



Child Welfare Policy Brief

Are There Too Many Children in Foster Care?

California Child Advocates for Change is a coalition of California's leading child welfare advocacy organizations that have united to inform conversations about federal foster care reform.

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When policymakers and advocates envision reform to federal child welfare policy, they are often motivated by the common misperception that there is an overreliance on foster care as an intervention. This theory is based on two assumptions: that most children in foster care have been placed there unnecessarily; and that being placed in foster care is almost always the worst possible outcome, as it is considered a failure to effectively serve families and keep them intact.

Currently available data, however, do not support either of these assumptions; thus any policy proposal built upon them promises to be dangerously flawed. Moreover, it is important for federal policy analysts to pay close attention to outcome data from large states such as California, which often serve as proving grounds for policy changes that are eventually adopted at the federal level. Our analysis of California data shows both the promise of some reforms – as well as the risks and pitfalls of insufficiently nuanced reform efforts.

We absolutely can and must do more to prevent and reduce abuse and neglect from occurring in the first place, rather than waiting to intervene and provide services after it has already occurred. However, policymakers should not pit the need for expanded funding for prevention and in-home services against the need for funding for the foster care system, which serves to protect children when they cannot be safely maintained at home. Prevention, in-home, and foster care services each play a critical role in the child welfare continuum.

Foster Care Serves to Protect Children from Danger

A commonly held belief is that the number of children needing to enter foster care to ensure their safety can be greatly reduced by merely providing in-home services to troubled families, thus lowering foster care case counts. However, available data raise serious questions about this assertion.

The primary factor driving entries into foster care is the prevalence of child abuse and neglect in the general population. There is no data indicating that the prevalence of child abuse or neglect has decreased; on the contrary, recent studies suggest that annual rates of confirmed child maltreatment dramatically understate the cumulative number of children confirmed to be maltreated during childhood. In fact, the cumulative prevalence of child abuse and neglect is estimated to be almost 14 times higher than annual rates of confirmed maltreatment, indicating a much more significant problem than most had previously assumed.¹ Additionally, the rate of calls to state child abuse/neglect hotlines has either remained constant or increased over the past 15 years.²

Moreover, it is important to consider that the vast majority of reported instances of child abuse or neglect do not result in foster care entries. When faced with an abuse or neglect report, child welfare agencies apply a triage process, in which most calls are “evaluated out” (meaning that the circumstances described in the call are unlikely to constitute abuse or neglect); some are investigated and found to be



Children enter foster care because of abuse or neglect.

unsubstantiated; and others are investigated but rather than opening a foster care case, the family is diverted to an alternative service system or arrangement. Such “diversions” includes voluntary in-home services (“differential response”), voluntary short-term placement with a relative or foster parent, as well as the more controversial and unregulated practice of informal ‘kinship diversion.’ With informal kinship diversion, parents are advised to have a relative care for their children for an indefinite period of time, without financial or social services support and without a clear pathway to reunification.³

Nationally, only 21% of *substantiated* cases of abuse or neglect result in foster care entry (for example, out of 702,000 substantiated victims of child abuse or neglect in 2014, only 147,462 entered foster care). Essentially, the assumption underlying many child welfare reform efforts is that this percentage is too high, and that even more substantiated instances of child abuse or neglect should be diverted away from foster care. However, encouraging child welfare systems to rely on ratios or quotas rather than individualized safety determinations to decide which children can and should remain at home is an unsafe and inappropriate approach likely to result in increased child fatalities and more children re-experiencing abuse and neglect. Data shows that a child’s report to child protective services for maltreatment is not random nor simply a function of poverty. After adjusting for other risk factors, data indicates that children reported for abuse or neglect sustained inflicted fatal injuries at nearly 6 times the rate of children who had not been reported.⁴

Children Enter Foster Care Due to Serious Abuse or Neglect

A recent large-scale study of older foster youth, the California Youth Transitions to Adulthood Study (CalYOUTH),⁶ provides strong evidence of the protective role of the foster care system and insight into the conditions that prompt children to be removed from their families. Of a sample of over 700 adolescents in foster care, most youth reported serious problems in their homes prior to their entry into foster care.

