on behalf of the working class against the established order. On the contrary, its impetus came primarily from the middle and upper classes that were instrumental in devising new forms of social control to protect their power and privilege. (p. xx)

Although there was much concern for White children, this concern did not extend to children of color. African American children had fewer options than White children. African American children were not considered for the trains because of prejudice by those in New York as well those in communities out West. Another concern was that the Children’s Aid Society would be accused of practicing slavery (Cook, 1995).

Those African Americans who were not sold into slavery were excluded from orphanages for Whites (McGowan, 2010). Through the years, as African Americans were ignored by the developing child welfare system, families provided the care, nurturing, and oversight of African American children, including extended families, especially grandmothers (Hogan & Siu, 1988; Jimenez, 2006). These practices of caring for children from other families have their roots in African societies, and during slavery, contributed to “flexible kinship networks that flourished alongside the dehumanizing system created and sustained by White plantation owners” (Jimenez, 2006, p. 892). The first orphanage for African American children was established in 1822 by the Society of Friends, known as the Philadelphia Association for the Care of Colored Children (McGowan, 2005).

African American churches have a long history of providing informal social and financial assistance to families in need. In the 19th century, voluntary organizations of activist women provided for African American children. For example, the Virginia Industrial School for Colored Girls was established in 1915 (Jimenez, 2006). Efforts to assist African American children by the developing child welfare system came about because of the advocacy of the National Urban League established in 1910, the greater visibility of African Americans
that resulted from their movement into cities after World War I, and a greater willingness of child welfare organizations to provide services to African Americans (McGowan, 2005). See Box 2.2 for a description of Carrie Steele, who did so much to give African American orphans a home.

In 1825, New York State had four orphan asylums that grew to over 60 institutions by 1866 (Holt, 1992). In 1868, Massachusetts began paying for foster homes. The “free” foster home placement transitioned into care supervised by agencies (Mandell, 2010). The child protection societies that evolved over time clearly intervened to assist children, but were not yet offering organized and coordinated services.

CHILD PROTECTION FROM 1875 TO 1962

The organized child protection efforts of this second era stemmed from the disturbing case, in 1874, of Mary Ellen Wilson. Mary Ellen was a 9-year-old girl whose parents had died when she was a toddler and who was abused and neglected by her guardians, the Connellys. See Box 2.3 for the story of Mary Ellen in her own words.

Much has been made of the Mary Ellen case because at that time no protective services for children existed. The religious missionary Etta Wheeler, who was committed to rescuing Mary Ellen, sought the assistance of Henry Bergh,

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**BOX 2.2 Carrie Steele (1829–1900)**

Carrie Steele was born into slavery and became an orphan, like the many children she came to care for in her life. She was a cleaning person at the Atlanta railroad station, where she regularly encountered children who had been abandoned there. Carrie brought children into her own small home and then began to dream of establishing her own home for orphans. Although her own salary was just $100 a month, she managed to raise the $5,000 to build the Carrie Steele Orphan Home. African American children participated in Bible study, cultivated practical skills, and developed a strong work ethic. Her gravestone includes the words: “The Mother of Orphans. She has done what she could.”

The Carrie Steele-Pitts home exists today on 26 acres in northwest Atlanta and has helped more than 20,000 children through the years.

*Sources: Henson (2015); Martin (2015).*
### BOX 2.3 Mary Ellen 1864–1956

These are the words of Mary Ellen as she told the story of her life of abuse:

> My mother and father are both dead. I don’t know how old I am. I have no recollection of a time when I did not live with the Connellys. I call Mrs. Connelly mamma. . . . I am never allowed to play with any children, or to have any company whatever. Mamma has been in the habit of whipping and beating me almost every day. She used to whip me with a twisted whip—a raw hide. The whip always left a black and blue mark on my body. I have now the black and blue marks on my head which were made by mamma, and also a cut on the left side of my forehead which was made by a pair of scissors. She struck me with the scissors and cut me; I have no recollection of ever having been kissed by anyone—have never been kissed by mamma. Whenever mamma went out I was locked up in the bedroom. I do not know for what I was whipped—mamma never said anything to me when she whipped me. I do not want to go back to live with mamma, because she beats me so. (From *The New York Times*, April 10, 1874, p. 8.)


