



The magazine of the Joint Center for Political and Economic Studies

## BLACK PARENTS FIGHT TO KEEP THEIR CHILDREN

### **Foster Care Bias Splits Black Families**

By Robin D. Stone

**N**icolie Jones is an angry Black woman. And with her children in foster care, that's a serious problem.

Jones, 39, a single Harlem mother on public assistance, lost custody of her three girls to New York City's Administration for Children's Services (ACS) in 2001.

The removal, records show, came after the father of one of the girls hurt the oldest while assaulting their grandmother. Two years and eight months later, the batterer is long gone and Jones's girls are scattered in three separate locations — the 5-year-old in the Bronx, the 7-year-old in Manhattan, and the 9-year-old in another city altogether.

Jones has completed several rounds of requisite psychological evaluations, drug testing, and courses in anger management, domestic violence prevention, and parenting, and she has the certificates to show for them. But she's still locked in a

—Continued on page 10

## IN THIS ISSUE...

- 2 **Perspective**  
*Structural Racism in the Child Welfare System*
- 3 **Black Youth Captured  
By Foster and Justice Systems**  
*Engrained Bias Links Both Systems*
- 9 **Advocates Praise Alabama System**  
*Individual Plans Guide Services*
- 12 **Kinship Care: The Pros, the Cons and the Money**  
*Relatives Sacrifice to Care for Children*

## IN TRENDLETTER...

- 5 **Political Report**  
*Time Works For and Against Foster Kids*
- 7 **Economic Report**  
*Independence at an Early Age*

# Perspective

## Structural Racism in the Child Welfare System

"The children are our future."

How many times have we heard, and said, that?

But if we really believe it, why do we tolerate a system that sometimes treats children as just another commodity? The child welfare (or foster care) system has created a structure where children get passed around like utility outfielders on the baseball trading block.

This special issue of FOCUS examines the child welfare system and its impact on African American children in particular. Just as we found in the areas of criminal justice (as reported in our May/June special issue) and health care, structural racism plays a strong role in determining how children and families are treated by the system.

Simply put, child welfare authorities are much more likely to break up Black families than White ones by sending children into foster care. A U.S. Department of Health and Human Services study found that "even when families have the same characteristics and lack of problems, African American children and Latino children, to a lesser extent, are more likely than White children to be placed in foster care."

One example: If two mothers, one Black, one White, both give birth to babies who test positive for cocaine, it is 72 percent more likely that the Black baby will be taken from its mother, according to a study reported in the *American Journal of Public Health*.

There is no question that officials should intervene with families where the parents have harmed their children or where the risk of harm is great. The problem, however, is that like so much else in our society, such determinations so often work unfairly against African American families. As our cover story notes, when you visit a family court, you cannot help but see that the people in power — those making decisions about the fate of families — are predominately White. The families that will be united or broken up are largely Black or Brown.

This does not mean that those in charge have any ill will toward the African Americans and Latinos. I assume the judges and lawyers and caseworkers really do want the best for everyone. Yet, as Martin Guggenheim, a New York University School of Law professor, told us, these well-meaning decision makers are too often "unaware that they perceive people differently based on where they live, their color and the fact that they're poor. And there's an unspoken understanding by many that parents of these children are not worthy people."

So, what can decision makers who are legislators and program administrators do to correct this situation?

John Courtney, co-director of Partnership for Family Supports and Justice in the Bronx, and other experts say that, among other things, authorities should increase the role of parents and parent advocacy organizations in developing child welfare policies and practices and also track the number of families kept out of foster care through alternative interventions.

These would be good first steps in improving a system that too often provides a bleak present for those who are the future. ■

  
PRESIDENT

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# Black Youth Captured By Foster and Justice Systems

## Engrained Bias Links Both Systems

BY SARAH KARP

If it's not one system it's another, or both at the same time.

For young people in the nation's child welfare, or foster care, system, it's all too easy to get snagged by the criminal justice system too.

Being abused or neglected as a child — experiences that can lead to being placed in foster care — also increases by 59 percent a person's likelihood of being arrested as a juvenile, the National Institute on Justice found in 2001. This is especially true for abused and neglected Black children, who have much higher rates of violent crime arrests than African American children who have not been maltreated, according to the study.

