

Who is in "The System" -- and Why

Some parents are vicious. Some parents are sadistic. Some parents brutally beat, rape, torture, and murder their children.

Those cases get intensive public and media attention -- as they should.

But the typical foster child was **not** taken from a parent like that. Such cases represent a tiny fraction of the child protective services caseload.

Out of every 100 children investigated as possible victims of abuse, three are "substantiated" victims of all forms of physical abuse, from the most minor to the most severe, about two more are victims of sexual abuse. Many of the rest are false allegations or cases in which a family's poverty has been confused with neglect.¹

Far more common than a child who comes into care because he was beaten are children who come into foster care because the foodstamps ran out or because an illness went untreated after parents were kicked off Medicaid or because a single mother trying to stay off welfare could not provide adequate supervision while she worked. Indeed, the former director of intake for child protective services in Denver,

Colorado acknowledges that some children are taken just because their parents are down on their luck, out of work, or unable to provide adequate shelter.²

In addition:

- Three separate studies since 1996 have found that 30 percent of America's foster children could be safely in their own homes right now, if their birth parents had safe, affordable housing.³

- A fourth study found that "in terms of reunification, even substance abuse is not as important a factor as income or housing in determining whether children will remain with their families."⁴

- Families struggling to keep their children out of foster care are stymied by two major problems: homelessness and low public assistance grants, according to two New York City studies.⁵

- A study of "lack of supervision" cases in New York City found that in 52 percent of the cases studied, the service needed most was what one might expect -- day care or babysitting.⁶ But the "service" offered most often was foster care.

(over)

CASE HISTORY: JAMES NORMAN

James Norman was a widower living in Chicago. He took enormous pride in his children, and in how he was raising them. But after he developed a heart condition, he was unable to work full time. Then he fell behind on his bills. Then the electricity to his apartment was cut off. Then the helping hand of child protective services struck. A CPS worker found a messy home with food spoiling in the refrigerator because there was no electricity. Instead of offering help with housekeeping and utility bills, the worker immediately removed the Norman children.

James Norman took three buses and walked a mile at each end of the trip to visit his children. After nearly a year, Norman's lawyers had arranged the financial help that child protective services was supposed to provide, and a court hearing was scheduled to determine if James Norman's children finally could come home. But 12 days before the hearing, James Norman's heart finally gave out. He died at age 38. In the last years of his life, James Norman had a weak heart, but it took the child "protection" system to break it -- and to make orphans of the Norman children.

James Norman left a noble legacy. A class-action lawsuit leading to a settlement that provides emergency cash -- called "Norman money" -- and other help to families in danger of losing their children to foster care. "At least our example helped other people," says Norman's younger daughter, Jamie.⁷ Unfortunately, even that legacy was undercut during the Illinois Foster Care Panic (See Issue Paper 2). Terrified by the anti-family preservation crusaders, for several years workers were afraid to use "Norman money" to try to keep families together. A court-appointed monitor found that the funds were "underutilized" and "the shockingly low rate of children going home in Cook County is alarming."⁸

Who is in "The System" (continued)

- Courts in New York City and Illinois have found that families are repeatedly kept apart solely because they lack decent housing.⁹

- In Genesee County, Michigan, which includes Flint, from 2000 to 2003, the foster-care population doubled – and even the head of the county child welfare office said one of the main reasons is they're removing children from women forced to leave their children with unsuitable caretakers while they go to jobs they must take under the state's welfare laws.¹⁰

- In California, homeless children were given emergency shelter only on condition that they be separated from their parents, until a successful lawsuit put an end to the practice.¹¹

- **The National Commission on Children found that children often are removed from their families "prematurely or unnecessarily" because federal aid formulas give states "a strong financial incentive" to do so rather than provide services to keep families together.**¹²

And across the country, several people who have run child welfare systems have acknowledged that their own systems take away too many children.

- In Washington D.C., where the foster care system was run for several years by the federal courts, the first receiver named by the court to run the agency found that between one-third and one-half of D.C.'s foster children could be returned to their parents immediately -- if they just had a decent place to live.¹³

- A former District Administrator in Broward County Florida estimated that 35 percent of the children in that county's foster

care system could have remained safely in their own homes had the right kinds of help been provided.¹⁴

- And the former head of one of the nation's largest child welfare systems, Los Angeles County's put the figure at up to 50 percent.¹⁵

Compounding the problem: Child welfare workers sometimes are in denial about the importance of providing concrete help to families. A study of cases in Milwaukee County, Wis. found that housing problems were a key cause of removal and a key barrier to reunification. But the researchers write that while birth parents "see housing as a major source of concern ... child welfare workers are less attentive to this concern."

