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The Case for Permanent Foster Care

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This article reviews historical developments in the social institution of foster care, leading up to the permanent planning revolution and current family preservation policies in the United States. Success rates of adoption, family preservation, and family reunification programs are examined, and a rationale for the inclusion of "permanent foster care" as an option for children is presented. Permanent foster care has several advantages: 1) it is federally and automatically funded; 2) it can lead to increased supervision of foster parents; 3) it creates more permanence for more children; 4) it promotes attachment through ensuring both child and foster parent stability. Models for permanent foster care already exist, in long-term foster care arrangements for special-needs children, and in subsidized adoption.

Foster care is always a temporary solution to a crisis of family disruption. The worker plans for a permanent home situation for the child either by reunification with the natural family or through initiating steps to free the child for adoption (Kamen & Gewirtz, 1989, p. 190).

There are more than half a million children in foster care in the United States today (Child Welfare League of America, 1994). Unfortunately, for thousands of them, in stark contrast to Kamen's characterization, foster care has proved to be anything *but* a temporary solution. This paper will discuss the history and efficacy of current programs and policies intended to create more permanence for children, and will explain why we should begin to consider "Permanent Foster Care" as an option for meeting the long-term needs of dependent children today.

Background

The history of foster care is a long road that spans many centuries and winds back and forth through a number of tried-and-failed methods of caring for children. Slingerland (1919) found the earliest mention of legally placing children outside their homes in the Talmud, which discussed placing dependent Jewish children in selected homes. The main method for caring for dependent children up through the 15th century had traditionally been an informal version of the orphanage. However, the practice of child-placing could be seen in some pockets of the Old Country. For example, through the Middle Ages, the Church placed children whose parents had been killed by the Emperors in the homes of worthy widows, paying for it through money collected from their congregations (Slingerland, 1919).

In 1562, a for-profit system of child placement was created in England and later imported to the Colonies (Costin et al., 1991). Though not called it by name, this was really a form of child indenture, in which poor, orphaned or illegitimate youths were given or sold to a family and a trade taught them in return for their work. Unpleasant as this might be for a child, it was preferable to the alternative, the almshouse, where children lived alongside the insane, criminal, and disabled in horrible conditions. The only other available help, outdoor relief, was not utilized by most families, as it was unpopular with the masses, hard to obtain, and paltry when obtained.

In the 19th century, new approaches to caring for children arose. Institutions for blind, deaf and mentally deficient children set the precedent for the establishment of the more formal orphanage system which dominated for the next hundred years, and in which, for the first time, parents were required to surrender parental rights in order to obtain services for their children. In 1853, a New Yorker, Charles Loring Brace, founder of the Children's Aid Society, declared his intention to "relieve the city of its youthful pauperism" (Brace, 1872, p. 227) by placing children in the homes of Western or Southern farmers and tradesmen, where their labor was needed. Known as the Free Foster Home Movement, this innovation also bore a striking resemblance to indenture. Eventually, Brace's practices were criticized for poor

record-keeping, breaking of family ties, and lack of investigation and follow-up supervision of potential adult caregivers, as well as for insisting that minors be placed only in "good Christian" homes (Costin et al., 1991).

Criticism of the Free Foster Home Movement was productive in that it led to the first national dialogue about the safety and well-being of foster children. State-supervised systems of foster care were set up in the late 1880's, signaling the beginning of the codified foster care system that survives to this day. The Social Security Act of 1935 and subsequent amendments provided funds in the form of entitlements to all children in foster care. During the next three decades the number of dependent children stabilized; between 1933 and 1961, the foster care population increased by only two thousand children, from 242,000 to 244,000 (in point of fact, this was actually a decrease, since the population of the United States as a whole was increasing at a much faster rate during this period). However, the 1960's and 70's saw a dramatic increase, to a peak of 503,000 children in 1977, following the passage in 1974 of the Child Abuse Prevention and Treatment Act, which required health professionals and teachers to report suspected child maltreatment (Pelton, 1989). In 1980, Congress attempted to stem the tide through passage of the Adoption Assistance and Child Welfare Act (PL 96-272). This statute, aimed at restructuring child welfare services through incentive funding, brought into being the movement known as Permanency Planning.

The Permanency Planning Revolution

Maluccio et al. (1986) have defined permanency planning as "the systematic process of carrying out, within a brief time-limited period, a set of goal-directed activities designed to help children live in families that offer continuity of relationships with nurturing parents or caretakers and the opportunity to establish life-time relationships" (p. 5). Essentially, permanency planning meant that agencies now would make it a priority to find each child a permanent living situation. The intention was to decrease the number of children lingering in foster care for long and indefinite periods, elevate their legal status through permanent arrangements, and give them the opportunity to attach to a committed caregiver, be it the natural parent or a substitute.