The authors of "Cycle of Violence," the National Institute study, say "these results may reflect differences in a number of environmental factors, including poverty levels, family characteristics, the nature of the abuse or neglect incident, access to counseling or support services, treatment by juvenile authorities or exposure to levels of violence in the community."

Those differences, when joined with a persistent, engrained bias against African American youth and families that crosses service agency lines, create a systemic trap that funnels too many foster children to jail. The New York City-based Vera Institute on Justice found that children in foster care who are arrested are more likely than other children to be sent to juvenile detention to await their trials. It also showed that by simply making sure that the social service agency responsible for the foster child knows about the arrest and sends legal representation to the child's first hearing,

the problem of disparate treatment can be significantly reduced.

More broadly, research by the Building Blocks for Youth initiative has shown that every level of the justice system is biased against young people of color, and that this has led to an overrepresentation of Black and Latino youth in the criminal justice system.

This structural racism inter-links the child welfare and juvenile justice systems, with the one meant to protect children feeding the other, which is meant to punish (and hopefully rehabilitate) them. Once a young person spends time behind bars, he (or she) often enters a trajectory that moves him in and out of prison for the rest of his life.

Freddy Johnson is one of those young people, but he still has time to change that trajectory and escape the trap.

Wearing baggy pants and extra-large t-shirts, Johnson and his buddies look like any other group of friends hanging out near a park in Englewood, one of Chicago's poorest neighborhoods.

Like other groups, this one shares a common experience. Johnson and his friends were all foster children who met at Maryville City of Youth, a residential facility for troubled youth in a northwest suburb of Chicago.

They say they had a wild time there, sneaking into girls' rooms at night, skipping school and often getting police called on them for acting out. While they brag and smile about their experiences, they also complain that they have little to fall back on. Now in their late teens or early 20s, they are either living in apartments paid for by the Illinois Department of Children and

Family Services or back home living with their mothers. Many of them spend their days killing time at the home of a former Maryville resident.

"We left there with nothing," Johnson said, speaking of the residential facility. He left Maryville two years ago when he was 17. He still doesn't have a high school diploma. But to say he left Maryville with nothing isn't entirely accurate. Johnson left with a criminal record for fighting and drugs.

Johnson is one of many teenagers in Illinois who have been locked up while in foster care. In Illinois, the number of foster children in juvenile incarceration has skyrocketed over the past five years. In 1997, 67 foster children were locked up. At the end of May 2004, that number had jumped to 386. Overall, Black children, like Johnson, today make up 65 percent of the state's entire foster care caseload, even though they only make up a fifth of the total population under 18.

Leaving foster care with few skills to help former wards transition into productive adults is not limited to Maryville or Illinois. It's a national problem.

"The real issue is that when kids are in the child welfare system, their needs are not being met," said Mark Soler, the president of the Youth Law Center in Washington.

One major need is educational support programs. Betsy Clarke, executive director of the Illinois' Juvenile Justice Initiative, noted there's a strong correlation between getting in trouble with the law and doing poorly in school. She said studies have shown that foster children in Illinois are, by and large, not doing well in school.

“The question is, how many graduate from high school? How many go on to college? How many resources are put into helping foster children develop careers and become independent?” she said. Encouraging foster children to see that they have can have a productive future would help steer them away from crime, Clarke added.

Another missing piece is helping foster children deal with the pain of being abused or neglected by their parents and then taken from their homes, according to Dr. Carl C. Bell, president and chief executive officer of Community Mental Health Council & Foundation, a private, nonprofit clinic on Chicago’s South Side. Bell said research has clearly shown that children exposed to harm in the household, such as abuse or a parent’s drug use, are more likely to engage in behavior that is dangerous to themselves and others.

“The largest mental health hospital in Cook County is the Cook County jail, and I don’t know if anyone has studied this, but it might be the case that the largest juvenile mental health program is the detention center,” Bell said. “Now the foster care people out there don’t know how to manage unruly kids and they don’t have a safety net to turn to. So when they can’t call a psychiatrist, what they do is call the police.”

