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A Century of Child Placing: 1900-1998

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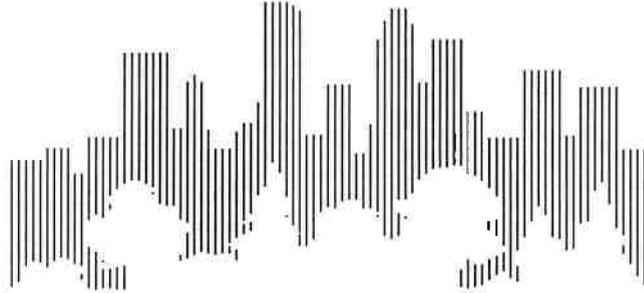
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**MASTERS IN SOCIAL WORK
THESIS**

Laurie Boros

A Century of Child Placing: 1900-1998

1999

**MSW
thesis**

thesis
Boros

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MASTER'S THESIS

A Century of Child Placing: 1900-1998

by Laurie Boros

MASTER OF SOCIAL WORK
AUGSBURG COLLEGE
MINNEAPOLIS, MINNESOTA

CERTIFICATE OF APPROVAL

This is to certify that the Master's Thesis of:

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has been approved by the Examining Committee for the thesis requirement for the Master of Social Work Degree.

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ABSTRACT

A Century of Child Placing: 1900-1999

Laurie H. Boros

May 25, 1999

The following historical study explored and analyzed the policies in child welfare from 1900-1999 with a special emphasis on the last twenty years. The research attempted to discover common ideologies from the last century and to compare and contrast modern day child welfare practices to the turn of the twentieth century child welfare practices. Using content analysis, this qualitative study examined historical and current documents in search of common factors in the last century in the field of child welfare and the placing out of children.

The data revealed areas in the field of child welfare that have been present throughout the century and areas that have recurred time and again. Those areas are; The use of volunteers in this field, large caseloads, prevention, collaboration, confusing agencies within the system, removal from home based on income and the confusion over which agency has jurisdiction or responsibility. I believe if social workers are aware of social work's historical background it can help us in our current practice of working with families and the legal system.

TABLE OF CONTENTS

Chapter I	
Introduction.....	3
Framework.....	3
Statement of Problem.....	5
Time Span Chosen.....	6
Time-Line.....	7
 Chapter II	
Literature Review.....	9
Pre-New Deal.....	9
Orphan Trains.....	12
Orphanages.....	16
The Era of Foster Care.....	19
Post-New Deal.....	20
The Indian Child Welfare Act.....	22
Adoption Assistance and Child Welfare Act.....	23
Family Preservation.....	25
The Adoption and Safe Families Act.....	27
Gaps in the Literature.....	32
Common Themes in the Literature Review.....	33
 Chapter III	
Methodology.....	35
 Chapter IV	
The Analysis of Common Themes.....	37
Jurisdiction.....	37
Large Caseloads.....	39
Use of Volunteers.....	40
Prevention.....	41
Collaboration.....	43
Removal from Home Based on Income.....	44
Confusing Agencies.....	46
 Chapter V	
Summary & Conclusions.....	47
Reference List.....	51
Appendix A-The Adoption & Safe Families Act.....	60

Introduction

In the twentieth century the area of child welfare in the United States has seen many changes. This study begins its focus from the first White House conference on children in 1909 to the most recent Adoption and Safe Families Act of 1997. This study will highlight the policies regarding child welfare in the last one-hundred years and the placing out of children. Those highlights include: children's placement in orphanages, orphan trains, foster homes and family preservation. It will discuss how these policies were established, and who was responsible for the laws regarding children. This thesis researched historical documents and presents an analysis of the policies enacted past and present. From this research emerged common themes present from 1900 to today.

The roots of child welfare policies are deep and far reaching. Policies established a century ago still have relevance in today's social work practice. Understanding what was happening in the field of social work and what the issues were one hundred years ago, how these issues were dealt with and the continuing struggles broadens our vision of this field and expands our choices as social workers.

Framework

In the late 1880s thousands of children wandered the streets of New York. Their parents were unable to care for them due to health problems, poverty and a number of

other reasons. Charles Loring Brace, founder of the Children's Aid Society believed these children would be better off away from the city with its crime, homelessness and poverty, living in the country with a family (Trattner, 1994). The children had to learn how to survive on the streets (McCarty, 1997). Something needed to be done to help the thousands of children fending for themselves. This scenario prompted our nation's leaders to enact policies, create boards and bureaus with children in mind.

In reviewing the history of child welfare this paper will use a historical approach in attempting to piece together events from this century for comparative analysis. This paper asks: which policies have endured? Understanding what was happening during past times helps us in obtaining a level of comprehension regarding the decisions that were made and gives us insight for current initiatives. At the turn of the century decisions needed to be made regarding the welfare of children. If parents could not care for their children, then who could and who would? These questions prompted many decisions made for children regarding their placement away from their parents. This paper will discuss what those decisions were and why and who made them.

Although this project discusses child welfare on a national level, there is a Minnesotan focus taken from local literature and discussion with a local curator, of the University of Minnesota's social welfare archives.

Statement of the problem

The area of child welfare and families is one that concerns many. Social workers can help educate our lawmakers to help them not to repeat previous mistakes. What can we learn from the past lessons and the decisions we made in the last century? With such a rich child welfare history, we adults and policy makers have a wonderful opportunity to unearth from our past and to learn from the children of today. That is the reason for this study, what have we learned from what has already been attempted?

What was life like in 1900? At the turn of the century common law interpretation regarding the parent and the child was viewed as a matter of the state otherwise known as “*parens patriae*” referring to the intervention into a child’s life from the court that acts as the protector for the dependent (Costin, 1972). Thoughts in those times were that the community and not the parent has the right to determine when the best interests of the child are being ignored. Yet at the same time there was also the belief that parents were the best providers to look after their own children and to be responsible for the formulation of their personality (Ma, 1948). This dichotomy is one that child welfare workers still struggle with today. Who is responsible for children, parents, community or the state?

As quoted from The Minnesota Children’s Aid Society publication One life at a time, the Reverend Edward P. Savage, founder of Minnesota’s Children’s Aid Society, at the first White House Conference on children in 1909 stated “the supreme right of the child to be well brought up....transcends the right of the parent” (Green, 1989, p. 10). According to legal scholar Ernest Freund in 1904, a power of trust... “The authority to control the

child is not the right of the natural parents; it emanates from the state.....” (Ashby, 1997, p.77). These differing views on child welfare characterize the confusion of the times.

Time Span Chosen

A time limit needed to be established for this project. The twentieth century encompassed many significant family value changes and the basis for many current child welfare policies. The decision was made to focus on the last one- hundred years in child welfare with an emphasis on the last twenty years. This wide sweep is critical in establishing themes pervasive in the field. With this time span not every policy could be discussed; therefore, the emphasis is on the most recent decades. To say only those issues at the forefront of child welfare were studied would also be inaccurate as we all describe what is important differently.

The literature review is divided into two categories, namely pre-New Deal and post-New Deal. The reason for this is due to the vast changes in our country before and after the depression. Prior to The New Deal orphanages were used extensively as a dropping off point for parents who needed a respite or at times for a much longer period depending on the parents circumstances. For some parents it may have been for financial reasons or possibly they had no place to live at the time and wanted to make sure their children received shelter. With the passage of The New Deal mothers were now able to provide food, clothing and a home for their children. The New Deal was essentially the demise of the orphanage.

