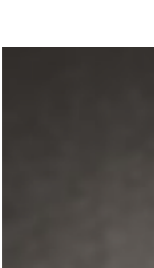




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Five myths about the child welfare system

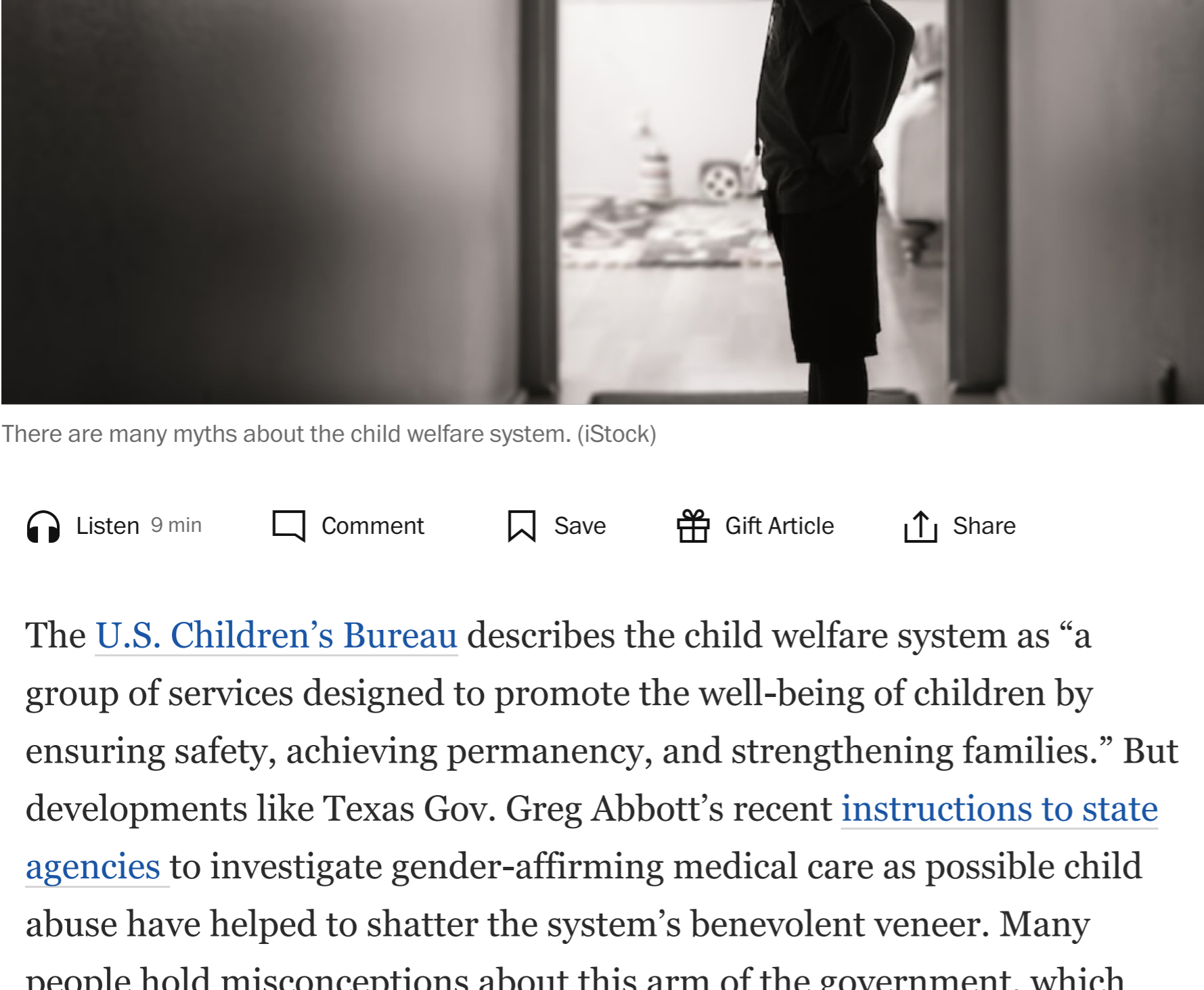
No, most children in foster care haven't been rescued from abuse



Perspective by Dorothy Roberts

Dorothy Roberts is the George A. Weiss University Professor of Law and Sociology at the University of Pennsylvania. She is author of four books, including "Killing the Black Body" and "Torn Apart: How the Child Welfare System Destroys Black Families — And How Abolition Can Build A Safer World, which will be released by Basic Books in April.