They continue:

"Perhaps child welfare workers in Milwaukee are more focused on parental functioning and less attentive to concrete needs such as housing because of the principles guiding agency practice and the workers' education and training. Alternatively workers ... may tend to ignore housing as a problem rather than deal with the cognitive dissonance caused by the recognition that they cannot help their clients with this important need."¹⁶

Just as not every parent is sadistic, not every parent is blameless, either. There is a broad range of cases in-between the extremes. -- cases where a parent may well be partly to blame. But in many of these cases as well intervening to preserve the family is still the best way to protect the child.

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1.U.S. Dept. of Health and Human Services, [Child Maltreatment 2013](#). See Exhibit 3-B, showing fewer than 19 percent of reports are substantiated or "indicated," and Exhibit 3-F showing that of those nearly 80 percent are "neglect." //2. James B. Meadow, "Homeless Alone" Rocky Mountain News, Jan. 13, 2000, p.4D. //3. Deborah S. Harburger with Ruth Anne White, "Reunifying Families, Cutting Costs: Housing – Child Welfare Partnerships for Permanent Supportive Housing *Child Welfare*, Vol. LXXXIII, #5 Sept./Oct. 2004, p.501. //4. Ruth Anne White and Debra Rog, "Introduction," *Child Welfare*, note 3, supra, p. 393. //5. Studies cited in Karen Benker and James Rempel, "Inexcusable Harm: the Effect of Institutionalization on Young Foster Children in New York City," *City Health Report*, (New York: Public Interest Health Consortium for New York City) May, 1989. //6. Mary Ann Jones, *Parental Lack of Supervision: Nature and Consequences of a Major Child Neglect Problem* (Washington: Child Welfare League of America, 1987), p.2. //7. New York: Decision of Justice Elliott Wilk, *Cosentino v. Perales*, 43236-85, New York State Supreme Court, New York County, April 27, 1988. Illinois: Rob Karwath, "DCFS Hit on Family Separation," *Chicago Tribune*, Jan. 19, 1990, Sec. 2, p.2. See also: Juanita Poe and Peter Kendall, "Cases of Neglect May be only Poverty in Disguise," *Chicago Tribune*, Dec. 24, 1995, p.1. //8. Information about the Norman case comes from: "Introductory Statement" and "Plaintiffs' Post-Trial Memorandum," *Jaqueline Fields, James Norman et. al. v. Gordon Johnson*, the report submitted by the worker who visited the Norman home, "DCFS Neglects Parents, Creates Tragedies," an unpublished essay by Norman's Lawyer, Rob Karwath, "DCFS Hit on Family Separation," *Chicago Tribune*, Jan. 19, 1990, p.2, Natalie Pardo, "Settlement Too Late for Norman," *Chicago Reporter*, January, 1995, p.8. //9. Jeanine Smith, *Norman v. Ryder Fifth Monitoring Report*, Dec. 31, 1993. //10. Ron Fonger, "Foster care number swells; welfare-to-work one reason: Official," *Flint Journal*, September 9, 2003. //11. Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction, *Hansen v. McMahon*, Superior Court, State of California, No.CA000974, April 22, 1986, p.1; California Department of Social Services, *All County Letter No. 86-77* ordering an end to the practice. //12. National Commission on Children, *Beyond Rhetoric: A New American Agenda for Children and Families*, (Washington, DC: May, 991) p. 290. //13. Tamar Lewin, "Child Welfare Is Slow to Improve Despite Court Order," *The New York Times*, December 30, 1995, p.6 //14. Shana Gruskin, "DCF Administrator confident of transition" *South Florida Sun-Sentinel*, March 25, 2000, p. 8B. //16. Troy Anderson, "Ways to care for an ailing foster care system," *Daily News of Los Angeles*, December 8, 2003. //16. Mark E. Courtney, et. al., "Housing Problems Experienced by Recipients of Child Welfare Services," *Child Welfare*, note 3 supra., p.417.