**Time Line for the Placing Out of Children in Orphanages,
Orphan Trains and Foster Care**

- 1853-1893-----91,000 children relocated via the orphan trains
- 1880-1930-----influx of placement in orphanages
- 1914-1918 (WWI)-----beginning of modern day orphanage
- 1930-----beginnings of foster care
- 1935-----The New Deal & aid to dependent children
- 1951-----federal funding for foster care
- 1960-1975-----beginnings of foster care options
- (Laferriere, 1998).

The previous one hundred years have offered a myriad of changes in the care of children. One hundred years ago the seeds of family preservation began to take root in child welfare. Of course in 1900 many children lived and grew up on the streets. Tracking the whereabouts of parents and relatives at that time was nearly impossible. Accurate records of a child's history were difficult to maintain and locate (Mangold, 1914). Today the focus is on preventing out of home placement, preserving the family if possible, and securing permanency for children; for the recent Adoption and Safe Families Act sets short

time limits to ensure a permanent home for the child as soon as possible even when this means that parental rights must be terminated and the child placed in a relative or adoptive home. This is one ideal, with many ideas, of how to best help children who are in need of child welfare services.

The years 1900 to 1999 encompass the orphan train movement, placement of children in orphanages, up to today's most recent legislative changes for children with the Adoption and Safe Families Act signed into law in 1997. Although there were many policies and laws established in child welfare since 1900, this study intends focusing on only a few of the most notable of those affecting the entire population, namely The Adoption Assistance and Child Welfare Act and The Adoption and Safe Families Act.

The following chapter (two) discusses the history of the orphan trains, orphanages, foster care, The Indian Child Welfare Act, the passage of The 1980 Adoption and Child Welfare Act and The Adoption and Safe Families Act signed into law in November 1997. It is in chronological order and describes significant policies and laws regarding the placing out of children. The third chapter explains the methods used to complete this project. Chapter four lists and describes the themes discovered in the literature review that have been pervasive throughout the last century. The final chapter is the summary of the findings in the literature review and the common themes and the implications for the field and practice of social work.

Chapter Two: Literature Review

On the eve of the twentieth century, child welfare reformers across the states heatedly discussed the virtues of placement, the continuing role of institutions, and the increasing importance the role of the state has in family intervention. These debates helped to usher in one of the most creative and energetic eras in American child protection. According to one prominent welfare reformer, nothing less than the century of the child lay ahead (Ashby, 1997).

This literature review began with the social work abstracts, followed by searches in the psychological abstracts, and in web sites on the Internet. There are also many original documents from the University of Minnesota's social welfare archives and other sources. Those documents are; The Child and the State, The Adoption and Safe Families Act, The Indian Child Welfare Act, One Hundred Years of Public Service in Minnesota, One life at a time; Children's Home Society of Minnesota 1889-1989, and President Franklin Roosevelt outlines The New Deal. Due to the volume of information and the changes in this century, I divided the material for this literature review pre new deal and post new deal.

Pre New Deal

1900-1935

The approaches to child welfare and concepts discussed in this chapter are, the orphan train movement, the placement of children in orphanages, and the beginnings of foster care. Information derived from this literature review focuses mainly on the nineteenth-century to nineteenth-century thirty regarding the placing out of children on the orphan trains and orphanages. From 1900 to 1930 thousands of children were placed out of the home in this manner (Olasky, 1996). Although children were placed on orphan trains prior to nineteenth-century, this paper highlights the twentieth century only. Many changes regarding children's rights took place during this time, not only on the national level, but state and county levels as well. Several of these laws and philosophies are what our modern day child welfare practices are built around. At the turn of the century a great number of changes in child welfare stemmed from volunteer groups; these organizations began to advocate and promote children's rights (Ma, 1948). On the national level the White House Conferences on Children dated 1909 and 1919 were the hallmark for changes in child welfare. In 1909 President Theodore Roosevelt invited 216 child welfare workers to attend the two day white house conference on children (Bremmer, 1974). President Roosevelt's opening comments at the conference regarding the welfare of children included:

"My own belief is that the best kind of permanent provision, if feasible, is to place that child in a home. We then have to meet the case,--one of the most distressing of cases-- where the father has died, where the breadwinner has gone, where the mother would like to keep the child, but simply lacks the earning capacity. Surely the goal in such a case, the goal towards which we should strive, is to help that mother so that she can keep her own home and keep the child in it; that is the best thing

possible to be done for that child" (Charities and the Commons, 1909, p.767).

The following are remarks made at the 1909 White House Conference on Children by Mr.. Michael J. Scanlan, President Catholic Home Bureau for Dependent Children, New York. Mr.. Scanlan states,

"The question now under discussion, as I comprehend it, is substantially this: should workers in the field of charity make extraordinary efforts to preserve the family; should the children of those in destitute circumstances be kept with their parents or be taken from them and brought up elsewhere. In other words should the family of those who have the misfortune to be poor be preserved rather than destroyed" (Charities and the Commons, p. 359).

The nation appeared to agree with this philosophy of family preservation, and further believed that the community should be responsible with providing help to families not the government (Bremmer, 1974). Taken from Ashby's book entitled Endangered children, some people of the progressive era stated: " home life is the highest and finest product of civilization, an ideal popularized at the 1909 White House conference" (Ashby, 1997, p.79).

The nation fell short of the goal to preserve the family immediately after the White House conferences. The idea took shape but the foundations to enact it would take more time to establish. World Wars I and II and the great depression of the 1930s interfered. Volunteer groups were the ones instrumental in the opening decades of the twentieth century in addressing the needs for laws based specifically on children.

Orphan Trains

The turn of the century was the height of the orphan train movement. The orphan trains were established by Reverend Charles Loring Brace in 1853. He also founded the Children's Aid Society. The initial focus of the organization was to clothe, house and provide education to homeless youth in New York City. However the need was greater than the society could provide (Patrick & Trickel, 1997).

This influx of homeless youth was caused by many factors namely;

-parental death

-disease

Yellow fever

Cholera

Typhus (Simpson, 1987)

-industrial accidents

-starvation

-war

-neglect

-abandonment

-prostitution

(Dipasquale, 1998).

According to Charles Loring Brace, these children were known as street rats. They could be seen on the streets stealing and begging for food, some to bring home for the family and still others for survival. According to McCarty, the children would sleep in old sheds, down by the docks, even in hay-barges or any place they could find. They were only children and kept life together for themselves by begging, stealing and finding odd jobs (McCarty, 1997). Charles Loring Brace devised a plan to remove these children from the streets to homes in the country where they could be educated and live in a family setting. In 1854 the first trains began, this policy of child placing lasted until May 31st 1929 when the Children's Home Society sent the last orphan train with three boys to Sulfur Springs Texas (The American Experience, 1995).

What constituted a good home? One of the beliefs at the turn of the century was known as the Agrarian Myth, the notion that children would be happy and healthier away from the city breathing fresh air (Trattner, 1994). There were no licensing rules in effect or guidelines to follow. The workers needed just be a good judge of character to decide if a family was worthy of taking in children. The New York Home Society experienced great difficulty in their supervisory work and maintaining contact with the children that were placed. There were too many children to supervise as well as determining suitable homes. Information obtained from around the neighborhood was often used as an eligibility requirement. This brought about disastrous results with children's whereabouts unknown at times plus children placed in neglectful homes (Mangold, 1914).