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There are many myths about the child welfare system. (iStock)

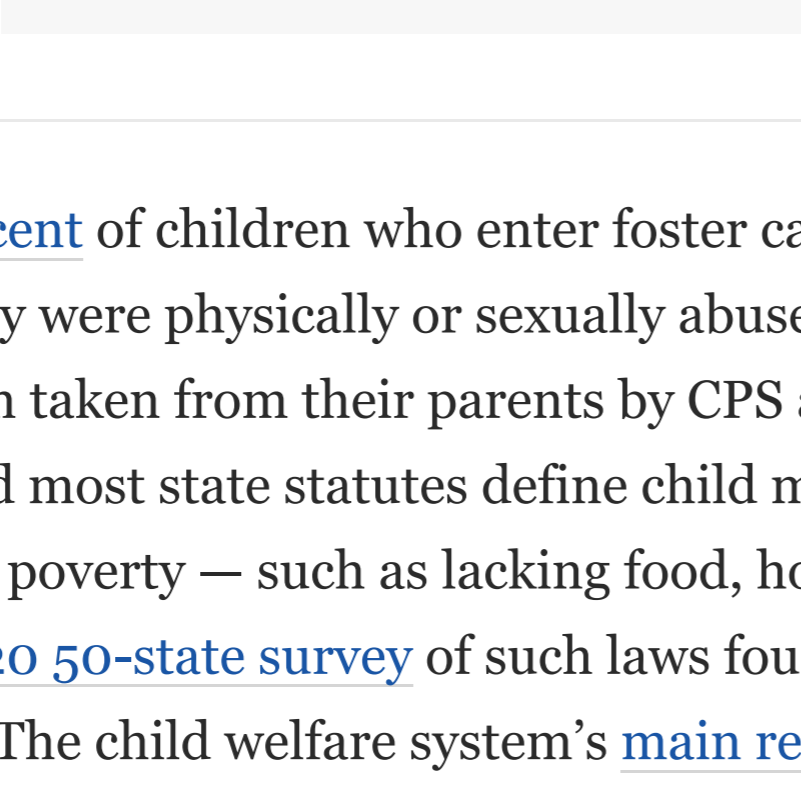
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The U.S. Children's Bureau describes the child welfare system as "a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families." But developments like Texas Gov. Greg Abbott's recent instructions to state agencies to investigate gender-affirming medical care as possible child abuse have helped to shatter the system's benevolent veneer. Many people hold misconceptions about this arm of the government, which spends some \$30 billion annually in federal, state and local funds regulating the families of 3.5 million children. Before we can reimagine how to support families and keep children safe, we first have to dispel some common myths about this system.

Myth No. 1

Child welfare workers mainly rescue children from abuse.

The view of state child protective services (CPS) workers as saviors swooping in to rescue children from violent homes circulates widely. In one episode, "Law and Order: Special Victims Unit" featured a New York City CPS supervisor offering this harrowing testimony about her job: "I'm asked to do what the courts can't do, what the cops can't do," she told the jury. "We get the dregs of humanity — children raised by wolves!" In a profile on the Eastern New Mexico University website, a student majoring in social work explains, "I hope to work as a Child Protective Services worker to ensure the safety and well-being of children by intervening in reported incidents of child abuse."