The story that was of greatest interest regarding Mary Ellen was that no child protective services were available specifically for children, and thus the advocacy group for animals was forced to intervene. This myth has been debunked because history does show that parents could be held responsible for abuse before the Mary Ellen case; however, laws were not enforced in systematic ways (Watkins, 1990). Although there is disagreement on the details of the story, there is agreement that significant media attention to the case led to the development, in 1875, of the New York Society for the Prevention of Cruelty to Animals (Watkins, 1990). It was Mr. Bergh who prevailed upon a New York Supreme Court Justice to hear the case and Mr. Bergh who contacted *The New York Times* to garner media attention for the cause. Mrs. Connelly was found guilty of assault and sentenced to a year of hard labor in a penitentiary. After an initial unsatisfactory placement in an institution, Mary Ellen joined the family of Mrs. Wheeler and then married at age 24.

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Children, the first organization to specifically address child protection issues (Watkins, 1990; Myers, 2008/2009). This case established the practice that children could be removed from homes and their parents prosecuted. At this time, New York became the model for other states (Watkins, 1990).

In the late 1800s and early 1900s, child protection was essentially private and then began to move toward public services. The child welfare movement in the late 19th century represented child protection as an important part of solving social problems; however, within the early 20th century, federal government funding did not focus on reducing poverty (Guggenheim, 2000). Society was content to blame families living in poverty for the variety of social problems they faced.

The development in 1899 of the juvenile court was an entrée into the realm of governmental response to difficult social problems (Myers, 2008/2009). And today, juvenile courts have much input into child protection issues. By the 20th century, the child welfare system was characterized by bureaucracy, professionalism of the field of child welfare, and increased state involvement in children’s lives (McGowan, 2010).

Considered the first major development in child welfare of the 20th century, the First White House Conference on Children, held in 1909, determined that children should not be removed from their homes for poverty alone (McGowan, 2010). In 1912, the U.S. Children’s Bureau was developed in response to pressure from private charitable organizations, and represented an initial recognition by Congress that the federal government had a responsibility for the welfare of children (McGowan, 2010). It was not until the White House Conference of 1930 that African American children were included in the existing child welfare system, and were considered to be entitled to the same types of care as White children (McGowan, 2010).

The Child Welfare League of America (CWLA, 2012) was founded in 1921 with 70 participating organizations. By 1922, there were approximately 300 private child protection agencies (Myers, 2008/2009). However, by 1956, only 84 societies for the prevention of cruelty to children were still operating, and by 1966, there were only ten. By 1967, the responsibility for child protection had been placed within the authority of each state (Myers, 2008/2009). CWLA (2012) has continued to address child welfare policy since its inception, and today, with more than 1,100 partner organizations, is a leader in establishing adoption standards.

It was during the Great Depression, from 1929 to 1939, that the federal government sought a stronger role in social welfare. In 1930, the White House Conference on Child Health and Protection acknowledged that children should have the right to services provided by welfare organizations (Atkinson, 1939). In the 1930s and 1940s, societies for the prevention of cruelty to children suffered from lack of charitable contributions and closed or merged with other agencies, and child protection issues came to be addressed by police and courts, or not at all (Myers, 2008/2009).
As part of the New Deal of President Franklin Roosevelt, the Social Security Act of 1935 established the Aid to Families of Dependent Children program and provided money to states to care for poor children. By the end of June 1938, services were provided by child welfare workers in 29 states (Atkinson, 1939). From the late 1930s through the late 1950s, there was agency consolidation and growth of the child welfare field, with both the Children’s Bureau and the CWLA setting standards for child welfare (McGowan, 2010).

THE MODERN ERA OF CHILD PROTECTION FROM 1962 TO THE PRESENT

The 1960s and 1970s brought the expansion of state-sponsored child welfare services as the primary provider of these services. The Aid to Families with Dependent Children Foster Care Program in 1961 provided federal funding to states to support foster care (Davidson, 2008).