The gradually evolving laws of the period failed to define child placement or what a good home was. It could have meant indenture, a concept originating from Elizabethan

England. The Children's Home Society's first contracts were indenture agreements. With this contract the parents agreed to keep the girls until age sixteen, boys until age 18.

Children were then given a Bible, two sets of clothes and a small sum of money (Green, 1989).

Not everyone agreed with Brace's placing out system; a formal follow up program was never established and many families had no idea how or where their children were. In Minnesota in the late 1880's over a three year period at least 40 out of 340 children dropped out of sight. Brace was also accused of child stealing. Families who wanted their children back could not re-claim them (Ashby, 1997). Some claim children were sold as slaves; there was no follow up. Brothers and sisters could essentially meet as adults, marry, have children, with no idea of their heritage. Some children's religious affiliation was changed from Catholic to Protestant, and their names were changed without consent of the parent (Langsam, 1964).

Brace founded the Children's Home Society to allow him to arrange trips, raise the money and obtain legal permission for relocating the children. Brace and volunteers visited orphanages, reformatories and areas of poverty to recruit children. Some desperate parents voluntarily brought their children to Brace in hopes of ensuring their children's survival (American Experience, 1995). It was much easier to give up parental rights in those days. In Minnesota prior to 1919 a parent could go before a notary and relinquish rights of their child (Green, 1989). The attitude of those times was that these were children of the lower class and the poor got what they deserved. They were poor because they chose not to help themselves (The American Experience, 1995). Brace's recruiting strategies included

sending out notices to Midwestern towns stating the time of the arrival of the trains. The children would be led off the train and announced to the crowd. They may or may not be chosen at any given stop, if they were not chosen then they would board the train again for the next stop. Brace believed in the Agrarian Myth; he felt it was much better to have the children out of the city and institutions breathing fresh air and a fresh life (Olasky, 1996). Grace Abbott, a social worker who was a leader in the fight for federal legislation protecting children's rights, also believed in the Agrarian Myth. She was head of the Children's Bureau in the Department of Labor from 1921-1934 (Biography, 1998). Abbott felt "the best of all asylums for children is that of the farmers home" (Abbott, 1938, p.138-144).

It is estimated that 150,000 to 400,00 children were relocated on orphan trains lasting seventy five years (McCarty, 1997). The Children's Home Society promised to check in with these children at least twice a year and asked the children to send an occasional note regarding their status (Green, 1989).

Tracking these children was an important responsibility for the Society as biological parents may have wanted to locate their children at some point. It was also important to verify the children's upbringing and that they were being provided for by their foster parents. Case management of these children was minimal. The idea of case management was not a new concept for the Society, but the unmanageable caseload size was. Since visits of twice a year were expected, this became unmanageable with a caseload of 230

children per worker (Ma, 1948).

Orphanages

Children were placed in orphanages for much the same reason as they were on orphan trains; their parents were either unable to care for them or they were indeed orphans. The term "orphan" is a misnomer, as many of the children had one or both parents still living. In Minnesota at the Minnesota home school in Owatonna statistics substantiate this fact.

Owatonna Orphanage, children placed up to 1912;

-parents living	-----54.8%
-half orphans	-----40.0%
-orphans	-----5.2%

Total children handled 4,577(Mangold, 1914).

Many of those children were placed during time of war or due to economical reasons. They may have stayed for a few months or up to a few years depending on the circumstances. The term orphanage brings to mind a bleak, cold, dark structure and, yet without it many children would have suffered greatly and become the truly wretched of the earth. The plan was to feed, cloth and educate the children much the same as the expectation for children on the orphan trains. Wm. P. Leathworth, commissioner of the New York State Board of Charities in 1875 documented in 470 pages of detailed notes,

that the values instilled in children placed in orphanages were thrift, self-reliance and sobriety and a capacity for hard work (Olasky, 1996).

The White House conferences on the care of dependent children in 1909 and 1919 began to change the thinking that the orphanage was the best place for a child. The 1919 conference stated "the carefully selected foster home is for the normal child the best substitute for the natural home" (Olasky, 1996, p.8). Despite this ideal, at the height of the orphanage movement in 1923, 143,000 children were in placement (Olasky, 1996).

During this same time in Minnesota the Minnesota legislature passed a law establishing a state school in Owatonna. The purpose of the state school was to provide temporary shelter for dependent children until a permanent placement could be made. Children who were abandoned, neglected or abused were admitted to the school. Parents could surrender their child to the school without court intervention, and the child could be returned to their parents once they could support and educate them. Admission to the "state" school relinquished the county from further support of the child. The state school in Owatonna became the common place institution to bring dependent children to for the next fifty years (Ma, 1948). Ma states in the Publication, One hundred years of public service in Minnesota, that records show, Minnesota in 1918, there were 37 institutions operating, both public and private. The state in an effort to provide common standards for all institutions implemented new requirements for all institutions. These include;

- intake and discharge facilities
- change from long term to temporary care
- change from generalized care to specialized care
- staff training

-collaboration with other child serving agencies

Though the state realized the importance of these changes, they were unable to implement them (Ma, 1948).

World War I and aftermath marked the beginning of the modern day orphanage phenomena. Attempts to prevent the separation of families became even more difficult. The new orphans more than ever before were the victims of unwed parents, immigration, abuse, neglect and abandonment. By 1930 the Great Depression had added more children to the mix. Parents who were unable to feed their children would drop them off and return for them when they were able to care for them (Laferriere, 1998). Orphans developed what has been called the orphan syndrome. This term refers to being overly polite, shy, subdued and one who follows instructions unchallenged and immediately (Anderson, 1997). Today's term for this behavior would be institutionalized.

Supporters of orphanages today argue that these are not negative qualities but appear described by critics of orphanages as such. Critics also describe orphanage life as being without a family. The definition of family can encompass many things and the children in the orphanages saw the other children and the matrons as their family. One orphan described it as "It was my place, where I was loved and respected" (Anderson, 1997, p. 1). Zmora states in her book Orphanages reconsidered, "there is no easy single solution for dependent children, orphanages were part of the continuum of care" (Zmora, 1994, p.194). The recorder from the Cleveland Jewish Orphan Asylum portray's daily life in their orphanage as being very ordered, bells and lines marked the daily routine. Children marched in columns in to the dining room and sat at long tables at meal time. One

scenario describes how two sisters walked in to the Cleveland Jewish Orphan Asylum for the first time. They were given an institutional uniform and a barber cut their long hair short until they looked like boys. According to Ashby, life in the institution consisted of obedience and duty (Ashby, 1997).

The Era of Foster Care

Although foster care did not emerge as a viable alternative to institutional care until the 1930s, foster care origins began years before. Entitled home placing, Home placing referred to retaining children in a family setting as opposed to an institutional setting, this movement was in full operation at the beginning of the twentieth century. In 1908 twenty-nine states had Children's Home Societies (Ashby, 1997). Their focus was to match families with children and to house children temporarily (Green, 1989).

Foster care is the placing of children in someone else's home. Ideally this is in a relative's home in the child's town of residence, the purpose being the least amount of disruption for the child and to keep them in a home setting and in their own school. Foster care is a temporary alternative for children while their parents struggle to overcome the reason for their children's being placed out of the home. Most children reside only temporarily with their foster parents, until it is considered safe for them to return home. A child's stay with foster parents can be as short as one night or as long as several years or more (Kids campaigns, 1998).