In fiscal year 1998—the most recent with available data—foster children had to wait 260 days, on average, to get mental health services, according to a 2002 report by the University of Illinois at Urbana-Champaign. African American kids were almost half as likely to get mental health services as White youth. When they did, they had to wait 137 more days on average.

Fred Long, a former foster care child himself who now works in the youth development department at Uhlich Children’s Home, a large social service agency in Chicago, said he thinks it is a combination of all these factors that makes foster children vulnerable to spending time in prison. Long says that most foster children not only leave the system with little education and no job skills as Freddy Johnson did, they also leave it deeply hurt and poorly prepared to take care of themselves.

## Improving the System

Dorothy Roberts, the Northwestern University professor who wrote *Shattered Bonds: The Color of Child Welfare*, said the overlap between the juvenile justice system and the child welfare system speaks to the “disturbing relationship that the state has with Black families.

“The fact that it is the same kids tells you that, while it sounds too conspiratorial, these children are targeted,” she said. “They are the victims of a system that looks at putting a child in state custody rather than the deeper reasons that families are struggling to survive.”

She said she believes that if states put more money through welfare into helping poor mothers and their families, there would be a decrease, not only in the number of Black children in foster care, but also in the number of Black foster children winding up in jail.

“It is more of a general failure to provide supportive services to parents,” she said.

According to Roberts, states should also:

- Provide mental health care services for young people when they enter the child welfare system.
- Create programs that address the needs of young people who run away from group or foster homes, rather than jailing them.
- Ensure that foster children who are arrested have attorneys and caseworkers representing them in court.
- Identify the number of foster children who end up in the criminal justice system as one of the criteria for judging the quality of a child welfare program.
- Discourage foster parents and the staff of residential homes from calling the police on matters that could be dealt with internally.

“If you get into a fight with your brother, your mother most likely won’t call the police, but if you get into a fight at a group home, the staff there might,” Roberts said. “So you can have children who have committed the exact same offenses but depending on their relationship to the parent,

that is what makes the difference in what happens to them.”

Long, now 24, remembers entering the system at age 10, feeling labeled and worrying that the label would determine his destiny. He already had a lot working against him. Long lived in one of the poorer neighborhoods in Chicago, an area where Black families of former steelworkers hang onto rickety houses and the children of struggling immigrants crowd the schools.

His mother was a crack addict who had given birth to eight other children. Some of his older brothers and sisters had already been in trouble with the law or were teenage parents. Long’s mother lost custody of him due to her addiction. His grandmother, then in her 60s, took custody of him and his minor brothers and sisters.

Long said two things made a difference for him. First, he was open to taking advantage of some of the programs offered through Uhlich, such as mentoring. Second, Uhlich chose him to be part of a program called STARS, in which former wards of the state do a year-long paid internship at Uhlich and then are hired onto the staff.

But he is quick to emphasize that too few of these types of programs exist to help foster children transition. Most foster children are “emancipated” from the child welfare system with no high school diploma, no job skills and only a couple of hundred of dollars to their names.

“We say they drop out of the child welfare system into the justice system,” Long said. “They leave the system with so little that they have to resort to the streets.” ■

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*Sarah Karp is a journalist with the Chicago Reporter.*



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# POLITICAL REPORT

## Time Works For and Against Foster Kids

By Patrice Gaines

Tick, tock. Tick, tock.

Talk to both critics and supporters of the federal Adoption and Safe Families Act, and they all mention the same thing: The ticking clock.

Known as ASFA, the law says that before a child is placed in foster care, “reasonable efforts” must be made to “preserve and reunify families” and the same efforts must be made “to make it possible for a child to return home.”

But once a child enters foster care, the clock starts ticking. If the child has been a ward of the state for 15 of the last 22 months, ASFA says a parent’s rights can be terminated if the parent has not taken the steps required for the child to return home. The intent of ASFA was to limit the amount of time a child stays in foster care before permanent adoptive placement. But this also means limiting the amount of time a birth parent or family has to create a safe environment for the child while dealing with what is often a multitude of difficult, multi-generational problems.

At its best, ASFA is a hint of promise for a long neglected and broken child welfare system, one that places African American children in foster care at a much higher rate than White children. To make a real difference, though, will take a lot more money, a serious overhaul of attitudes and a new structure of coordination between the many agencies that work with families.