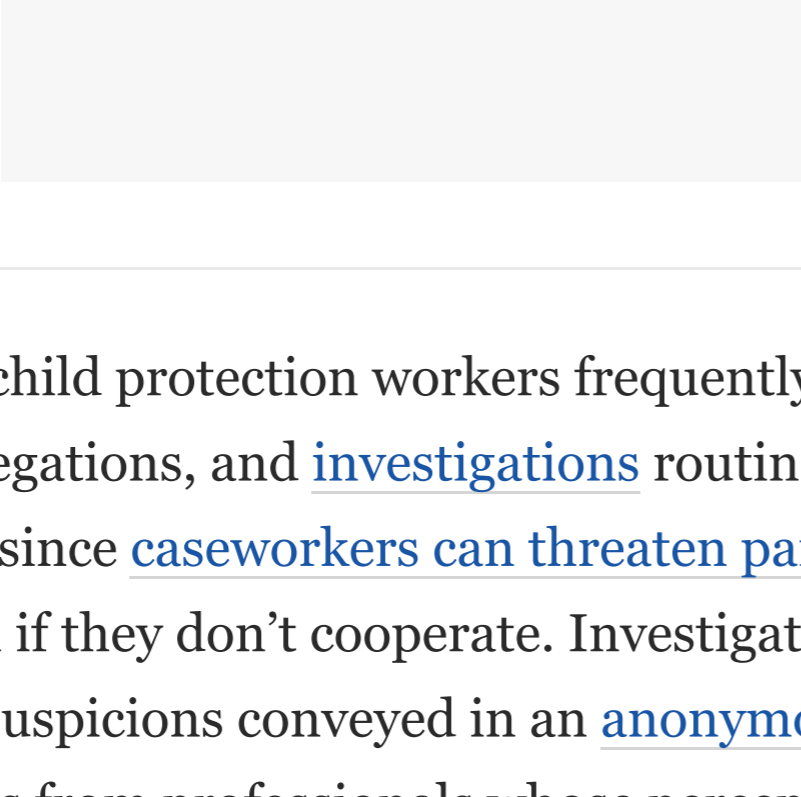


In fact, only 17 percent of children who enter foster care are in the system because they were physically or sexually abused. The vast majority of children taken from their parents by CPS are alleged to have been neglected, and most state statutes define child maltreatment in a way that interprets poverty — such as lacking food, housing and clothing — as neglect. A 2020 50-state survey of such laws found that most "are very open-ended." The child welfare system's main response to the problems caused by poverty is to mandate a set of tasks for people to complete or to remove children from their homes — not to provide the material resources that would meet families' needs.

Myth No. 2

Homes are investigated only if children are at risk of harm.

It's commonly believed that caseworkers enter and search homes only when necessary for children's safety. Officially, the Fourth Amendment applies to civil child welfare investigations, requiring CPS agencies to show probable cause for a search. An article on the website Fatherly reassures readers that a call to CPS doesn't always trigger an investigation, "because the workers are trained professionals who know when a report requires action."



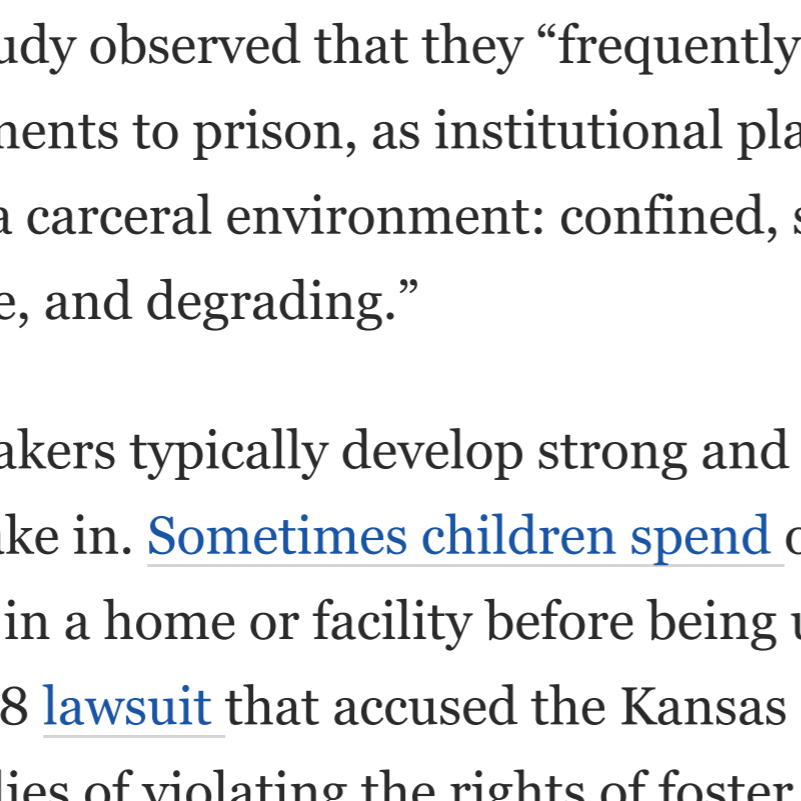
In reality, though, child protection workers frequently barge into homes based on flimsy allegations, and investigations routinely take place without a warrant, since caseworkers can threaten parents with taking away their children if they don't cooperate. Investigations may be triggered by mere suspicions conveyed in an anonymous tip to a hotline, as well as by reports from professionals whose perceptions of maltreatment may be influenced by social biases. For example, a number of studies have revealed that clinicians are more likely to evaluate for, diagnose and report child abuse in Black infants and toddlers than in White children who arrive at the hospital with similar injuries.

