Family Foster Care and Adoption in the United States: An Overview

You are reading this overview because you are planning to be a foster parent or adoptive parent, prepared and selected by your agency to be a team member in the protection of children who have experienced abuse or neglect. When you become certified, licensed, or approved, you will also become known as a “resource parent.” This is because, by becoming a foster or adoptive family, you are making an important contribution to the well-being of children and families. This handout, Family Foster Care and Adoption in the United States: An Overview, describes: (a) why families are so important; (b) why child welfare services were created to support families; and (c) the history of family foster care and adoption services in the U.S.

The Importance of Families

Families have four major essential tasks which are to:

- Protect and nurture children;
- Meet children’s developmental needs (physical growth and health care, social skills, discipline, cultural identity, intellectual growth and education);
- Give children a social identity and the legal status that comes from having a family of one’s own; and
- Give children a sense of belonging with connections and continuity of relationships that are nurturing, enduring, and intended to last a lifetime (inter-generational).

One of the most important tasks of families, especially parents, is to ensure that their children feel safe and secure. However, some parents and families are not able or do not have the resources to do that and, as a result, child abuse and neglect occurs. Sometimes the circumstances are such that children and families can be healed in a shorter amount of time, or there can be significant trauma that can have a longer, lasting impact. In either circumstance, the United States has laws and services aimed at helping children and families. The child welfare system has a major responsibility in providing these services, along with other resources in communities, such as courts, health and mental health, schools, and more.

The Importance of Child Welfare

Almost 100 years ago, a group of concerned citizens who cared deeply about the well-being of children created a private, non-profit organization named the Child Welfare League of America (CWLA). Its vision would be that every child will grow up in a safe, loving, and stable family. Its mission would be that CWLA would lead and engage a network of public and private agencies and partners to advance policies, practices, and collaborative strategies resulting in better outcomes for vulnerable children, youth, and families.
CWLA believes that children must be able to grow up in loving families with the necessary resources to protect them from harm, meet their developmental needs, and provide nurturing and enduring relationships. These families may be of all kinds: birth, single- and two-parent, extended and kinship, foster and adoptive, and sexual minority. Children also must be able to grow up safely in communities that respect the diversity of culture, ethnicity, race, language, and sexual orientation. There must be neighborhoods and schools that are safe and have resources, with affordable and accessible housing, transportation, playgrounds, and afterschool programs for young people.

CWLA has a National Blueprint for Excellence in Child Welfare, with a principle that states:

_Families, individuals, communities, organizations, and systems must protect children from abuse and neglect and provide an array of supports and services that help children, youth, and their families to accomplish developmental tasks, develop protective factors, and strengthen coping strategies._

Child welfare includes an array of programs, such as child protective services which investigate allegations of abuse and neglect, family preservation which serves children and parents together, kinship care which focuses on services for relatives caring for their younger family members, and family foster care and adoption services. These are carried out through both public and private child welfare agencies.

Child protective services focus on ensuring the safety and well-being of children. Child protection laws were initiated as part of the Child Abuse Prevention and Treatment Act in 1974. Now all states have systems designed to ensure reporting of suspected child abuse and neglect and investigations of these reports. When child protection agencies assess that children are at risk of harm, a case is opened to provide services to the families with the aim of ensuring children’s safety. Sometimes the agency determines that the only way to ensure children’s safety and well-being is to separate these children from their parents and look to relatives or foster parents to take care of the children for a temporary period of time while services are being provided to the parents to help them safely and appropriately parent their children. If it is assessed that the parents will not ever be able to raise their children, then adoptive families will be sought, with all the legal rights that are afforded birth families.

Child welfare encompasses a complex array of programs and services, including emergency response and child protection, family preservation with services to children and parents at home, and kinship care, family foster care, and adoption. Because of the significant role that resource (foster and adoptive) parents have in the child welfare system, and your interest in and hopefully your commitment to this role, here is a brief history of family foster care and adoption.

**Family Foster Care in the United States: A Brief History**

Before family foster care programs as we know them today, children whose parents could not take care of them were the responsibility of their tribes, clans, or extended families. Early Judeo-Christian values required the care of dependent children as a duty under law. A tradition of assistance within kinship networks is an important part of many diverse cultures.

Children without parents or extended family to care for them lived in orphanages or asylums.
Sometimes they lived in institutions with adults who were mentally ill or who had other disabling conditions. The practice of indenture, imported from England, placed needy children with families who provided support, care, and training in exchange for work.