Once upon a time, foster care was thought of as three hots and a cot or foster care

brought to mind a cold institutional setting with little nurturing and even less love. The image of foster parenting has changed. Today foster families look like the rest of the community. They are single moms, two income families, co-parents, single dads, stay-at-home moms, and working dads. More importantly, today's foster parents provide more than three meals and a place to stay. Extensively trained and screened, foster parents help families and children work through the things that disrupted the family and help rebuild families (Franklin County Social Services, 1998).

There were many critics of foster care, many saw it as a revolving door. Critics focused mainly on foster care's threat to the rights of parents and children, still others were concerned about saving the biological family (Ashby, 1997). However, foster care has proven to be one of the least restrictive and enduring options for children who cannot remain at home.

Post New Deal

1935-1998

Less attention was given nationally to child welfare in the years 1920-1960 (Ashby, 1997). During this time the orphan trains discontinued running, and due to an introduction of mother's pension those families with financial needs could now parent their own children.

Title IV of the New Deal, aid to dependent children, provided mothers who were

deprived of their husbands support to receive cash payments (Trattner, 1994). Those monthly cash payments allowed families to once again take care of their own children, to provide their basic needs. The New Deal was described by Franklin D. Roosevelt on May 7, 1933 during one of his fireside chats. At that time the country was facing serious economic hardships. President Franklin Roosevelt described the country as dying by inches. He further stated our national institutions were foreclosing mortgages, calling in loans and refusing credit due to the decline in trade and commerce. President Roosevelt's New Deal was to create jobs, grant relief to those already in debt to spur the nations economy. Although the rise in population of children in orphanages increased greatly during the depression, the demise of orphanages was near. In 1958 for the first time more children were in foster care than in institutions (Ashby, 1997).

Child welfare was brought into the national spotlight in 1962 when the *Journal of the American Medical Association* published an article titled The battered-child syndrome. The article pointed out that more children are killed from abuse than childhood diseases such as leukemia. It further stated that these children are often abused by their caretakers, parents or foster parents (Ashby, 1997).

Twelve years later in 1974 Congress passed the Child Abuse Prevention and Treatment Act (Ashby, 1997). This law was passed in response to the public's outcry after the publicizing of the battered-child syndrome (Jimenez, 1990). The passage of CAPTA also helped to create the National Center on Child Abuse and Neglect (Pecora, Whittaker, Maluccio, 1992). Standards for reporting of maltreatment were also established at this time. The next major piece of legislation in child welfare was the passage of The Indian

Child Welfare Act in 1978.

The Indian Child Welfare Act

The Indian Child Welfare Act of 1978 was passed to remedy the large numbers of Indian children placed in foster care. The law recognized the natural and vital resource of Indian children to Indian tribes and their continued existence. In the past there had been a failure of "non-Indian agencies" to recognize the Indian culture and the important role Indian children play in the continued existence of the Indian culture. It protects Indian families from the loss of their children. In passing the Indian Child Welfare Act congress stated:

"It is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster care or adoptive homes which will reflect the unique values of Indian children, and by providing for assistance to Indian tribes in the operations of child and family programs" (Indian Child Welfare Act, 1978).

Indian children were placed in foster care at a nationwide rate 10-20 times that of non-Indian children. These children often lost all connections with their families, extended families, tribes and cultural heritage. With the passing of Public Law 95-608, (ICWA) Indian children were entitled to rights granted other children. The Indian Child Welfare

Act takes precedence over all other state laws re: Indian child welfare cases. The goal is to ensure that Indian children remain with their parents whenever possible. If that is not possible, then placement must be with the extended family, if that is not possible then with an Indian custodian of the child's tribe, then with a person of Indian descent (Indian Child Welfare Act, 1978).

The Adoption Assistance and Child Welfare Act

In response to public criticism of foster care, that children were placed out of the home too easily and their placements drifted for too long, Congress passed in 1980 the Adoption Assistance and Child Welfare Act (P.L. 96-272) (Ashby, 1997). The goal of the legislation was to reduce the high rate of out-of-home placement of children and the large numbers of children experiencing multiple placements (Fraser, Pecora & Haapala 1992). The passage of the Adoption Assistance and Child Welfare Act changed the focus from child rescuing to family preservation (Leung, Cheung & Stevenson 1994). Instead of rescuing a child by removing him or her from the family home, family preservation treats the family as a unit of intervention in an attempt to keep the child at home (Denning & Gibbons 1993). Permanency planning became the new focus in child welfare (Fein & Staff 1991).

In order for states to receive federal child welfare dollars for family preservation programs, they were required to develop programs based on these goals;

- * "Provision of placement and post placement services to keep children in their own homes or reunite them with their families as soon as possible.
- * Requirement of care plans, periodic reviews, management information systems, and other procedures to ensure that children are removed from their homes only when necessary and are placed in permanent families in a timely fashion.
- * Redirection of federal funds away from inappropriate foster care placement and toward permanent alternatives, particularly adoption.
- * Establishment of adoption assistance programs, specifically federally funded subsidies for adoption of children with special needs, such as older, disabled and minority children."(Pecora, 1992, p. 319; Fein, 1992; Pecora, Whittaker & Maluccio, 1992).

The Adoption Assistance and Child Welfare act of 1980 was signed into law with high hopes and expectations and enthusiasm. However, for a wide variety of reasons these goals were never fully realized. Socio economic changes have affected the number of families referred to child welfare agencies. The over burdened child welfare system has struggled to keep up with the increased demands. And many of these services are crisis oriented rather than preventative (ARCH, National Resource Center for Respite and Crisis Care Services, 1994).

This legislation developed in response to the growing concerns about children adrift in the foster care system; it radically changed public child welfare philosophy and policy. The

act took the position that every child has a right to a permanent home if possible, first with his or her biological parents, and if that is impossible, in an adoptive home or substitute care as similar as possible to a family. This concept was translated into the now familiar principle, least restrictive environment. Specifically this defines what level of care a child may or may not be placed in (Hartman, 1993).

Unfortunately the Reagan administration quickly backed off on promised funding. Programs that looked good on paper, i.e. The homebuilders model of family preservation, were never implemented and the revolving door of foster care to home to foster care continued (Ashby, 1997).

Family Preservation

The Adoption Assistance and Child Welfare Act of 1980 provided monies to child welfare agencies so that they could implement family preservation services. How and which families qualify for these services is difficult to assess, it changes with each agency (Bath & Haapala 1994). Literature regarding family preservation services is abundant. There have been many studies attempting to discern the effectiveness of family-based services (Bath & Haapala 1993). The studies included:

1. The key characteristics of family preservation services.
2. The origins and policy contents for their development.
3. Research findings regarding the effectiveness of family preservation services.
4. Current challenges to their continued development (Bath & Haapala 1993).

Due to the many variables when dealing with family-based services it is difficult to determine the effectiveness of these programs. There are many types of family-based services used to prevent out-of-home placements. There is a myriad of problems experienced by families who receive family preservation services (Bath & Haapala 1993). The research does show children are placed out of the home less often when family preservation services have been implemented (Smith, 1995).

One of the major problems with the existing evaluations is that they treat the children and their families as if their problems were all the same (Bath & Haapala 1994). Abuse and neglect cases are lumped together and treated as one. Sample sizes are not large enough to allow for the examination of programs. Treatment consistency, or lack of it is one of the major problems when evaluating family-based services. Different interventions require different responses. Treatment philosophies and interventions differ with agency policy and individual workers (Bath & Haapala 1994). Caseworkers have not always participated voluntarily in the process. They were not comfortable with the random selection of families to participate in an evaluation, they felt it overrides their clinical judgement (Bath & Haapala 1994). The intake process, selection phase and intervention phase cannot be controlled which results in major design problems (Bath & Haapala 1994).