Youth commonly reported having caregivers that:

- abused drugs and/or alcohol
- had a criminal history
- had a mental health issue
- engaged in domestic violence
- lacked adequate parenting skills⁷

Substantial percentages of youth reported suffering various forms of serious abuse and/or neglect prior to their entry to foster care, including being:

- 36%** hit, kicked or slapped
- 32%** thrown or pushed
- 26%** beaten
- 28%** deprived of food, clothing or other necessities because money was spent on adult interests
- 20%** abandoned

Smaller, but still very significant percentages of youth reported experiencing very severe and dangerous forms of abuse by parents or caregivers:

19% choked, smothered or strangled

17% locked in a room or closet for several hours or longer

14% deprived of treatment for a serious illness or injury

13% tied up, held down or blindfolded

9% attacked with a weapon such as a knife or gun⁸

A shockingly high percentage of female foster youth reported being **raped (30%)** or **sexually molested (45%)** prior to entering foster care.⁹

It should be noted that many of these self-reported rates of abuse, especially sexual abuse, are much higher than those frequently cited in studies of administrative data. Similar to the CalYOUTH study, the CDC-Kaiser Permanente Adverse Childhood Experiences Study found rates of self-reported abuse and neglect to be much higher than what is reflected in administrative data.¹⁰

A majority of the youth surveyed in the CalYOUTH study agreed that they were “lucky” to be placed in foster care and were generally satisfied with their experience in the foster care system.¹¹ These survey results show a surprisingly positive perspective on the foster care system, especially considering that the participants were youth in foster care at age 17, who had not attained permanency through adoption, guardianship, or reunification, and were therefore most likely to have had negative experiences such as multiple placement changes, failed permanency plans, and group home placements.

These survey results also challenge another common criticism of the foster care system – that children are often removed from families solely on the basis of “neglect.” The misperception seems to be that neglect is generally simply a function of poverty – the parents’ inability to provide stable housing, food, clothing and other necessities due to economic circumstances. Even though the legal basis for most foster care cases in California (as in other states) is “neglect,” rather than physical or sexual abuse, the youth survey and other data sources indicate that children removed due to ‘neglect’ have often also experienced physical or sexual abuse, or other severe forms of maltreatment that are more difficult to substantiate. Even in the absence of other forms of maltreatment, neglect can present life-threatening risks to children. Studies show that 42% to 45% of child fatalities are caused by neglect alone.¹² Child welfare agency involvement is generally triggered by an ongoing and serious pattern of inadequate care, not merely isolated or unavoidable instances of a child not having enough food or clothing.¹³ Furthermore, as indicated by the youth survey – neglect that is serious enough to precipitate foster care involvement is very often related to parental substance abuse or mental illness, not just poverty.

These data cast doubt on the commonly held belief that reducing the number of foster care entries would in and of itself be a positive outcome. By shrinking the system by simply turning more kids away at the front-end, we increase the risk that children will later suffer further maltreatment. Child fatality data provide a stark reminder of the risks of discouraging child welfare agencies from intervening to protect children. In 2014, an estimated 1,580 children died from abuse or neglect.¹⁴ Furthermore, this number is widely recognized as an undercount of total child abuse and neglect deaths.¹⁵

Foster Care Caseloads Have Dropped Substantially Since 2000, Mainly Through Reducing the Average Length of Stay in Foster Care

Both national and California-specific data show that foster care caseloads have declined significantly over the past 15 years. Whether or not the foster care system provides better quality service to children and families than 15 years ago, it is undeniably much smaller. Nationally, the number of children in foster care has dropped from a high of 567,000 in 1999, to a low of 402,378 in 2013.¹⁶ Similarly, in California, the number of children in foster care has dropped from 103,438 in 2000 to 62,413 in 2015.¹⁷

This decline is largely due to assertive efforts by child welfare agencies to reduce the average length of stay in foster care. Nationally, the current average stay in foster care is 21 months – far shorter than in 2002 (31 months).¹⁸ And, most children exit foster care to a permanent home, either through reunification with their parents, or through adoption or guardianship – far fewer children are remaining in foster care until they age out.¹⁹ Nationwide, as of 2013, 87% of children exited foster care to reunification, adoption or guardianship; California's 2015 data show a slightly higher percentage (89%).²⁰ This data indicates a system not only serves its protective role but also moves children fairly quickly into permanency.