“I have spoken to judges and case workers who say ASFA has put pressure on them to

speed up termination of parental rights.

The whole philosophy and orientation of the child welfare system has to move from placing children in foster care to supporting families before any need for coercive involvement,” said Richard Wexler, executive director of National Coalition For Child Protection Reform (NCCPR) in Alexandria, Virginia.

Shane Salter, an ASFA supporter, views the ticking clock differently.

“It should not take the system or the courts forever to make a decision on what is in the child’s best interest when it relates to permanency. To a child in the system, a day seems like a year,” said Salter, who grew up in the New York foster care system, has adopted four children himself and is executive director of the Court Appointed Special Advocates (CASA) of Washington, D.C.

But for parents in prison, the child welfare system poses special challenges. These parents have little information on the system at all, let alone the resources to challenge it. And in many cases, their loss of their children to foster care is a result of the structural racism that connects the child welfare, criminal justice and other systems that have particularly harsh effects on Black and Brown people. Studies have shown that they are more likely than White offenders to be imprisoned for similar crimes. And the incarcerated are at great risk of losing parental rights. “A lot of (incarcerated) women are unaware of their rights and have no knowledge of ASFA. They don’t even know the terms like termination of parental rights or timetables,” Pam Palacios of St. Louis told the National Roundtable on Women in Prison at its June meeting in Atlanta.

“Women leave their children with a friend when they get incarcerated. Everything is okay until the friend finds out she can get money if she becomes a foster parent, so she puts the kid in foster care,” added Palacios, who counsels women at the Women’s Eastern Reception and Diagnostic Correctional Center in Vandalia, Missouri. “Once that happens, the clock starts ticking.”

Roundtable participants said states should educate women in prison about ASFA and hire people to help them navigate the system so they can keep their families intact.

Salter knows ASFA is far from perfect. “While the clock is ticking and we are figuring out where a child has the best chance of thriving, we ought to have a parallel track where we put resources in place so the child’s family has every resource possible to get the child back,” said Salter. “We need to deploy resources so we can serve families at the point of entry into the system. But that doesn’t mean that we should throw out ASFA.

“When I was a child I just wanted someone to say, ‘The adults only have this much time to get it right.’”

Meanwhile, the law has sparked new family preservation programs, some as a backlash to ASFA, others as support in reaching its goals.

Wexler’s National Coalition web site lists nine alternatives to foster care, including an intensive program in Michigan called “Families First” in which a family preservation worker spends six intensive weeks with a family. Before leaving, the worker makes sure the family has support services that continue. The National Coalition also suggests that officials offer families “basic, concrete help,” saying: “Sometimes it may take something as simple as emergency cash for a security deposit, a rent subsidy, or a place in a day care center (to avoid a “lack of supervision” charge) to keep a family together.”

The federal government assists states with strengthening and preserving families through five-year grants from the Department of Health and Human Services under

the “Promoting Safe and Stable Families Act.” The grants are used for an array of services including childcare assistance, parent education, emergency shelter and parent support group. Congress has repeatedly reduced appropriations for the program, to \$404 million this year.

While the problems with ASFA are being worked out, there remains an underlying critical question: Why are African American children disproportionately placed in the care of the state?

“There is evidence of racial bias, especially with how Black mothers are viewed as irresponsible and not capable of taking care of children,” said Wexler. “There is evidence of this in decision making by those reporting and investigating and when judges determine what to do with children.”

African American children make up just 15 percent of the population of children, but they represent approximately 40 percent of the children in foster care. White children, who make up 61 percent of the population of children, represent 40 percent of those in foster care.

“Even when families have the same characteristics and lack of problems, African American children and, to a lesser extent, Latino children, are more likely than White children to be placed in foster care,” a Department of Health and Human Service’s (HHS) Children’s Bureau report found. A 1993 study published in the *American Journal of Public Health* showed that a newborn who tested positive for cocaine was 72 percent more likely to be taken away from its mother if the mother was Black.