Much more interest in child abuse, especially among physicians, developed in the 1960s. The classic work, The Battered Child Syndrome, by pediatrician Henry Kempe and his colleagues, garnered considerable professional and public attention. Kempe et al. (1962) noted: “Physicians have a duty and responsibility to the child to require a full evaluation of the problem and to guarantee that no expected repetition of trauma will be permitted to occur” (p. 17). Dr. Kempe played a critical role in propelling the issue of child abuse onto the national stage, and helped to generate a great deal of research interest in child abuse issues. Dr. Kempe’s efforts also contributed to the development of laws that require reporting child abuse to state agencies (Myers, 2008/2009).

The 1960s were a time of extraordinary social change that brought the Civil Rights Act of 1964 and President Johnson’s War on Poverty (McGowan, 2010). In 1962 and 1967, amendments to the Social Security Law prompted child welfare professionals to seek a comprehensive public system that would bring together child welfare and family services programs to better meet the needs of poor families (McGowan, 2010). Yet politics and existing federal and state regulations stood in the way of the development of any comprehensive system. The liberal late 1960s encouraged child welfare workers to advocate for more resources and to enhance the overall quality of services to children. The 1970s proved challenging for child welfare agencies as they were criticized for allowing children to languish in foster homes, and for the failure to bring children back to their own families or place them in adoptive homes (McGowan, 2010).

Interracial adoption became more common with the civil rights movement of the 1960s (Myers, 2008/2009). A number of states such as Texas and Louisiana had banned interracial adoption practices, and in the 1960s, court cases were decided in favor of interracial adoption. Then in 1972, the National Association
of Black Social Workers opposed the practice, holding the view that living in a White family would not allow healthy development of Black children (Myers, 2008/2009). These efforts resulted in fewer children of color being adopted. In the 1980s and 1990s, there was pressure to reduce the barriers to transracial adoptions. The Multiethnic Placement Act of 1994 was a national response to that pressure. It prohibited the delay of placement in foster homes or adoption based on race, but it did allow race to be considered as a factor in the appropriate placement of children (Myers, 2008/2009). The purpose was to eliminate discrimination based on race, color, and national origin of both the child and the prospective parents (Hollinger, 1998). The Multiethnic Placement Act also sought to recruit and retain foster and adoptive families.

The Interethnic Placement Act of 1996 further reduced the conditions under which race could be considered for foster care and adoption (Brooks, Barth, Bussiere, & Patterson, 1999). It established a system of financial penalties for state failure to comply with regulations. Race was not to be considered relevant except when the needs of a specific child required it, according to a determination by a social worker (Myers, 2008/2009).

The Child Abuse Prevention and Treatment Act (CAPTA) of 1974 provided states with funding and clarified the definitions of abuse and neglect, including that all children under the age of 18 should be protected from maltreatment (Davidson, 2008). The focus was on improving the reporting and investigation of child abuse and neglect (Myers, 2008/2009). CAPTA focused on child abuse and neglect without any context, defining child maltreatment as occurring within specific families without regard to the presence of poverty (Guggenheim, 2000). That is, child maltreatment was a characteristic of specific families rather than being associated with families in poverty. Importantly, many people today continue to fail to see the relationship between poverty and child maltreatment. CAPTA has had numerous reauthorizations, the most recent being in 2010. This most recent authorization sought to improve services through data collection, improve training of child welfare professionals, and encourage greater coordination among organizations that treat all forms of family violence (National Conference of State Legislators, 2015).

The Indian Child Welfare Act (ICWA) of 1978 was passed in response to concern that Native American children were placed in non-Indian foster and adoptive homes. ICWA ensures that tribes have jurisdiction over child welfare issues for children residing on reservations. Earlier, between 25% and 35% of Native children were taken from their families for alleged abuse or neglect, and the majority of them were placed in non-Native homes (Myers, 2008/2009). The Act established federal standards for the removal of children from their homes and their placements (Davidson, 2008). The ICWA of 1978 is a complex law. Under it, only tribal courts can address cases of abuse and neglect for children
living on reservations (Myers, 2008/2009). The intent was to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (National Indian Child Welfare Association, 2015b, p. 1).