PL 96-272 also mandated that agencies offer a range of services, so that foster care would be only one, and hopefully, the last resort for dependent children. Thus, for children whose parents retained custody, family support services were created or expanded, in the form of Family Preservation programs (intended to prevent the removal of the child from the home) and Family Reunification programs (intended to expedite and ease the return of the placed child back into the home). For children whose parents had either died, abandoned them, or had their rights terminated, adoption would be more aggressively pursued by the agency than it had been in the past.

Has Permanency Planning Worked?

At first glance, the above programs, designed to bring more stability to children's lives, might appear to have been successful. Between 1977 and 1982, the median length of continuous time a child spent in foster care was reduced from 2.4 to 1.7 years (Jost, 1991; Tatara, 1993). However, a closer look at each of these programs reveals flaws in design and implementation that lead one to wonder whether the end result has been more stability or more disruption for children.

Family Preservation

There is no doubt that the number of children in foster care declined dramatically in the five years following the passage of PL 96-272. However, as Pelton (1989) points out, this was the result of agencies returning children to their homes more quickly rather than preventing them from entering foster care in the first place. Rzepnicki (1994), reviewing findings from several controlled studies between 1986 and 1990 concurs with this assessment, concluding that "the promise of placement prevention has not been achieved; comparison group placement rates are typically similar to those of the family preservation programs" (p. 456).

Family Reunification

Pecora et al. (1992) report that as many as two-thirds of children in foster care are eventually reunited with their families. However, the conditions under which reunification occurs are crucial, as returning children to their homes precipitously can

have unintended consequences. In 1990, the same year that 407,000 children were reported to be in foster care, Tatara (1992, 1993) found that 617,000 children had experienced foster care *some time* during that year. This means that too many children (up to 25% in Tatara's estimate) enter, exit, and re-enter the foster care system within a single year.

Realities of the system itself also impact on quality of care and implementation of policy. When workers are burdened with caseloads of 50–80 children (as opposed to the caseload of no more than 28 cases recommended by the Child Welfare League of America); when they are undertrained (a 1992 examination by Hess et al. of 62 unsuccessful reunifications revealed that half of the workers making decisions about whether or not to reunite a family had six months experience or less with the case); when turnover rates continue to climb (73% of the families in that same study had worked with five or more consecutive workers), professional helpers cannot furnish families with the kind of longterm support and expertise they need in order to turn their lives around.

Instead, caseworkers attempt to live within the guidelines of permanency planning policy, even when doing so is not in the child's best interest. In the study cited above, workers explained the resulting unsuccessful re-entry of many children back into foster care thusly: "We are required to return children home at least one time before we can consider any other plan" (p. 308).

Adoption

Jost (1991) describes the Child Welfare Act as a law "specifically aimed at promoting adoption and reducing the number of children in foster care" (p. 709). Albeit well-intended, the statute has not had the desired effect. Between 1982 and 1988, years in which the foster care population escalated (VCIS, 1992), there was a steady decline in the number of children adopted out of foster care (Tatara, 1992). Even more recently, Brenda McGowan, professor of Social Work at Columbia University, noted that only eight percent of children in foster care are eventually adopted (1991).

The growing disparity between children in need and available adoptive parents reflects a number of demographic factors:

changes in who uses foster care (more parents who are poor, minority, and/or drug-users, and more children with emotional, behavioral and/or physical problems), as well as general socio-economic trends (unemployment, cuts in preventive services, reductions in public housing, and the return of potential foster/ adoptive mothers to the working world). All of these trends combine to contribute to a shrinking pool of available adoptive parents for the neediest population of children.

We also need to consider how agencies have implemented adoption policy in the name of permanency planning. A child is placed in a foster home. Within six to eighteen months, the worker must have a permanent, written plan for that child. To achieve this goal, the caseworker begins to pressure the foster parent to make a decision: do they want to adopt, or risk having the child removed from the home and placed into another, "pre-adoptive" foster home? Foster families forced to make difficult decisions under duress can make choices that result in disaster for the child, whether it be through removal to a pre-adoptive foster family (where the whole cycle begins again) or through a hasty decision to adopt that later ends in adoption disruption. In fact, Pelton (1994), reports that adoption disruption rates increased dramatically from the 1960's to the 1980's.