There are an astonishing number of investigations each year, most of which determine that the triggering accusations were "unsubstantiated" — meaning there was insufficient evidence to confirm the allegations. A pathbreaking 2017 study estimated that more than a third of all U.S. children (37.4 percent) experience a CPS investigation at least once by their 18th birthday. More than half of Black children are subjected to a CPS investigation at some point during their childhoods — almost twice the lifetime prevalence for White children.

Myth No. 3

Foster children are usually placed with loving families.

In pop culture, images abound of children rescued from disastrous homes to thrive in the care of loving foster families. The TV series "The Fosters," about an interracial lesbian couple dedicated to creating a blended family with a biological son, adopted Latino twins and two White foster children, ran for more than 100 episodes. In the 2018 movie "Instant Family," a couple played by Mark Wahlberg and Rose Byrne foster three Latino siblings. When the children's mother is released from jail, she returns to drugs and fails to appear for a court hearing; the foster parents save the day by adopting the children.



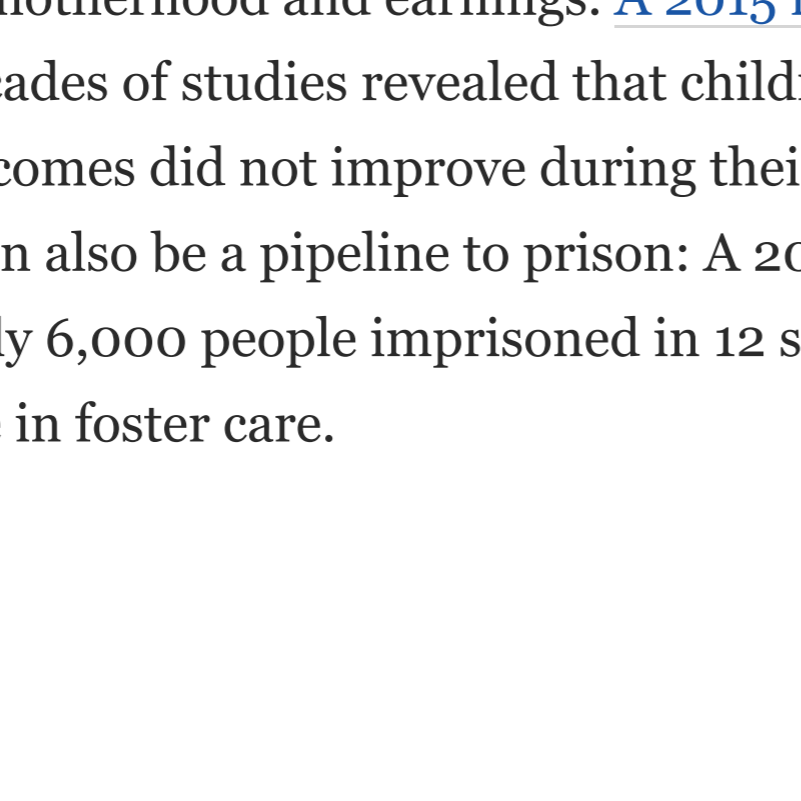
In reality, large numbers of children are placed in some form of congregated care — group homes, residential "treatment" centers and psychiatric hospitals. In 2017, a third of teenagers in foster care were in a congregate placement. In 2021, Think of Us, a research lab founded and directed by former foster youth, issued a report based on interviews with 78 young people who had recently lived in institutional foster-care placements. The study observed that they "frequently compared institutional placements to prison, as institutional placements have many functions of a carceral environment: confined, surveilling, punitive, restrictive, and degrading."

Nor do foster caretakers typically develop strong and stable bonds with the children they take in. Sometimes children spend only a few months, or even a few days, in a home or facility before being uprooted. In just one example, a 2018 lawsuit that accused the Kansas Department for Children and Families of violating the rights of foster children cited a child who was relocated to 130 different placements over six years. (In January 2021, a federal judge approved a settlement agreement that requires Kansas to improve placement stability and access to mental health services for foster children.)