In reality, the implementation of ICWA has been slow, and funding has not been made available to provide services to children and families. However, the restrictions on termination of parental rights can support Native families staying together (Davidson, 2008). See Box 2.4 for a description of a case that received considerable media attention.

One recent effort to recruit Native American foster families has been taking place in Oklahoma. In 2015, the Wyandotte Nation developed and offered a workshop for potential Native foster families from all nine Native tribes in the state (Willis, 2015). This is a critical issue as 11,500 children in Oklahoma, many of whom are Native, were in need of foster care in 2015. The workshop included participation by current foster families who shared the rewarding experiences of offering their homes to youth in need. This kind of effort can demystify foster parenting as well as give families the opportunity to see that foster parenting can be a positive addition to their families.

**BOX 2.4 ICWA Adoptive Couple v. Baby Girl**

Baby Veronica’s biological father was enrolled as a member of the Cherokee Nation, and her mother was Latina. The father contested the adoption of Baby Veronica by the Capobianco family because he had not been notified, as required by the rules of the ICWA. In December 2011, after Baby Veronica had lived 2 years with the Capobianco family, the South Carolina Supreme Court decided that the father should be given custody. Considerable media attention was given to the debate over the best interests of the child and the need for amendments to the ICWA law. The Capobianco family appealed to the United States Supreme Court, which decided in June 2013 by a 5-to-4 vote, that Baby Veronica should be returned to her adoptive parents. The Court determined that because the biological father never had custody of the child, and that no other Cherokee relatives or Native American families sought custody, ICWA did not apply.

The case highlights the great damage that can be done to individual children. It also illustrates the competing interests of the needs of individual children and the interests of larger groups.

By the late 1970s, the increase in the number of children in foster care had come to be a source of great national concern. Considered landmark legislation, the Adoption Assistance and Child Welfare Act (AACWA) of 1980 was a federal initiative to support family reunification and movement of children quickly out of foster care (Gainsborough, 2009; Murray & Gesiriech, 2004). AACWA was a response to the increasing numbers of children in foster care together with the extended lengths of stay in foster care that characterized the 1970s (Hines, Lemon, Wyatt, & Merdinger, 2004; Murray & Gesiriech, 2004). The Act reversed the trend toward a minimal role for the federal government in child welfare (McGowan, 2010). The AACWA provided federal funding for state foster care and subsidies to support adoption of children with special needs (Davidson, 2008). It required foster care placements to be in a family located close to the child’s own family. AACWA established federal requirements to manage child welfare cases and required the state to develop a plan for how services would be provided. Funds were decreased for foster care and moved to expanding child maltreatment prevention and adoption services (McGowan, 2010). Importantly, it established a role for the court system by requiring reviews of child welfare cases on a regular basis (Murray & Gesiriech, 2004). For children who could not be reunified with their parents, financial incentives were provided for adoption.

Under President Ronald Reagan, in the 1980s, interest in children’s needs and the needs of the poor declined. Reagan had campaigned on the promise to shrink the federal government. President Reagan was strongly antiwelfare and consistently repeated that the problem was government intervention in the lives of Americans. In response to President Johnson’s War on Poverty, President Reagan said that poverty had won the war. In his speech on national radio on February 15, 1986, Reagan said: “Poverty won in part because instead of helping the poor, government programs ruptured the bonds holding poor families together” (Caputo, 2011, p. 30). Reagan was known to have no interest in the problems of cities, and oversaw a significant decline in federal housing subsidies, as well as a significant rise in homelessness (Dreier, 2004). The Reagan years widened the gap between rich and poor with enormous financial benefit to the rich.

In the late 1980s, the government sought to reduce reliance of families on public programs by bolstering efforts to encourage welfare recipients to obtain jobs. The Family Support Act of 1988 required states to create job training and welfare-to-work programs by 1992 (Caputo, 2011). In reality, these programs operated at a minimal level for skill acquisition and did not offer intensive educational and training services to move participants out of poverty. Between 1978 and 1985, the number of working poor increased by 50%, and the Family Support Act did not relieve the problem (Caputo, 2011).