Foster parenting, as a formal practice in the United States, has gone through four major changes.

Early Foster Parenting: Foster Parents as Parents (1850s – 1950s)

Original family foster care, known as “placing out,” was the idea of Rev. Charles Loring Brace. He identified no less than 10,000 abandoned and orphaned children wandering the streets of New York City in the mid-1850s. So he created the Children's Aid Society to raise the money, identify children, and send them by trains from lives of poverty and neglect to families in the growing West (at that time really the Midwest). Later known as the “orphan train” movement, between the 1850s and 1930, as many as 150,000 children traveled west on these trains.

The first foster parents were expected to provide education, religious, and job training until children turned 16 which was the age of independent living at that time. Records show that foster parents were as young as 19 (but remember that the life span was not much beyond late 40s at that time). Approval of foster parents, known as home studies were completed by local screening committees comprised of town leaders (such as ministers, judges, store owners, and newspaper editors). Early assumptions about foster care included:

- Foster parents could substitute for the birth family (introducing the term “substitute care”). Foster parenting was viewed the same as parenting one’s own children. Birth parents generally were out of sight and, thus, thought to be out of mind.
- Foster care was similar to adoption. The expression “up for adoption” may have come from placing the children up on train platforms, or theatre stages, so local residents could literally view and then choose the children who appealed to them. There are numerous stories told by the former “orphan train” children that their muscles were felt and their teeth were examined.
- Children were viewed as a legitimate source of labor. Many families lived on farms and the more children one had, the more the farm could produce. Healthy-looking older boys were often the first youngsters selected. Siblings were often separated.
- The families who took them in were expected to treat them like “one of their own” but there was little if any attention to the unique needs of the children, including wanting to know what happened to their parents or brothers and sisters. Or, since many of the children were immigrants from Ireland, Italy, and England, they spoke with accents of those countries. Many were Catholic and being placed with Protestant families was considered cross-cultural and controversial.

The first White House Conference on Children, convened in 1909, acknowledged the right of every child to grow up in a family. The U.S. Children's Bureau was established in 1912. In 1920, the Child Welfare League of America was founded. It set national policies and standards. The years 1920–1950 saw a growing awareness that foster parents had to provide more than just basic child care. However, the
role of foster parents was not clear. Were they more like social workers’ colleagues, children’s parents (clients), or something in between?

Further, in the 1950s, studies uncovered the problem of “foster care drift.” This refers to children growing up in foster care when their parents actually could care for them, and children moving from family to family without permanence.

**The 1960s - 1980s: Foster Parents as Parents, Plus**

In the 1960s and 1970s:

- *Parenting Plus*, the first nationally standardized foster parent training program, was funded by the U.S. Children’s Bureau and developed by CWLA. It was based on the belief that foster parenting requires more than basic parenting skills, however, the skills were not defined. *Parenting Plus* included 16 millimeter training films, including one to sensitize foster parents to the issues faced by birth parents titled, “Don’t Condemn Me ‘til You Know Me.”

- The National Foster Parent Association (NFPA) was formed in the late 1960s by advocates from the U.S. Children’s Bureau (Beatrice Garrett) and CWLA’s Helen Stone, who also provided the leadership for *Parenting Plus*. The NFPA’s mission was to educate, support, and advocate for foster families.

- The U.S. Congress passed the Child Abuse Prevention and Treatment Act (CAPTA) in 1994, mandating that all states establish child abuse reporting systems. The effect of this law changed the way children could come into foster care from primarily voluntary placements by parents to involuntary placements by court order.

- The foster care population increased to approximately 500,000 by 1978. The media and the National Commission on Children in Need of Parents attacked foster care as “a sure way to waste money and harm children.”

- In 1976 the U. S. Supreme Court ruled, in Youakim vs. Miller, that relatives could be licensed, certified, or approved as foster parents and receive the same benefits as unrelated foster parents provided they met the same qualifications. Prior to that time, relatives had to apply for welfare monies if they needed financial support for their younger family members.

- In 1978 the U.S. Congress passed the Indian Child Welfare Act (ICWA) giving tribes jurisdiction over Indian children who are separated from their parents, providing procedural safeguards to help ensure that they could grow up in their own cultures and families.

In the 1980s:

- The permanency planning movement recognized the need and right of every child to have continuity, commitment, and the legal and social status that comes from having a family of one’s own. This was based on research showing that children were harmed psychologically without those protections.