On most days, all of the children Magistrate Judge Karen Howze sees in her Washington, D.C., courtroom are Black or Hispanic. As a judge in the Family Court of the D.C. Superior Court, she has also considered ways in which women who are incarcerated can remain effective in the lives of their children and maintain their parental rights.

“There are other issues that hinder the incarcerated mother’s ability to parent, such

as employment availability, substance abuse, housing. Everything can’t be blamed on ASFA...,” said Howze, who is responsible for 300 children who have been abused or neglected.

“In fact, ASFA gives me the opportunity to focus on the quality of the relationship between the parent and child and not the status of the parent. I look at whether or not the incarcerated parent is writing the child, if she draws pictures, or sends birthday cards. If that mother is taking classes I want to see her certificates. The bottom line with ASFA: Parents can’t be passive.”

Some states now have Kinship Care programs under which relatives and friends of the parents are licensed and can receive support services while caring for kids, just as foster parents do.

“The mom may not get out of prison within the ASFA timeframes, but the child does not have to fall into the adoption stream if mom finds a relative or close friend who will care for the child even when the child is in foster care,” said Howze. “We still have to develop relationships between drug rehab programs, our departments of mental health, rehabilitation services, housing, health and child welfare and other agencies.”

Howze has had personal experience with the child welfare system. She adopted two daughters — siblings — when they were toddlers. Later, the birth mother had another child. Howze gave the mom a chance to be a good parent. But then she found out the child was being abused, so she went to court and fought successfully to adopt the child.

“My youngest daughter went through five years of hell with sexual and physical abuse in foster care and at the hands of her birth mother when she was reunified with her,” said Howze. “If we had had ASFA, at least some of the abuse would never have happened...”

For now, ASFA appears to be firmly in place with no real threats to drastically change it. “It was enormously popular and passed by such a huge margin that there

is no national movement to fix it because most of the country is in denial that it is broken,” said Wexler.

Nevertheless, ASFA and the process it set into motion are still evolving.

The federal government has monitoring teams that review state performance. After completing reviews of 39 states, HHS’s Administration for Children and Families determined that child welfare financing rules limit a state’s ability to engage in service innovations that could improve their performance. The report said that in cases where flexibility was granted, states were better able to reach goals. Right now, funds target support for children in foster care rather than services to keep children safe in their homes or alternative permanent placements. ASFA critics have long argued against such financing requirements.

Regarding courts, the nonpartisan Pew Commission on Children and Foster Care recommended providing a strong voice for children and parents and effective representation by better trained attorneys and volunteer advocates at hearings.

Salter, of CASA, would like to see organizations like his funded nationally. His cadre of culturally diverse volunteers monitors and advocates for children as they move through the system until they are reunified with families or adopted.

At the state and federal levels, he argues, money and additional resources are needed to improve every phase of the child welfare system, from training caseworkers and supervisors to better computer systems to track the way cases are handled.

Says Salter: “The real reason the clock is ticking is because the system hasn’t gotten it right yet.”

Tick, tock. Tick, tock. ■

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*Patrice Gaines is author of the memoir Laughing In The Dark and a former Washington Post reporter. Gaines and other FOCUS writers may be reached through [focuseditor@jointcenter.org](mailto:focuseditor@jointcenter.org).*

# ECONOMIC REPORT

## Independence At an Early Age

By Margaret C. Simms

Anyone who has successfully moved a child into adult independence knows how difficult it can be for two parents, and through experience or observation, how much more difficult it is for a single parent. So imagine what it is like for a child to negotiate that transition without the guidance of any parent.

That is the situation for many young people leaving the foster care system — a group that is disproportionately African American. Concern for the problems that individuals “aging out” of foster care face led to the passage of the Foster Care Independence Act of 1999 (known as the Chafee Act, after Senator John H. Chafee, a long-time advocate for children in foster care).

The Chafee Act provides funds for states to support older youths in foster care and allows states to tap into other public funds to provide transitional support. The law allows extended eligibility for transition assistance to age 21 (instead of 18), increased funding for independent living services and federal funding for a variety of activities for older children in foster care, such as housing, education, employment, and counseling. Also covered are transition services that run concurrently with adoption efforts, optional extended Medicaid for older youths and funding for adoptive parent training in transitional skills so they can assist youths moving toward independence.