This period set the stage for the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. This Act, signed into law
by President Bill Clinton, had a big impact on services for children and families. It put time limits on eligibility for financial assistance, its major purpose being to reduce government spending by reducing welfare caseloads. It replaced the Aid to Families with Dependent Children (AFDC) by the Temporary Assistance for Needy Families (TANF) and “passed with no real consideration of its potential impact on families in need of child welfare” (McGowan, 2010, p. 41). Stringent work requirements extended to women with very young children (Greenberg et al., 2002). The PRWORA put in place work requirements for single mothers, and restricted total benefits to no more than 5 years (Lopoo & Raissian, 2014). The net result has been to make it even harder for single women to support their children. Other facets of PRWORA restricted assistance to immigrants, promoted marriage, and the reduction of pregnancies outside of marriage, and sought child support payments from biological fathers. The collection rates did improve, and between 1995 and 2000, there was an increase from 19% to 42% (Greenberg et al., 2002). In reality, however, welfare benefits fell more than child poverty. Overall, the Act reduced, and for some eliminated, the role of government in supporting paid work, and ensured that the poor could not move beyond low-wage jobs (Caputo, 2011). Greenberg et al. (2002) concluded: “. . . Many of the families with the most serious barriers to employment have become ineligible for assistance or have left welfare without work and have disappeared from public systems” (p. 50).

The 1990s brought increased support for family preservation and the addition of several acts to aid children. In 1993, Congress passed the Family Preservation and Support Services Program to provide services to meet the needs of troubled families without having to rely on out-of-home care. Family preservation services are brief intensive interventions to keep the child from foster care placement, and offer support services over time (McGowan, 2010). The family preservation efforts did not bring about the intended outcomes. Specifically, child abuse and neglect reports continued to rise, and research on outcomes did not show that the family preservation model was particularly successful. Additionally, “the resurgence of conservative political forces began to legitimize public attacks on families in poverty on AFDC who may have difficulty providing proper care for their children” (McGowan, 2010, p. 41).

The Adoption and Safe Families Act of 1997 was initiated as a response to the continuing trend in the high number of children in foster homes. There was a dramatic change to permanent family adoption in the Adoption and Safe Families Act. This was the first time issues of permanency were put into legislation and permanency for children was redefined (Child Welfare Information Gateway, n.d.; Gainsborough, 2009). It emphasized child safety as paramount, although efforts to preserve families continued as well (Myers, 2008/2009). This Act was designed to reduce the number of children in foster care by freeing them for adoption (Davidson, 2008). The Adoption and Safe Families Act established
strict guidelines for children being returned to their parents, and if conditions were not met, parental rights could be terminated. If there was sexual abuse or long-term physical abuse, child placement and termination of parental rights could happen sooner (Myers, 2008/2009). Time limits were established for child welfare workers to assess families and provide services as well as undertake concurrent planning—the process of preparing for adoption while also seeking family reunification (Gainsborough, 2009). Each child is required to have a permanency hearing after 12 months in foster care, and every year thereafter. In situations where a child has been in a foster home for 15 of the previous 22 months, a petition must be filed, with few exceptions, for termination of parental rights (McGowan, 2010). In addition, there was the need to increase adoptions in the United States. The Act also established performance standards for states where financial penalties could be levied if they were unable to show improved outcomes (Murray & Gesiriech, 2004).

The Promoting Safe and Stable Families of 1997, reauthorized under the Adoption and Safe Families Act, was renamed the Promoting Safe and Stable Families Program. The Act required two additional services: time-limited reunification services, and the promotion of supportive adoption services (Antebi, 2002).