Myth No. 4

Placing children in foster care improves their well-being.

A 2017 article in the Philadelphia Inquirer gives an idealized view of the foster-care system, saying that social service agencies work with children to "understand their needs and place them with foster families who will support their growth and well-being." Some groups claim that children taken by CPS are better off in substitute care: "Unlike birth parents, foster parents receive training before they welcome children into their home and support from social workers and other professionals throughout the process," says AdoptUSKids, a federally funded project to facilitate adoption of children from foster care. "They show children stability and teach them life lessons that last a lifetime — and potentially affect future generations."

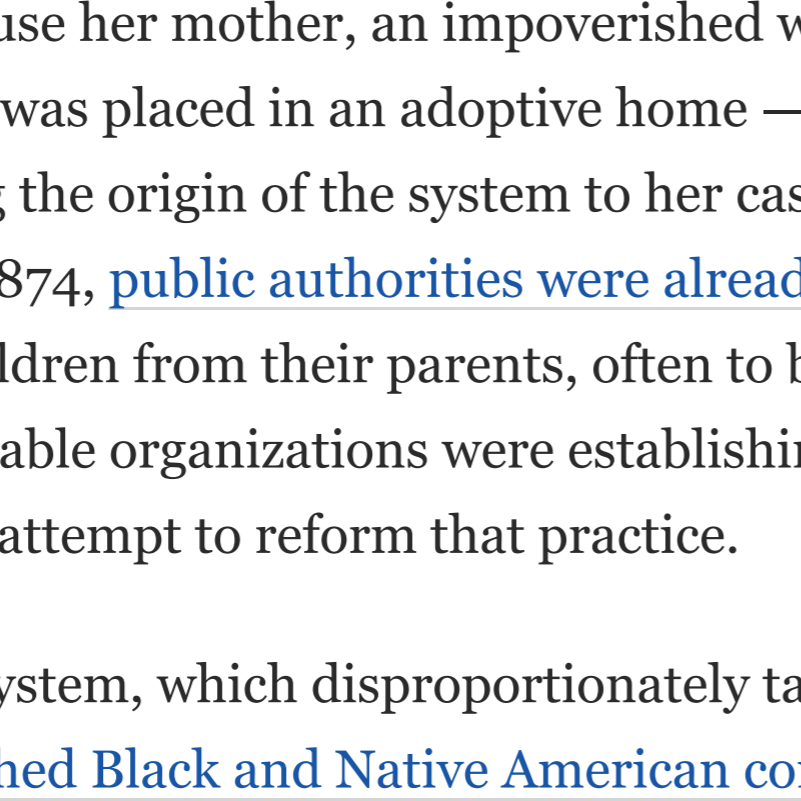


Mounting evidence of grievous harm to children in foster care paints a different picture. As early as 2007, MIT economist Joseph Doyle found that in borderline cases, children placed in foster care fared worse than those who remained at home on long-term outcomes, including juvenile delinquency, teen motherhood and earnings. A 2015 meta-analysis analyzing three decades of studies revealed that children's developmental outcomes did not improve during their stay in foster care. Foster care can also be a pipeline to prison: A 2019 Kansas City Star survey of nearly 6,000 people imprisoned in 12 states found that 1 in 4 had spent time in foster care.

Myth No. 5

This system was founded after the case of Mary Ellen Wilson.

Sources such as the New York Times and the advocacy group Project Chance commonly give this origin story for child protection agencies: In 1874, Henry Bergh, founder of the American Society for the Prevention of Cruelty to Animals, rescued a little girl named Mary Ellen Wilson from terrible abuse at the hands of a woman she called Mamma. The ensuing crusade against child abuse prompted the passage of the first legal authority for state intervention inside homes to protect children.



Few retellings of the origin story include how Mary Ellen became an abused child: Because her mother, an impoverished widow, was unable to care for her, she was placed in an adoptive home — where she was abused. Attributing the origin of the system to where she was abused. Attributing the origin of the system to where she was abused. Attributing the origin of the system to where she was abused.

The child welfare system, which disproportionately targets, surveils and disrupts impoverished Black and Native American communities, can also trace its origins to other 19th-century practices. Courts ordered that Black children deemed to be neglected work in "apprenticeships" for former enslavers after the Civil War, and during the Indian Wars, the U.S. military forcibly took Indigenous children and placed them in boarding schools as a way to destroy their cultures.

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