- Public Law 96-272, the federal Adoption Assistance and Child Welfare Act of 1980, required
agencies to set up permanency planning systems that included permanency goals and specific strategies to achieve the goals so that children would not remain in foster care longer than was in their best interests. It also provided incentives to place children with special needs with adoptive families. The result was a short-term decrease in the foster care population by almost 50%, and an increase in foster parent training programs nationwide.

• A new population of children with “special needs” was recognized. This included children with more serious emotional problems, behavioral problems, handicapping conditions, and learning disabilities. Often, sibling groups, older children, and children of color were included in this category. These children were often labeled as “hard to place,” falsely blaming the children for the failure of child welfare professionals and communities to come together to provide safe, nurturing families.

• By the mid to late 1980s, many socio-economic changes impacted the child welfare system and, especially, family foster care services. For example:

  ▪ The changing economic environment required more women to enter the workforce, reducing the number of potential foster families.
  ▪ HIV/AIDS and the crack/cocaine epidemics increased the number of infants and children with special as well as extraordinary needs, requiring foster parents with special skills.
  ▪ A large number of children of color were separated from their parents and placed in foster care, highlighting the impact of poverty, homelessness, drugs, and racism on the child welfare system.

The 1990s: Foster Parents with Competencies

As the emotional and behavioral challenges of children continued to increase, it became clear that foster parents would need special skills or competencies to work with children who were victims of physical and sexual abuse, neglect, and maltreatment. Many of the circumstances of physical and emotional neglect involve issues of mental health, substance abuse, inadequate housing, improper supervision, lack of family supports, and other complex challenges. With the change came the need for improved preparation, ongoing supports, ongoing professional development, and increased and ongoing efforts to promote teamwork on behalf of children and their families.

CWLA updated Parenting Plus with The Ultimate Challenge: Foster Parenting in the 90’s, donated by the San Felipe Del Rio Foundation. In 1991, the National Commission on Family Foster Care, convened by CWLA and NFPA, produced A Blueprint for Fostering Infants, Children, and Youth in the 1990s. The Blueprint outlined specific responsibilities for child welfare agencies and foster parents. It also coined the term “kinship care” to differentiate the care of children by relatives from family foster care, and identifying the special policies and practices that address the unique needs of this population.

The PRIDE Model of Practice was created to clarify and support the roles of foster and adoptive parents as team members in child protection. PRIDE is an acronym for Parent Resources for Information, Development, and Education. PRIDE was developed through a collaborative effort between CWLA Child Welfare League of America, Illinois Department of Children and Family Services, and a
large coalition of state child welfare departments, universities, foundations, and a private agency. It includes a Trainer's Guide and PRIDEbooks (resource materials, like this one) for prospective and current foster parents. A model of practice means that, by bringing the PRIDE program into an agency, all staff and resource parents should be working to achieve the same vision, mission, goal, objectives, and outcomes. The PRIDE Model of Practice documents dozens of competencies that resource parents must have, organized into five competency categories:

- Protect and nurture children and youth in a safe, healthy environment with unconditional positive support.
- Meet developmental needs by building self-esteem, supporting cultural and spiritual identity, providing positive guidance, using appropriate discipline, supporting intellectual growth, and encouraging friendships.
- Support relationships between children and youth and their birth families.
- Connect children to safe, nurturing relationships intended to last a lifetime through reunification with parents, guardianship or adoption by relatives or non-related extended family members, adoption by foster parents, or adoption by new families.
- Work as part of a professional team because the needs of children, youth, and their families are so complex and perplexing that no one can do all the care and social services alone.

In 1994, the federal Multi-Ethnic Placement Act was passed and intended to prevent discrimination in the placement of children in foster care and adoption on the basis of race, national origin, and color. Children could not be denied a foster or adoptive family while waiting for a family that matches their unique race, culture, or ethnicity. This act was amended by the Inter-Ethnic Placement Act of 1996 (IEPA) to allow a limited time to search for foster and adoptive parents of the same race and culture.

The Adoption and Safe Families Act of 1997 (ASFA) was a landmark attempt to significantly change the way child welfare systems delivered services and worked toward permanence for children. This national legislation provided clear timelines to reduce the length of time children remain in foster care.