A study released this year introduces a new type of recording instrument to measure the success of family preservation services. Titled, The Family Preservation Taxonomy and Recording Instrument, this new instrument measures the process of family preservation services by practitioners and programs to improve the correlation of services to family

needs and to service those outcomes (Van Grack ,1999).

We also realize the importance of reunification and how a child's development and well being are believed to be enhanced through a continuous-care taking relationship provided by biological parents (Petr & Entriken, 1995). Also important to a child's development are the child's culture, identity and traditions found in their biological home (Germain, 1991). Although most family-based services aimed to prevent placements, reunification projects were developed and studied later.

The next major piece of legislation in the area of child welfare was the passage of the Adoption and Safe Families Act of 1997. Passed with the intentions of moving children in the child welfare system to permanency more quickly than any other legislation passed previously.

The Adoption and Safe Families Act

We have put in place...the building blocks of giving all of our children what should be their fundamental right, a chance at a decent safe home; an honorable, orderly, positive upbringing; a chance to live out their dreams and their God-given capacities.

President Clinton,

November 19,1997

On November 19, 1997 President Clinton signed into law The Adoption and Safe Families Act; it represents the first major reform of the nation's foster-care and adoption

system since 1980 (ICLE Online, 1997). This new law shifts the emphasis of child welfare policy set by the Adoption Assistance and Child Welfare Act of 1980, when research indicated many children had been placed in foster care unnecessarily in the 1970s (Russakoff, 1998). The law defines the health and safety of children served by child welfare agencies as the most important, and promises to move children in foster care to a permanent home more quickly (NASW on-line, 1997).

There was much debate by lawmakers during the establishment of this law. It was admitted that some judges and local officials had widely misinterpreted the 1980 law and were making unreasonable efforts to keep children with unfit parents. It was believed that children were wasting away their youth in foster care. In 1987 the median length of stay in foster care was 15 months; this had increased to two years by 1994 (onhealth, 1998).

This new law defines instances where reunification efforts are not required (The White House at Work, 1997). Reasonable efforts are not required in the following circumstances;

- ▶ “The parent has subjected the child to “aggravated circumstance” as defined in state law (including but not limited to abandonment, torture, chronic abuse, and sexual abuse);
- ▶ the parent has committed murder or voluntary manslaughter of another child of the parent;
- ▶ the parent has committed a felony assault that results in serious bodily injury to the child or another one of their children; or
- ▶ the parental rights of the parent to a sibling have been involuntarily terminated”

(Child Welfare League, 1997, p.3).

This new law will assist state efforts to balance family preservation and reunification with the health and safety of a child. However, the legislation contains significant mandates in addition to fiscal incentives for states. Many states will need legislation to conform current state adoption and child welfare statutes to the new federal law. Key provisions of the law include:

- ◆ a requirement that states initiate termination proceedings for all children who have been in foster care for 15 out of the most recent 22 months;
- ◆ a requirement that a permanency planning hearing be held at 12 months after a child enters foster care, rather than 18 months as in current statute (National Conference of State Legislatures, 1997).
- ◆ Re-authorizes and expands Family Preservation and Support Act adding \$60 million dollars over three years.
- ◆ Requires that states must make reasonable and timely efforts to find adoptive homes or other permanent placements for children when efforts to reunify them with their birth families would place their health and safety at risk (Adoption Policy Resource Center)

It also requires agencies to document and measure outcomes to services to families as stated in the following excerpt from the actual law itself.

"SEC. 203. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

(a) Annual Report on State Performance.--Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479A. <<NOTE: 42 USC 679b.>> ANNUAL REPORT.

"The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall--

"(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

"(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

"(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system; (**Adoption and Safe Families Act**

1997).

As Bath and Haapala state, the effectiveness of family preservation is nearly impossible

to measure (Bath & Haapala 1993). Agencies will need to devise a plan to account for their services and outcomes of those in their work with families. This new approach of quicker terminations will be a switch for current child welfare workers who have been providing permanency planning concepts in their work with families. Front-line workers in child welfare agencies tend to be discouraged by performance based measures that tend to evaluate performance based on tragedies rather than successes (Usher, Wildfire & Gibbs, 1999). Research also tells us that reunification is important because a child's development and well being are believed to be enhanced through a continuous care taking relationship provided by biological parents (Petr & Entriken, 1995).

Critics state The Adoption and Safe Families Act changes the federal family preservation program's name, but makes no significant investment in reunification services or needed training of child welfare and court staff, according to children's advocates at NASW and elsewhere. The 1980 federal law directed states to make reasonable efforts to reunite foster children with their biological parents before courts severed parental rights (NASW, 1998).

Minnesota's response to The Adoption and Safe Families Act is even more of a refinement. Although it is much the same as the original act, there have been a few changes worth noting. One example is, according to the federal act a permanency hearing must be held in thirty days if no reunification efforts are required. In Minnesota a permanency hearing or a termination of parental rights must be held within thirty days if no reunification efforts are required. Minnesota also cites egregious harm to a child as a basis to refuse reunification efforts. Minnesota also requires concurrent permanency planning

for children while in placement, whereas the federal act allows for reasonable efforts to be made for reunification along with a permanent placement away from the parents.

Minnesota's plan does allow a longer than six month period for a permanency hearing if the parents are following the case plan and grounds for termination do not exist. The federal act has no such language in it.

On April 9th, 1998 Minnesota became the first state to pass legislation to re-introduce state run boarding schools for poor children. These schools are intended to be a combination of a preparatory school and orphanage and will be called residential academies. Minnesota's former Governor Arne Carlson, himself a child who grew up in a boarding school, believe this approach to be preventive, stating "we cannot assume every kid has a perfect home" (Washington Post, 1998, p.A6). He believes moving children away from dysfunctional homes and neighborhoods can steer them away from foster care and the juvenile justice system. Minnesota intends to build three facilities housing from 150 to 900 school children for this exact purpose (Washington Post, 1998).

As noted earlier, this is a well documented topic, articles chosen for this literature review were those most descriptive and relevant to this project. During the research and documentation of the literature a number of common themes emerged, these themes will be the focus of the chapter IV and include; jurisdiction, large caseloads, use of volunteers, prevention, collaboration, removal from home based on income and confusing agencies.

Gaps in the Literature

A problem with historical research is the loss of important documents that happens over time. Also when the search needs to be limited, certain key events may be left out. With any literature review there is always the possibility of overlooking information. There is also conflicting historical information. I located two different sources and locations acknowledging the last orphan train arriving in their town on similar dates. One in Trenton Missouri and the other in the Midwest (McCarty, 1997). Also, the mass amount of information available to us from the world wide web was still such a new concept and difficult to ascertain their source and authority. Much more information is available at our fingertips yet the sources may be questionable.

This literature review chapter encompasses the body of the texts, the common themes have emerged from information attained from that search. It is current in describing present child welfare policies and turn of the century child welfare policies.

This paper embraces an extensive period of time covering many policies. Laws on the state, national and county level may all be different. It would be impossible to list all of those. What were considered the highlights of the time and common themes, as derived from the literature review are included in this thesis.