The Foster Care Independence Act of 1999 provided funds to assist youth and young adults who were aging out of foster care. Data from 1990 revealed that approximately 20,000 youth were aging out of the system at age 18 without appropriate preparation (Davidson, 2008). Senator Chaffee, from Rhode Island, was responsible for the Act that became known as the John H. Chaffee Foster Care Independence Program, intended to assist older youth in becoming successful adults, including allowing some to remain in foster care until the age of 21.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires states to place siblings within the same home if possible, improve health care services for children in placement, provide incentives for adoption, support educational continuity for children in foster care, and increase services for children aging out of foster care. Further, this Act extends foster care to age 21, if needed (Center for the Study of Social Policy, 2013).

The Child and Family Services Improvement and Innovation Act of 2011 allows states to develop and test innovative approaches to child welfare by waiving some of the requirements of the Social Security Act (Center for the Study of Social Policy, 2013). Clearly, in a field dominated by bureaucracy with many laws and rules, innovation is a welcome addition to child welfare efforts.

The Preventing Sex Trafficking and Strengthening Families Act of 2014 has a variety of components. It created a National Advisory Committee on the Sex Trafficking of Children and Youth in the United States. It requires the development of procedures to identify, document, and determine the appropriate services for children at risk of sex trafficking (Children’s Defense Fund, 2014).
The reporting system requires reporting to law enforcement cases of children in state custody within 24 hours. States must design and implement plans to locate children who are missing from foster homes. Importantly, it allows children aged 14 or older to participate in developing their own care plans. It includes a number of requirements for preparing older children to age out of foster care. In addition, the Act increases the financial incentives for adoption of children (Children’s Defense Fund, 2014).

The modern era in child protection has brought considerable expansion and numerous changes, such as the shift away from family preservation and less tolerance for the risks with which children are confronted in abusive families (Hines et al., 2004). However, the laws requiring specific professionals to report abuse began to overwhelm the child welfare system in the United States (Myers, 2008/2009). Clearly, the child welfare system remains overwhelmed, and services continue to be disorganized and inadequate.

The racism that kept African American children from the orphan trains has not kept them from exploitative situations. African American children are over-represented in child welfare statistics (Hines et al., 2004). Children of color are more likely to be living in poverty. There is more likely to be bias in terms of race and class in initial reporting of child abuse and involvement in the system. Children of color are likely to be treated differently within the child welfare system, mirroring the harsher treatment of racial and ethnic minorities by the juvenile justice and criminal justice systems in the United States.

Into the 21st century, we still grapple with problems such as children remaining in foster care too long, inadequate resources for those who “graduate” from the child welfare system, discrimination against children and families of color, and the variety of maladies that stem from a workforce that is overworked, undereducated, and not properly trained (McGowan, 2010). Still lacking today is financial and social recognition of the importance of child welfare work. Also, reductions in public funding that support families have had a negative impact on children. As a result, the child welfare system continues to function outside of the human service organizations created to help support children and families.

**SUMMARY AND CONCLUSION**

As with all social policy, child welfare policies reflect the political and social interests of the time. The system began with the provision of voluntary, charitable services, and over time has been subject to more state and federal control. We have seen the financial expansion and contraction of the child welfare system, yet never reaching the point of being sufficiently strong to keep children healthy and safe. Cuts to social welfare programs invariably have a negative impact on
children. The historical view illustrates our continuing lack of clarity about the best interests of the child; issues of setting standards for child welfare interventions at the local, state, and federal levels; and the degree of responsibility these levels should have. Politicians and other public policy makers may have their own agendas under the guise of helping children. Many local, state, and federal efforts have resulted in a system that still does not work very effectively to protect children and provide them with opportunities for a bright future. Although legislation can be crucial to the protection of children, the United States will not be able to legislate its way out of child maltreatment.

**DISCUSSION QUESTIONS**

1. What were the motives of the child savers?
2. What was the purpose of the orphan trains?
3. How were African American children treated in Colonial America?
4. Discuss the Mary Ellen case and how it helped the child welfare system develop.
6. How did President Reagan help or hinder child welfare efforts?
7. What is meant by family preservation?
8. Discuss the pros and cons of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
9. What impact did the Adoption and Safe Families Act of 1997 have on the child welfare system?
10. Discuss the implementation of the Preventing Sex Trafficking and Strengthening Families Act.

**REFERENCES**


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