Many advocates for youth in foster care argue that the states have not effectively used the funds available. According to a 2004 report from the Packard Foundation’s Future of Children initiative, states gener-

ally provide only minimal services in the areas of education, employment, and housing. A smaller number of states offer health services. About two-thirds of the states (including Puerto Rico and the District of Columbia) provide some type of health or education services. States with large numbers of African Americans were more likely to offer these services than other states; more than 80 percent of the states with over one million African American residents were providing these services.

### Profile of Children in Care

As of September 2001, there were more than 540,000 children in the foster care system. About 40 percent, or 204,973, were African Americans, even though African American children make up only 15 percent of all children under age 18. The number of children in foster care has grown rapidly over the past 20 years, more than doubling between 1982 and 2000. The proportion of all children in foster care also increased during the period, from 4.2 to 7.7 per 1,000 children. The proportion of foster children who are African American has grown as well. A basic reason for the changing racial composition is that more African American children enter care each year than leave care and they stay in foster care longer than others. In fiscal year 2001, approximately 1,000 more African Americans entered foster care than exited. And their rate of leaving foster care through return to their birth family or through adoption is lower than that of their white and Hispanic counterparts.

According to a Child Trends report on “Youth Who Age Out of Foster Care,” only one-third of Black children left foster care in 1999, compared to 53 percent of Whites

and 39 percent of Hispanics. Child Trends offers several possible explanations for the racial differences: A higher level of poverty and single parenting among African Americans; policies of social service agencies that put African American families under stricter scrutiny for child abuse due to their greater reliance on public assistance; and attitudes and expectations among family services that lead to harsher standards for removal of Black children from the household.

Consequently, African American children make up more than one-third of all children aging out of the foster care system. Sadly, they are more likely than other children to make that transition to adulthood from a foster care placement or group home than from the home of a parent or other relative. In 19 states, the aging-out rate is fewer than one in 1,000. But in California, Massachusetts, Minnesota and the District of Columbia more than three of every 1,000 youth ages 16 to 18 have been aging out of foster care in the past few years. In these states, Black children are three to 10 times more likely to be in out-of-home care than other youth.

### Impact of Foster Care

A number of studies have indicated that being in foster care has adverse effects on a young person’s development, leading to behavioral and social problems as well as educational disadvantages. Because they move more frequently than other children, those in foster care tend to change schools often, and a significant number have lower test scores and are less likely to graduate high school.

These disadvantages suggest that foster children will face greater difficulty in the labor market than other youths. The evidence from some recent studies in that regard is mixed. A 2002 report from the Chapin Hall Center for Children, “Employment Outcomes for Youth Aging Out of Foster Care,” compared the employment experiences of three groups of youth in three states: those who were in foster care at

age 18, those who were in care but reunited with their parents prior to turning 18, and those who were in welfare families. All of the subjects were at least 18 at the time of the survey. The data for the study were collected prior to the Chafee Act and could be viewed as a baseline against which to evaluate the additional services needed (and potentially available) under the Act.

The study found that the experiences of the foster care youth in California, Illinois, and South Carolina, states with the administrative data necessary to conduct the study, were similar in some ways but different in others. No more than one-half of all youths in the study were employed at any time during the study period, regardless of their family circumstances. As expected, African American youths were less likely to be employed than other youths in all three states, but lack of employment was a particular problem for Black youths aging out of foster care in Illinois, where 57 percent of the youth aging out were African American. The study notes that there were significant differences in earnings between aging-out youth and those in AFDC/TANF families, with the aging-out youth at a considerable disadvantage in the formal labor market. The differences at age 20 ranged from \$478 in California to \$3,767 in Illinois.

In general, foster care youth had lower earnings than youths in the comparison groups, with mean earnings of less than \$6,000 per year, well below the poverty rate for a single individual. Youths who did not work prior to emancipation were less likely to find employment afterwards, suggesting that the services then available did not benefit them in terms of transition to economic independence. Employment was also less likely for youths who were older when entering foster care.