We Should Not Expect Continued Caseload Decline

Available data indicates that the decline in foster care caseloads over the past 15 years is unlikely to continue. For one, the need for foster care, as measured by child maltreatment rates, is not decreasing. Rather, recent studies tell us that the cumulative maltreatment rate of children is fourteen times higher than single year incidence rates - the most frequently cited measure of prevalence.²¹ Additionally, as states succeed in moving children to permanency more quickly, and fewer children have long stays in foster care, states may reach a 'bottom' below which further caseload reduction is not feasible without compromising child safety. For example, the pressure to further reduce foster care caseload numbers beyond a certain point is likely to result in child welfare agencies (1) pushing children to permanency at a faster pace than appropriate or (2) declining to remove a child from their family even when it is unsafe to leave the family intact, thereby increasing the frequency at which children re-experience abuse or neglect. There are some indications that this is already happening; the most recent Child Welfare Outcomes Report to Congress indicates that recurrence of child abuse or neglect after family reunification – a key child safety outcome measure that typically reflects the system returning children to their homes before they or their families are prepared to ensure their safety – increased 8% (from 5% to 5.4%) between 2010 and 2013.²²

National and California data already show that the long-term downward trend in foster care caseloads appears to have ended, and in a number of places caseloads are rising slightly.²³ In fact in Los Angeles County, the nation's largest child welfare system and, historically, one of the most aggressive in reducing caseloads, the number of children in foster care has increased by more than 10% in the past two years.²⁴

Conclusion

While foster care is not always an ideal solution, removing a child from his or her parents is sometimes necessary to ensure the child's safety. To that end, foster care is a critical intervention. State and county child welfare systems have made dramatic strides in reducing foster care caseloads, primarily by improving the systems' ability to move more children into permanency faster. However, to use total caseload numbers as a metric for success oversimplifies a complex system. Moreover, financially incentivizing child welfare agencies to continually reduce their foster care caseloads would risk undermining the foster care system's paramount function of ensuring child safety and instead creating a system willfully blind to endangerment.

While most policy discussions around child welfare reform continue to focus on the assumption that many children are in foster care unnecessarily, the data shows this idea is based on philosophy rather than evidence. Furthermore, with caseloads unlikely to continue declining and in some places already increasing, it would be unwise to predicate federal child welfare financing and policy on a continuation of the trend of the past 15 years.

The federal government should indeed improve its efforts to dramatically reduce the number of children who experience abuse and neglect in this country, both by highlighting prevention and early intervention programs that are effective without compromising child safety and by increasing the federal resources dedicated to these front-end programs. However this should not come at the expense of the foster care system. We should recognize that foster care plays an essential role in ensuring child safety and focus reform efforts on improving the system, not demonizing or undermining it.