The Problem, Restated

The average length of time a child spends in foster care today in the United States is again creeping past the two year mark (some local estimates are even higher; a 1994 New York Times article reported that half of New York State's foster kids had been in care for more than *three* years). When we balance these statistics with studies that show that once a child is in foster care for over 18 months, their chances of being adopted diminish considerably (Mass & Engler, 1959), the urgent question of what to do for increasingly large numbers of unadoptable foster children comes into clear focus.

The Solution: Permanent Foster Care as an Alternative

Because permanent foster care is not official policy at child welfare agencies today, it is not an option for meeting the long-

term needs of many foster children. (The only population of chil-
dren for whom long-term foster care *is* officially sanctioned are
those with special needs, an exception I will touch on later). Cer-
tainly, permanent foster care has its dangers and drawbacks, not
the least of which are valid concerns that it could lead children
back down the path towards foster care drift. However, with
experts agreeing on the fact, if not the causes, of the failures of
family support services, and with more children pouring into
foster care every year (VCIS, 1991), we can no longer afford to
ignore several advantages to the idea of permanent foster care:

1- Budget. Since financing for foster care is provided through
   Title IV-E, a federal entitlement program, every child who
   enters the system automatically receives funding. In con-
   trast, funds for family support services, which require con-
   gressional approval, have not kept pace (Jost, 1991) and are
   not likely to catch up given today's political climate.

2- Supervision. In permanent foster care, as opposed to adop-
   tion or family reunification, the foster family maintains a
   legal relationship with the foster agency. Thus, supervi-
   sion and psychoeducation for foster parents are built-in,
   resulting in better quality care for children.

3- Permanence. A child would have more sense of perma-
   nence with a foster family with whom they knew they
   would be placed permanently than they have now in tem-
   porary foster homes, or than they would have in cases of
   adoption disruption or failed reunification. A follow-up
   study of the Oregon Project (Lahti et al., 1978) indicated
   that the perception of permanence on the part of the child
   and the family was the best predictor of a successful ad-
   justment for the child.

4- Attachment. Permanent foster care increases the foster par-
   ent's sense of control and cooperation with the agency,
   and deepens their commitment to the child, which will
   promote attachment and decrease fears of sudden loss on
   both sides. Attachment can likewise impact on the child's
   behavior. Boyne (1978) makes this point in describing his
   experience with older foster care children who had no

identifiable problem behaviors until they were moved to a second placement.

It is time to debunk the myth that long-term foster care necessarily impacts negatively on the child. Researchers who have studied children who remained in foster care until emancipation (Fanshel & Shinn, 1978; Festinger, 1983; Kadushin & Martin, 1988) report that these young adults have about the same success rate as the general population, that they tend to leave care "in relatively good condition", and that those who stayed in one setting fared better than those in multiple placements.

Conclusion

Permanency planning for children is an admirable goal. In a similar vein, keeping biological families intact should be a chief aim of any child welfare policy. Historically, families have been able to step in to help each other in times of crisis. However, the families of today are not the families of the 1930's, 50's, or even 70's. The current foster care system's ideology is embedded in the past with its faulty presumptions that people with ever more complex lives will want to care for children with ever more complex needs without being paid for it.

A precedent in policy has already been established, in that special needs children *are* permitted to stay permanently with a foster parent who can meet those special needs. Subsidized adoption, wherein agencies make short or long-term payments to adoptive parents, is another alternative which has helped many older, minority, and special needs children to gain more permanence. However, there are still thousands of children in foster care, in need of stability but not yet released for adoption, who fall through the cracks.

In their widely read book, *Before the Best Interests of the Child* (1979), child experts Goldstein, Freud & Solnit posited that a young child has a different sense of time than an older child. Therefore, they noted, if the foster placement continues beyond the time in which the young child can retain emotional ties, separation can be harmful. According to Goldstein et al., a child under three years old is not able to sustain an emotional tie to the original caregiver beyond a period of one year, and therefore

would be better off staying with his or her foster parent, to whom they have already bonded, than reuniting with a natural parent, to whom they no longer have emotional ties.

Between the time it takes to terminate parental rights, have the new, perhaps third or fourth, caseworker get up to speed, and deal with constant court backlogs and reschedulings, most young children today are in foster care for *at least* one year. Right now, through Title IV-E, foster care agencies already have the funds they need to give *all* of these children more permanence. Permanent foster care may appear negative when compared to some idealized fantasy version of adoption or family reunification. But for many of today's kids, it's a lot better than what's going on now.

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