One of the strategies in ASFA to promote more timely permanency for children is concurrent planning. This means working toward two goals at one time: reunification and adoption. Previously, children were placed with foster parents and then replaced with adoptive parents if reunification was not successful. Some of these children had strong attachments to their foster parents and a move to a new family could be traumatic. Now children could stay with their foster parents if return to parents would not be possible.

An evolving change has been the recognition that foster and adoptive families do not usually reflect two separate populations. In fact, with ASFA and the need to develop concurrent planning foster families, the differences between the two roles have blurred. While adoption and foster care represent two different and distinct services for children, there are many similarities in the skills and supports needed for foster and adoptive families. By the late 1990s, more than half of the children adopted within the child welfare system remained with their foster families.
2000 and Beyond: Foster Parents Role in the Trauma-Informed Care of Children

Child welfare services continue to face many challenges because issues are complicated and values and feelings are often strong and conflicting. Progress has been achieved in a number of areas such as recognizing the importance of serving sexual minority youth and preventing the trafficking of young people. New and improved practice models based on evidence developed through research are evolving. It is essential that the role of foster parents in the trauma-informed care of children be recognized, respected, and supported.

Going forward, CWLA emphasizes the critical importance of achieving safety, well-being, and permanency for all children.

CWLA recognizes that being a parent – birth, grand, step, foster, adoptive – as well as being a child welfare professional is a privilege, not a right. However, for a child to be protected, that is a right, not a privilege!

Early Adoption Policies and Practices

Adoption as a formal, legal process emerged in the second half of the 19th century. Formal adoption created a legal family for children when their birth parents were unable or unwilling to parent them. As the practice of legal adoption grew, laws were passed, patterned after English law. For example:

- In 1850, Texas passed adoption law as a means of transferring property to a child.
- In 1851, Massachusetts passed a law that allowed for adoption with “the written consent of the parents, if living, or of his guardian or next friend if the parents were deceased.”
- Individual adoptions in other states took place by special state legislative acts, by informal practice between birth parents and adoptive parents, or by contract.
- Most adoption agencies were created and staffed by lay persons.
- In 1891, Michigan passed a law that required judges to check on families before entering a decree of adoption, but there were no standards to guide them or the agency handling the task.
- In 1917, Minnesota passed a law required a social investigation by certain people or agencies before the court review.
- Gradually, laws and court decisions built a record of considering the “best interests of the child” and protections including: a trial period before the final decree was entered; adoptive records kept from public inspection; and changing birth certificates to make the adoptive parents the birth parents.
- In 1921, Sophie van Senden Theis of the New York School of Philanthropy (now the School of Social Work of Columbia University) developed a manual of professional principles for adoption practices focusing on the parents’ role; the study and selection of the adoptive family; and agency responsibility for placing and supervising the child.
- In 1938, CWLA published the first professional adoption standards.
After 1945 and the end of World War II, there was an increased demand on adoption agencies to change requirements and practice; independent adoptions (arranged by attorneys and doctors typically) instead of licensed child welfare agencies. Adoption agencies responded by professionalizing their staffs and expanding their focus, including finding adoptive parents for children of color and sibling groups.

In the 1950s and after, international adoptions were born. In the 1950s, an Oregon farm couple – Harry and Bertha Holt – saw a presentation about the Korean War orphans (children who typically had a Korean mother and an American soldier father and, thus, were abandoned because of being “mixed race” or “dust of the streets” in Korean, or they truly were orphans). They worked with their two Congressmen to pass the Bill for Relief of Certain Korean War Orphans which allowed for the international adoption of large numbers of children by one family. The Holts themselves brought home four little boys and four little girls from Korea. They then established the Holt Adoption program which, today, has facilitated the adoption of thousands of children from countries around the world. Today there are hundreds of agencies across the U.S. and in other countries as well whose missions are to match children with adoptive parents.

Adoption in the 1970s and 1980s

Originally adoption was considered a service for Caucasian infertile couples seeking healthy infants, typically female. After the women’s and civil rights movements of the 1960s, a children’s movement changed the focus of adoption to seek families for all children. Although the idea of “hard to place” children had been introduced, adoption became a way to find families for virtually all children needing permanency. The adoption field coined the expression “no child is unadoptable” through the leadership of the Dave Thomas Foundation (Wendy’s) and the North American Council on Adoptable Children.

To help safeguard these matches, and to help prevent the trafficking of children, all sending countries (who have the children) and receiving countries (who have the parents) must meet standards established by the Hague Convention on Inter-country Adoption. This is a multilateral treaty approved by 66 nations in 1993; however, it was not signed into law in the U.S. until the Inter-country Adoption Act of 2000 (P.L. 106 – 279) was signed into law.