Footnotes

1. Wildeman C, Emanuel N, Leventhal JM, Putnam-Hornstein E, Waldfogel J, Lee H. "The Prevalence of Confirmed Maltreatment Among US Children, 2004 to 2011." *JAMA Pediatrics*. 2014;168 (8):706-713. doi:10.1001/jamapediatrics.2014.410.
2. For example, in California the rate of abuse/neglect allegations per 1000 children remained steady at about 51:1000 for over a decade, and then rose slightly over 2-3 years to 55:1000 in 2014. (Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., King, B., Sandoval, A., Yee, H., Mason, F., Benton, C., & Hoerl, C. (2016). CCWIP reports. http://cssr.berkeley.edu/ucb_childwelfare. Bureau. (2016). "Child maltreatment 2014." <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.)
3. "The most recent [national] data available found that, at a single point in time, approximately 400,000 children who came to the attention of the child welfare system were diverted from state custody to live with kin." (The Annie E. Casey Foundation. "The Kinship Diversion Debate: Policy and Practice Implications for Children, Families and Child Welfare Agencies." Baltimore: The Annie E. Casey Foundation, 2013, p.5. <http://www.aecf.org/resources/the-kinship-diversion-debate/>.)
Very little is known about outcomes for children diverted to kinship care, because state child welfare systems do not monitor or collect data concerning these children. (Ibid, p. 13.)
4. U.S. Department of Health & Human Services, "Child Maltreatment 2014," Summary, p. xii. In California, this percentage is significantly higher (39% in 2015). (Webster, D. et al, CCWIP reports.) The reason that the percentage of abused and neglected children who enter foster care in California is so much higher than the national average is probably that other states categorize many of their foster care entries as 'voluntary': the "Child Maltreatment 2014" report indicates that 94,457 "nonvictims" (i.e. children for whom there was not a substantiated report of abuse or neglect) as well as the 147,462 "victims," entered foster care in 2014. (U.S. Department of Health & Human Services "Child Maltreatment 2014," p. 84.)
5. Putnam-Hornstein, Emily, Ph.D "Population-based, Birth Cohort Studies of Child Deaths Before Age 5, Overview of Findings," <http://www.datanetwork.org/research/1007>.
6. Courtney, M. E., Charles, P., Okpych, N. J., Napolitano, L., & Halsted, K. (2014). "Findings from the California Youth Transitions to Adulthood Study (CaYOUTH): Conditions of foster youth at age 17." Chicago, IL: Chapin Hall at the University of Chicago. <http://www.chapinhall.org/sites/default/files/Youth%20Report.pdf>.
7. Ibid, p. 13 and Table 4.
8. Ibid, p. 14 and Table 5.
9. Ibid, p. 15 and Table 6.
10. The CDC-Kaiser Permanente Adverse Childhood Experiences Study is one of the largest investigations of childhood abuse and neglect and later-adult health and well-being. During the survey of 17,000 individuals, two-thirds of adults reported experiencing at least one Adverse Childhood Experience (ACE) and 20 percent reported 3 or more ACEs. ACEs refer to traumatic stressors that occur during childhood and include abuse, neglect, and household dysfunction. (Felitti, Vincent J., Robert F. Anda, Dale Nordenberg, David F. Williamson, Alison M. Spitz, Valerie Edwards, Mary P. Koss, and James S. Marks. Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults." *American Journal of Preventive Medicine* 14.4 (1998): 245-58. Centers for Disease Control and Prevention. <http://www.cdc.gov/violenceprevention/acestudy/about.html>.
11. Courtney, M. E., et al. "Findings from the California Youth Transitions to Adulthood Study (CaYOUTH): Conditions of foster youth at age 17."
12. American Humane Association. Child Neglect Fact Sheet. American Humane Association, <http://www.americanhumane.org/children/stop-child-abuse/fact-sheets/child-neglect.html> Accessed April 15, 2016.
13. The National Child Abuse and Neglect Data System defines neglect as caregiver failure to "provide needed, age-appropriate care although financially able to do so or offered financial or other means to do so." (Ibid.)
14. U.S. Department of Health & Human Services, "Child Maltreatment 2014," p. 51.
15. Commission to Eliminate Child Abuse and Neglect Fatalities. (2016). "Within our reach: A national strategy to eliminate child abuse and neglect fatalities." Washington, DC: Government Printing Office. p.24. <http://www.acf.hhs.gov/programs/cb/resource/cecanf-final-report>.
16. "...[I]n FY 2013, there were 402,378 children in foster care, including both IV-E and state-funded foster care. Over the past 15 years, we have seen a dramatic decline in the total number of children in care, from a high of 567,000 in FY 1999 to a low of 402,378 in FY 2013." (Statement of Joo Yeun Chang, Associate Commissioner, Children's Bureau, Administration on Children, Youth and Families, before the Finance Hearing on Foster Care Group Homes, May 19, 2015.)
17. Webster, D., et al. CCWIP reports.
18. U.S. Department of Health and Human Services, Administration for Children and Families. "AFCARS Report," (Preliminary FY 2014 Estimates as of July 2015) <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport21.pdf>. Accessed April 15, 2016; ACYF, Office of Data, Analysis, Research, and Evaluation. "Recent Demographic Trends in Foster Care" (September 2013). http://www.acf.hhs.gov/sites/default/files/cb/data_brief_foster_care_trends1.pdf.

19. Of children exiting foster care in 2014, 51% exited to reunification with parents, and 37% to adoption, guardianship, or permanent placement with a relative (AFCARS Report, p. 3); “Most children and youth in foster care are there for less than two years; 20 percent are in care for two to four years; and eight percent are in care for five years or longer. Of all exits from care during the year, the majority (87 percent) exited to a permanent home.” (Statement of Joo Yeun Chang, Associate Commissioner, Children’s Bureau, Administration on Children, Youth and Families, before the Finance Hearing on Foster Care Group Homes, May 19, 2015.)
20. Webster, D., et al. “CCWIP reports.”
21. Wilderman, C., et al. “The Prevalence of Confirmed Maltreatment Among US Children, 2004 to 2011.”
22. U.S. Department of Health and Human Services Administration for Children and Families Administration on Children, Youth and Families Children’s Bureau.
23. “Child Welfare Outcomes 2010-2013: Report to Congress, Executive Summary” p. 2. <http://www.acf.hhs.gov/programs/cb/resource/cwo-10-13-summary>.
24. Nationally, the number of children in foster care in 2014, approximately 415,000, is slightly higher than in any of the 4 previous years, because foster care entries have increased (265,000 in 2014, compared to 256,000 or fewer in the 4 previous years), and foster care exits have dropped (238,000 in 2014, down from 258,000 in 2010). (AFCARS Report, supra note 3.) (For California data, see Webster, D., et al. CCWIP reports.)
25. Webster, D., et al. CCWIP reports.