## Promoting Independence

Obviously, children and youths in foster care need a variety of support services to transition to adulthood. In the area of economic independence, the types of services most often cited as necessary are life-skills training, financial skills, and education and employment skills training. The Future of

Children report highlights three promising programs for older children in the life-skills and financial skills areas: San Antonio's Preparation for Adult Living Program (PAL), North Carolina's LINKS program, and the Jim Casey Youth Opportunities Initiative. The San Antonio program requires young people to complete PAL training in order to access a range of other services. The curriculum includes lectures and "field trips" on banking, apartment leasing, automobile purchasing, and job seeking. Both the North Carolina and the Casey programs feature financial accounts that program participants can draw on to pay for goods and services, in addition to other benefits.

Several suggestions were also made for providing education and training to those leaving foster care. They show how post-secondary training can be paid for through a combination of funding streams. Less than one-fourth of the states have made the effort to facilitate this packaging, and the report suggested that more coordinated or integrated programming would improve the availability and effectiveness of the programs.

Research and experience make it clear that youth need support to make a successful transition to adulthood from foster care. While the per-child costs may be high, as is noted in the Child Trends brief, "the relatively small size of the population [in transition] suggests that the total cost of providing extra services to assist a successful transition to adulthood should be modest." A more appropriate longer-term objective, of course, would be to reduce the number of children having to make this transition without the support of their parents. ■

*For further information, visit the following sites: [www.childtrends.org](http://www.childtrends.org), [www.futureofchildren.org/usr\\_doc/tfoc1401\\_full-1.pdf](http://www.futureofchildren.org/usr_doc/tfoc1401_full-1.pdf), [www.acf.dhhs.gov/programs/cb/publications/afcars/report8.htm](http://www.acf.dhhs.gov/programs/cb/publications/afcars/report8.htm), [www.aspe.hhs.gov/hsp/fostercare-agingout02/](http://www.aspe.hhs.gov/hsp/fostercare-agingout02/)*

### Funding Postsecondary Education and Training for Former Foster Youths

By effectively utilizing available state and federal funds, former foster youths can have a substantial portion of their post-secondary educational costs covered. For example, in 2003 it cost approximately \$17,000 (including tuition fees, books, room and board, and personal expenses) to attend a public university in the state of Washington. Below is an example of how existing funding streams can be used to fully support a foster care alumnus.

#### Federal and State Contributions

Postsecondary ETV voucher*	\$5,000 (maximum)*
Pell Grant	\$4,000 (maximum)
State Need Grant	\$3,000 (availability varies by state)
Federal SEOG Grant	\$1,000 (maximum)
Other: WA Governor scholarship for foster youth	\$4,000
<i>Subtotal:</i>	<i>\$17,000</i>

#### Student Contribution

Work study	\$2,000 (estimated)
Summer employment	\$2,000 (estimated)
<i>Subtotal:</i>	<i>\$4,000</i>
<i>Total:</i>	<i>\$21,000</i>

\* Educational and Training Vouchers (ETV) for youths aging out of foster care in the Promoting Safe and Stable Families Act of the Social Security Act (as amended); amount available in 2003.

Source: J. Emerson, "Postsecondary education and training support: Serving as a national force for change in child welfare" (Presentation to the Board of Trustees, Casey Family Programs, Seattle, Washington, April 17, 2003).

Adapted from: Ruth Massinga and Peter J. Percora, "Providing Better Opportunities for Older Children in the Child Welfare System", in *Children, Families and Foster Care, The Future of Children*, volume 14, no. 1, January 2004, p. 162.



# ADVOCATES PRAISE ALABAMA SYSTEM

## INDIVIDUAL PLANS GUIDE SERVICES

BY FRANK S. WASHINGTON

In the imperfect world of child welfare, I imagine the perfect place — where the goal is to keep children living in their parents' home. In such a place services are customized, parents and their children are full partners in the process, and case workers are empowered to provide whatever is needed to keep the child healthy, safe and at home.

Such a place does exist. It's called Alabama.

It's not actually perfect, of course, but advocates say Alabama has the best foster care system in the country. The system there is often referred to as R.C., short for the lawsuit *R.C. v. Hornsby*.

The suit accused the State of Alabama of failing to properly plan and care for children in its care, denying them due process and violating the Rehabilitation Act, which prohibits federally funded programs from discriminating against people with disabilities.