Common Themes in Literature Review

For purposes of this study in which the question is asked: Based on our present and past policies; which policies have endured? The literature review pinpointed a number of common themes present in policies one-hundred years ago and up to the present. The

choice of these common themes was grounded in my own work in the field of child welfare. While researching and reading for the literature review a number of themes emerged based on my own history in this field and concepts I had become familiar with based on my fifteen years of experience in the child welfare field. The following is a list of those themes.

- * Who had jurisdiction, parent vs. government
- * Large caseloads for social workers
- * The use of volunteers
- * Prevention
- * Collaboration and coordination with other agencies
- * Children removed from their parents due to poverty
- * Confusing agencies, boards, committee's, all doing similar tasks

Chapter III: Methodology

A historical framework was chosen for this paper, meaning a number of the primary sources are dating back to the year 1900. Those sources are The Child and the State, The Adoption and Safe Families Act, The Indian Child Welfare Act, One Hundred Years of Public Service in Minnesota, One life at a time: Children's Home Society of Minnesota 1889-1989, and President Franklin Roosevelt outlines The New Deal. These sources keyed in on what was relevant for families one hundred years ago and up to the present with a special emphasis on the last twenty years. Relevance can be defined as what families were struggling with in the turn of the century. This may have included, but not limited to, living in poverty, disease, one or zero parents at home, street living, hunger and many other difficulties.

The aspiration was to place myself into that point in time to try to understand the laws of the period and how they were enacted and possibly implemented. Plus, how were families affected by these changes and how did social service agencies execute these changes?

There are many laws regarding children that could not be listed within this study. This includes state and national as well as county laws. Due to the enormity of the topic and vast time span chosen, only the most influential laws were chosen to be studied.

Sources for the literature review were collected from sites on the world wide web, social work abstracts, psychological abstracts, primary sources from the University of Maryland and the history of social work archives at the University of Minnesota. The literature is made up of primary, secondary and curator sources. There are numerous documents

relating to this issue, but with the passing of time primary sources are more difficult to locate. Fortunately the topic of child welfare is well documented and sources plentiful.

Common themes were identified within the literature review with sources available for citation, and based on my 15 years of experience in the child welfare field. Although there may be many themes throughout the paper, only those able to be cited, and based on my judgement were expanded on in chapter IV.

Chapter IV: Analysis of Common Themes

A number of common themes emerged from the review of the literature. In this chapter each of those themes will be discussed in detail. Since the focus of this paper is on the analysis of public policy, identifying what has changed and what remains constant in this sometimes confusing field of child welfare, could be a great learning tool for policy makers and social workers.

Jurisdiction: The term jurisdiction is defined as: the limits or area of one's authority (New World Dictionary, 1979). Most children live with and are raised by their biological parents. Not all children are best served by living at home. Some children may be abused and need to be removed from home and still others' delinquent behavior may cause them to be placed outside of their home. When this happens today the state is required to make a decision regarding custody of each child.

Over the years opinions regarding responsibility for child saving have see-sawed. In 1889 Dr. Hastings Hart of the Minnesota State Board of Charities stated "we do not consider that it is the providence of the state to bring up children but simply to take charge of them temporarily" (Green, 1989, p.14). In 1901 the ideals of that time believed that the parent had absolute control over the destiny of the child. A quote from the Minnesota's Children's Home Society publication titled, One life at a time describes what advocates for children's rights were vocalizing "the supreme right of the child to be well brought up transcends the right of the parent" (Green, 1989, p.10). Although advocates were pushing

for children's rights, they did not want government overly involved in the process (Green, 1989).

In the years that followed, the state began to see its responsibility towards children's rights. In 1917 the Child Welfare Commission of Minnesota recommended the following: "that the state is the ultimate guardian of all children who need what they cannot provide for themselves and what natural legal guardians are not providing" (Ma, 1948, p. 87). Based on the recommendations of The Child Welfare Commission the 1917 Minnesota legislature for the first time passed legislation stating the state is ultimately responsible for all the children within its boundaries with regards to dependency, neglect or other threatening conditions (Ma, 1948). During this same time the federal children's bureau was being established to protect a right to childhood. Sentiments of the times were that child protection is a moral and practical endeavor that should be undertaken by all citizens and their governments (Lindenmeyer, 1997).

According to the Minnesota Children's Code [1917 legislative session], any person aside from parent or relative is prohibited from assuming responsibility of any child removed from their home unless authorized by the state (Ma, 1948). The pendulum was swinging in the direction of the state having the ultimate responsibility over children. The community, not the parent was now the watchdog in determining when the interests of the child are being ignored or inadequately protected (Ma, 1948). The Children's Code of 1917 set guidelines for the termination of parental rights. Prior to 1917 any parent could go before a notary and sign a release relinquishing the child to society's care (Green, 1989).

Today some say the state has gone too far with its authority, that children are removed

from home needlessly, and parents have no rights where their children are concerned (Ashby, 1997). Opponents to the state's authority say that child protection social workers are intoxicated with power. Parents are beginning to fight back, groups such as those advocating for legislation such as the 1996 Federal Parents' Rights and Responsibilities Act are developing. The main purpose of the legislation is to protect the right of parents to direct the up bringing of their children as a fundamental right, while defining the responsibilities of parents to provide for the education and health care of their children. As of 1996 twenty-eight states had introduced similar legislation advocating parental rights (The New American, 1996).

Large caseloads: Social workers have historically had caseloads of unmanageable sizes. The effectiveness of social work case work in supervising out of home placements has come into question due to the amount of families each worker has to manage. The success of any placing out system depends on the qualifications of the worker and the size of their caseload. If they are unable to manage the amount of work, then items will be overlooked and mistakes may be made (Ma, 1948). Initially many agencies hired un-paid staff to oversee out of home placements. In 1890 the caseload size for one worker who oversees children at the Minnesota home school was 239 children. He was the sole worker at the time. By 1916 five workers had been hired each having a caseload of 250. The question of caseload sizes continues to be an on-going struggle for child welfare workers.

The following is an excerpt from North Carolina's 1997 Legislative session regarding large caseloads: The nationally recognized standard in foster care and adoption is 15

children per social worker. North Carolina's state average is 34 children per social worker. Large caseloads in the foster care and adoption system hinder the ability of social workers to move children from the foster care system into safe, permanent homes. Foster care and adoption case overloads also result in increased costs for the counties and state (North Carolina Child Advocacy Institute, 1997).

Unmanageable work loads are typical in this field. With the help of collaboration some of the load is being transferred to associated agencies. With the lack of funding alternatives creative approaches needed to be initiated to insure services to children would be achieved.

The use of volunteers: Throughout the twentieth century child welfare has relied on volunteers. A volunteer is one who chooses to act in recognition of a need with an attitude of social responsibility and without expectation of monetary reimbursement (Connecting points, 1997). After 1900 many voluntary organizations began popping up in Minnesota, a number of those were interested in children's rights. Some of the important changes to the field were brought about by volunteer groups; one example is the establishment of a training school for delinquent girls which was pushed by the woman's club. The Minnesota Children's Code of 1917 came about from a commission of volunteers appointed by the governor (Ma, 1948). The Minnesota Children's Home Society relied greatly on volunteers. Although the society was seen as progressive in advocating for children's rights due to its professional staff, they still used volunteers in many areas (Green, 1989). These are just a small example of how volunteers helped to establish some of the modern child welfare practices being used to this day.