National child welfare laws that supported adoption services enacted during this period included:

- Adoption Opportunities Act of 1978 (Public Law 95-266) provides federal support for recruiting adoptive families and for post-adoption services, including subsidies for families adopting children with “special needs.”
- Indian Child Welfare Act of 1978 (25 U.S.C. 1902) was passed to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families. ICWA establishes federal requirements that apply to the jurisdiction, placement, and permanency of children in state custody who are members of, or have eligibility for belonging to, a federally recognized Indian tribe.
- Child Welfare and Adoption Assistance Act of 1980 (Public Law 96-272) commits federal resources for adoption subsidies to place children with special needs with adoptive families.
Adoption in the 1990s

The child welfare system continued to struggle to meet the permanency planning needs of children in the foster care system and the requirements of the Child Welfare and Adoption Assistance Act of 1980. A significant challenge was the dramatic increase in the number of children placed in family foster care and requiring permanency planning services or, as stated in the PRIDE Model of Practice, being connected to safe, nurturing relationships intended to last a lifetime.

In addition, the profile of children in need of adoption was changing. Because of the social and economic changes of the 1980s (see Family Foster Care: A Brief History), these children were often older, siblings, and had physical, emotional, and developmental needs due to exposure to alcohol and other drugs, HIV, and child trauma. In addition, many of the children were of color.

As the profile of children needing adoption changed, the focus of recruitment efforts for adoptive families also began to change:

- Recruitment began to focus on people who could effectively meet the needs of diverse groups of children, as noted above. These includes: older parents who had already raised children, two-parent working families, single parents, and gay and lesbian individuals and couples. Adoptive families were sought who represented all cultures, ethnic groups, and religions, and included families with modest incomes as well as those who had more financial resources.

- Many agencies began to recognize their responsibility to reach out to families of color to help them feel more welcome and more comfortable about formal adoption, although informal adoption continues today, especially through the growth of kinship care.

There were changes in adoption practices, as well. As older children and sibling groups were being adopted, more was learned about the importance of birth families to children’s identities, growth, and development. This led to greater “openness” in adoption—meaning that adoption does not have to mean a complete and final separation from all contact with children’s birth families. Termination of parent rights did not always result in termination of parental relationships. “Open adoption” was created to include a range of relationships from yearly exchanges of letters and photos to an array of structured contact on an informal or contractual basis.

These changes in adoption services began to point to one group of families with tremendous potential to be effective adoptive families—foster families. These families were often familiar with special needs, enjoyed older children and sibling groups, and often had demonstrated skills in working with birth parents. This was a huge historical shift as, previously, foster parents had to sign documents indicating that they were not interested in adoption. Research and experience led to recognition that foster parents were actually effective adoptive parents. Having prospective foster and adoptive parents together in the same preservice training programs, such as the PRIDE Model of Practice, provided an enhanced opportunity for teamwork among and between resources families.
The Future of Adoption

With the passage of the Adoption and Safe Families Act of 1997, adoption was championed. The challenges of meeting the requirements of ASFA are paramount. As agencies move in a more timely fashion, the need for more adoptive families increases. In addition, these children often have special needs, have ties to their birth families, and have experienced different types of trauma.

Recruiting and preparing families for the challenge of adopting remains an important focus of the child welfare system; and so does assisting foster families to make the decision to adopt and preparing foster families for the adoptive role. Thousands of adoptive families – parents and children alike - bear testimony to the rewards of adopting and being adopted; and having the continuity, commitment, legal and social status that comes from having families that intend to provide safe, nurturing relationships intended to last a lifetime.

Challenges remain, however. There is enormous need for post-adoption services, including financial, medical, and counseling supports. Adoption disruptions and dissolutions (breakdowns before and after legal finalization respectively) do occur. More attention must be given to the preparation of children and families, appropriate matching of children and families and, again, an array of post-adoption services.

There are numerous types of adoptions: private or independent, kinship, stepparent, and international. However, adoptions for children in the custody of public child welfare agencies is the primary focus of the discussion of adoptions in this Foster PRIDE/Adopt PRIDE program. And as stated in the PRIDE Model of Practice, while foster parenting is making a commitment to be meaningful to a child’s lifetime, adoption is a making a lifetime commitment to a child.