Volunteers can take action before institutions and governments are willing to offer services. As such, volunteers are pioneers and experimenters, unlimited by the restrictions of tradition, public statutes, need to make a profit, or availability of initial funds (Ellis & Noyes 1990). Although volunteers are unpaid labor, they should not be defined as un-educated or unskilled; many volunteers have a wide variety of skills to bring to the field of child welfare.

President Clinton describes volunteerism in one of his speeches 1997. Citizen service is a vital force in American life, helping to build a stronger sense of community and citizenship and engaging Americans to meet the obligations we all share. Last year more than 90 million American's volunteered in some form of community service (Rainbow, 1997).

Volunteers have always played an important role in county government. In recent years, that role has expanded as counties address local needs with the expertise and commitment of their citizens. By establishing volunteer programs, counties provide services in a cost-effective manner and citizens have an opportunity to more fully participate in their local government (Naco, 1998). With costs for child welfare services skyrocketing volunteers can continue to fill a vital niche in children's services. Yet, over reliance on volunteers or non-professionals has hindered the field of social work in that it is seen as non-professional. Overuse of volunteers can also contribute to dangerous care for children and families.

Prevention: The buzz word for the eighties. With the passage of The Adoption Assistance and Child Welfare Act, P.L. 96-272, monies were made available to child placing agencies for the prevention of out of home placements and the preservation of the family, although

some refer to this act only as a paper commitment since promised funding never materialized (Ashby, 1997). Prevention was a key issue during the 1909 White House Conference on Children.

At the turn of the century when the state was seen as having ultimate authority over the rights of the child, another principle was also taking shape: that the parents are naturally the best person to look after the welfare of their children and the most important with their personality development. On the basis of this belief the state also began to see the benefit of preserving home life for every child.

Ideas from the mid-twentieth century sound vaguely familiar today. Early in the twentieth century when juvenile delinquency was on the rise and the current approaches useless, institutions were seen as providing a band-aid to the problem. Alternative approaches to expensive and lengthy treatment were needed. Prevention of juvenile delinquency through early diagnosis, taking a community approach, involving families, schools and enriching community life were seen as first considerations to placing out (Ma, 1948).

With a new administration in the White House, today millions of monies have been allocated for family preservation in hopes of preventing abuse and out of home placements (Winterfeld, 1995). Critics of family preservation call in-home workers nothing more than sanitized friendly visitors (Ashby, 1997). This term was common after the turn of the century when social workers were described by some as friendly visitors. These friendly visitors would enter the home to determine if any men were living at the residence, especially if the lady of the house was receiving assistance from the state or the county.

Family preservation workers in the last two decades are now required to be educated and licensed. Regardless of the pros and cons regarding family preservation, the system has slowly begun allocating more funds for prevention.

Collaboration and coordination with other agencies: The buzz words for the nineties.

Prior to collaboration many agencies were autonomous yet provided much the same service and competing for clientele. With the lack of funds agencies realized they needed to work together, not competitively if they wanted to receive federal or state funds.

At the first white house conference on children in 1909 one of the ideals the participants came away with from the conference was for child-placing agencies to work cooperatively. One of the recommendations to the 1917 Minnesota State Legislature relating to juvenile delinquency recommended cooperation between the State Board of Control, the county welfare boards and the conference of probate judges. This collaboration was expected to spread the spirit and methods of the true juvenile court (Ma, 1948).

Around this same time the state was attempting to unify standards for their child serving institutions. To improve recreational services in institutions the Children's Bureau brought together the Northwestern Pediatric Society, The Infant Welfare Society and The National Recreation Association. Another collaborative effort mentioned at this time was the sharing of a social worker with the child-placing agency and the institution (Ma, 1948). These distinct forms of collaboration are some seventy years old.

Modern forms of collaboration are much more organized and formal. Family services collaboratives were initiated in Minnesota by Governor Arne H. Carlson and the Minnesota

Legislature in 1993. Central to this initiative are collaboration grants to foster cooperation and help communities come together to improve results for Minnesota's children and families. By providing incentives for better coordination of services, Minnesota hopes to revamp the current red tape filled system. More than \$8 million was allocated to begin this initiative. In 1995, \$14.5 million was appropriated to continue this initiative. Collaborative grants for implementation are designed for communities that have developed measurable goals and a comprehensive plan to integrate and improve services for children and families. Currently 47 Family Services Collaborative exist in the state (Family Service Collaborative, 1998).

Removal from home based on income:

"It ought to be considered cruel and wicked to take children away from a decent mother just for want of money to support them" Remarks made by Josephine Shaw Lowell at the National conference of Charities 1879 (Abbott, 1938, p. 350).

Historically, because of deeply rooted assumptions that poverty was a consequence of moral failings, policy makers tended to judge the parents of impoverished children as neglectful (Green, 1989). The attitude of those times was that these were children of the lower class and the poor got what they deserved. They were poor because they chose not to help themselves (The American Experience, 1995). Neglect in those days was defined as a lack of food and clothing. For years our legal system has been willing to remove neglected children from poor families (Ashby, 1997).

The following remarks were given at the 1909 White House Conference on Children;

Mr. Frank F. Jackson, Superintendent Associated Charities, Cleveland... "Every woman makes an investment with each child for care in her old age. If we have taken the child from an efficient mother simply because of poverty, we have robbed her of possible care in old age, and the injustice is as great as in any form of robbery..." (Charities and the Commons, 1909, p. 361). And remarks from Mr. Max Maxwell, Superintendent Federated Jewish Charities... "I believe we are fairly agreed that the children of parents who are of worthy character, but suffering from temporary misfortunes, children of widows of good character and reasonable efficiency, when life and conditions of their homes are normal, are best cared for by remaining in the custody of their parents" (Charities and the Commons, 1909, p. 363). The conference was the beginning of the belief that children should not be removed from home solely due to poverty.

In the 1970s during the time of the Equality movements, the country's and individuals' outlooks and views of established organizations and policies were changing, focusing on how the establishment trampled on the freedom of the poor and other powerless individuals. This belief reflected less interest in the "best interest of the child" but, more interest in opposing, the establishment imposing dominant values on the working class and immigrants (Ashby, 1997).

Minnesota was one of the first states which early recognized the need for assisting children in dependent families so that they did not have to be removed from home for poverty alone. According to a University of Minnesota study, nearly half of the 15,000 children in foster care in 1991 were there because parents could not provide adequate food, clothing, and shelter (Hopfensperger, 1992).

Confusing agencies: One of the prime purposes for the formal establishment of Minnesota's Family Services Collaboratives in 1993 was to demystify governmental red tape for families involved in the system. The collaborative is a kind of managed care one stop shopping for families in need of services. Our current child welfare system is confusing even for those who are employed within it. There are numerous services in which to choose from for help. These services are ever changing, some are eliminated and new programs established. Understanding who qualifies and how to apply for services can be very confusing without assistance.

At the turn of the century there were a number of different boards with administrative authority or advising authority. A few examples of this would be the State Board of Control, The Board of Corrections and Charities, and The State Advisory Board. These boards were on the state level; it is difficult to decipher a pecking order here because one board did not completely supercede another. In some cases or instances they each might have authority over the other. For example; children in institutional care in state institutions came under the guardianship of the Board of Control but not under the supervision of the children's bureau which was in charge of managing the state institutions (Ma, 1948). Both agencies held authority over the state institutions but in different capacities depending on the circumstance.

In the 1980s when child abuse reports sky rocketed, concerns over compromising runaway bureaucracies in child welfare agencies who were insensitive to people's rights brought alarm to many who saw the system move from a do nothing standpoint to doing everything (Ashby, 1997).

Chapter V: Summary and Conclusions

Those of us who work in this field realize Child welfare is a very complicated issue. This study addresses concepts, that have been with this field for over one hundred years. Policies voted into law by well-meaning politicians are now seen as ambiguous and confusing. For example, how does one measure the term reasonable efforts? As workers we are mandated to pursue termination of children's rights to ties with parents, who may have treated them better in the long run than the state can. This leaves workers in the field playing guessing games to correctly interpret and to serve families accordingly. Although this study does not intend to provide answers to these complex questions, it hopes to educate those working in the field so that they can ask the correct questions to our policy makers in hopes of change in the best interest of the child.

Findings from this project produced several common themes, and a circulatory effect is evident based on information gathered in the literature review. The issue of when to place a child out of their home is an example of one of those. At the turn of the century parents were able to leave their children in an institution without any court intervention and were allowed to take them home when their personal circumstances improved (which could be described today as long term respite.) The beginning of the twentieth century marked a change in child welfare policies with the state establishing policies and setting guidelines for parents and those individuals working in the field. The signing of the 1980 Adoption Assistance and Child Welfare Act now required agencies to prove reasonable efforts had

been made before a child was removed from their home. It also required the state to petition the court for termination of parental rights after a child had been away from home for eighteen months so that children were not left in the child welfare system.

Policy makers heard the outcry to the fall out of The Adoption Assistance and Child Welfare Act from its constituents who believed too many children were being left in dangerous homes due to the Adoption Assistance and Child Welfare Act and that family preservation was not the answer to child abuse. The Adoption and Safe Families Act signed into law in 1997, seeks quicker solutions and termination of parental rights in the hopes of removing children from the child welfare system to a permanent home quicker than what the 1980 law required.

Some of the building blocks of child welfare and the subsequent policy changes in the past one-hundred years have been circular; some policies appear to be based on helping the family maintain its status and others for the easier removal of a child from its home.

The themes discussed in this study have remained constant in the last one-hundred years, the use of volunteers, large caseloads for workers, and the removal of children from home due to poverty just to name a few. Still the other themes have vacillated back and forth like a pendulum. Twenty years ago collaboration and prevention were thought of as progressive terms when in fact it was the pendulum swinging again. The issue of parents rights versus children's and state's rights will continue to be an argued issue and should remain so. The complexities of this issue and the changing values and times in our nation will continue to keep this pendulum swinging.

The 1997 Adoption and Safe Families Act has added new tensions to workers in the

field. The struggles and decisions workers encounter on a daily basis are;

- ▶ In home vs. out of home placements
- ▶ Foster care vs. adoption
- ▶ Community based, mainstream school vs. academies

The states are seeking quicker solutions and demanding workers to move children out of the child welfare system sooner than ever before. There are times when reasonable efforts seem to re-victimize children even more when their parents once again fail to follow through with the case plan and the children are left hanging as to their future. These are situations, especially for older adolescents, when the children should be allowed to grow up without social workers and staffings or court reviews which happen regularly for children in reunification. Yet a poor solution is moving families too quickly through the system and not allowing enough time for families to make changes. Concurrent planning, described as working towards reunification while, at the same time, developing an alternative permanent plan requires employees to be working in two very separate directions at the same time (Katz, 1999). This is very confusing to the children who are pulled by loyalty to remain with their parents but sense the direction the system is taking in establishing a new home at the same time.

In Minnesota relatives are paid a monthly reimbursement to provide foster care to a relative. With kinship care being explored even more, are families more or less willing to adopt based on monthly reimbursements verses adoption subsidies? Family foster care, now referred to as shared family care, is one way to stop the permanency clock from ticking (Barth & Price 1999). It provides time for families to make changes while at the same time

implementing concurrent planning. But, how are families to be reimbursed for this care? Unfortunately too much time is spent by social workers trying to funnel families through these different pools of money so that they can receive services. This fragmented funding system is one of the reasons the system is fragmented.

The 1990s have re-introduced the term orphanage, Minnesota plans on establishing academies for children to help them complete their educations. Not a new concept by any means but the outcomes for this latest approach to child welfare are yet to be measured.

Implications this study has in the field of social work and practice will be for those of us who work in the field to remain child centered and to make decisions about families in the best interest of the child. Although this would appear to be an easy answer, best interests can be confusing depending on the mandates and current laws dictated to social workers. For those of us working in the field who find themselves drowning in mandates and statutes, one assurance is that many have come before us and asked the same questions with frustrations of how to best help children. We are the voices for the children. Yet, how often do we give children a role in decision making for their future? Depending on the age and circumstances, there are times when the children need to have input and we need to listen and respond to their input. Foster care drift sometimes looks like the bouncing ball as children hop from one placement to another for various reasons. At times it appears easier to go along with the adults who can talk back, but our ethics tell us our job is to protect the child even from their parents if need be.

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Adoption and Safe Families Act of 1997 -

Title I: Reasonable Efforts and Safety Requirements for Foster Care and Adoption Placements

Sec. 101) Amends existing law to emphasize the paramount concern of a State plan for foster care and adoption assistance shall be the health and safety of the child. Efforts to preserve and reunify the family shall not include certain parents if they pose a serious risk to a child's health or safety. State courts should exercise their discretion to protect the health and safety of children in individual cases and not use this new law as an excuse.

Sec. 102) Includes the safety of the child in State case planning and review system requirements.

Sec. 103) Outlines the conditions under which a State should terminate parent's rights and initiate selection of a qualified adoptive family for certain children in foster care or under State responsibility.

Sec. 105) Allows the Federal Parent Locator Service to be used by child welfare services for enforcement of child custody or visitation orders.

Sec. 106) Requires States to include criminal record checks for prospective foster and adoptive parents in developing plans for foster care and adoption assistance.

Sec. 107) Requires States to document their efforts toward adoption or placement in another permanent home in a case plan.

Title II: Incentives for Providing Permanent Families for Children -

Should award an adoption incentive grant to an incentive-eligible State who meet specified criteria relating to the number of foster children and special needs children, including State health insurance coverage based on assistance agreements.

Sec. 201) Would financially assist States, local communities, and the courts reach their targets for increased numbers of adoptions and alternative permanent placements for children in foster care.

Sec. 202) Requires a State plan to use cross-jurisdictional resources to effect timely adoptive or permanent placements for waiting children. Denies Federal assistance eligibility where a State has impeded the placement of a child for adoption outside of the jurisdiction with responsibility for handling the case.

Directs the Comptroller General to study and report to the Congress on improved procedures to facilitate the interjurisdictional adoption and permanent placement of children.

Sec. 203) Directs the Secretary to: (1) develop a set of outcome measures for rating State placements for adoption and foster care, and to report annually thereon to the Congress; and (2) develop a performance-based incentive payment system.

Title III: Additional Improvements and Reforms -

Authorizes up to ten State child welfare demonstration projects in each of FY 1998 through 2002. These projects would be designed to address: (1) delays to adoptive placements for children in foster care; (2) parental substance abuse problems; and (3) sibling care.

Requires all State demonstration project to provide health insurance coverage for certain children with special needs.

Requires the Secretary to consider the effect of a State demonstration project upon specified court

orders concerning the State's non-compliance with certain Federal requirements for child welfare services and foster care.