The lawsuit resulted in a 1991 federal court consent decree that changed Alabama's foster care system. Today the system is designed around an individualized service plan (ISP) for each child based on needs and family strengths.

Practices were changed and, in many instances, procedures and policies were invented to support the new practices. The system's reformation began not with the state's bureaucracy, but with case workers, their clients and each individual case.

Case workers learned how to develop ISPs for families and the case workers were given flex funds to provide whatever the ISP called for, from piano lessons to boost a child's low self esteem to car repair so that a parent would have transportation to look for a job.

Before R.C., families in Alabama's Mont-

gomery County that came in contact with the state's Department of Human Resources were either counseled or given parenting classes, regardless of their needs. Those were the only available services.

"And sometimes you got counseled for years because the counselors wouldn't want to quit, they enjoyed their paychecks," says Linda Wilson, Families and Children Services Program Administrator for the Montgomery County Department of Human Services.

Montgomery County is an illustrative example. Before 1996, when the county was declared compliant with R.C., the average caseload per social worker was 50 children. Now the maximum caseload is 18 children. Where once the county had about 30 social workers, today it has more than 70. Previously, there was just one children's counselor in the county's mental health office. Now there is a whole division. And volunteers have been trained to teach families simple living skills or take a child to shoot some hoops. By 2002, total spending on child services programs in Alabama had reached almost \$146 million.

Although R.C. is going well, there are some troubling trends. In 1989, there were 4,802 Alabama children in out-of-home care. By 1995, the number had dropped to 3,932, but by 2003 it had climbed to 5,988. The court-appointed monitor for the R.C. case, Ivor Groves, says one reason for the increase is that the state is doing a better job of investigating complaints and removing kids from unsafe situations.

Although Black children are placed in foster care at a higher rate than White children, the difference is miniscule in Alabama. According to state data provided to the court monitor, last year there were 2.7

Black children per 1,000 of them in foster care versus 2.5 White kids in foster care per 1,000 of them.

"Alabama leads the nation in fixing child welfare because they are rebuilding their entire system to emphasize safe, proven programs to keep families together," said Richard Wexler, executive director of the National Coalition for Child Protection. "In the process, they have achieved one of the lowest rates of child removal in the country, and at the same time they have improved child safety." ■

*Frank S. Washington is a freelance writer based in Detroit.*

### The Core Values of Alabama's Foster Care System

1. When children can be kept safe, they should be helped to stay with or returned to their families.
2. When children's needs cannot be met safely by their families, permanent homes must be supported to meet their needs.
3. Services should be individualized, addressing the unique strengths and needs of each child and family.
4. Families must be partners in planning, implementing and evaluating services which must be responsive to the culture of the child and family.
5. Services should minimize disruption in a child's life and be normalized.

Alabama Department  
of Human Resources

# BLACK PARENTS

Continued from cover

tug-of-war with the city to get her children back. And in this latest round, with the girls' foster care agency recommending adoption for all three, the city seems to be playing for keeps.

The children's case workers portray Jones as unfit because of drug abuse and "mental health issues." But in his recent review of the case, a court-appointed social worker reported that Jones's drug tests over the last two years were negative, and suggested that her "vague" psychiatric diagnosis of "Intermittent Explosive Disorder" was "quite possibly triggered by the removal of her children."

That removal has Jones seething: "You goddamn right – I'm pissed off!"

Like thousands of other parents who face allegations of abuse or neglect, Jones is fighting a system that was set up to help impoverished children and their families. But too often, say child welfare experts, the system tears families apart. Some experts complain that the Adoption and Safe Families Act of 1997 (see Political Report) has shifted the child welfare focus from family preservation to the adoption of children from troubled homes. Critics charge that federal and state policies now place the onus on birth parents to prove their fitness as parents. The current system allocates more money to put children in foster homes than to help them remain in their original homes. And like the Jones girls, vastly disproportionate numbers of the children in child welfare are Black.

Nationally, African Americans are almost 15 percent of the childhood population, but about 40 percent of the 540,000 children in foster care, according to government figures. That number has declined from 44 percent in 1998, but studies show that Black children still remain in care longer than children of other races or ethnicities, are moved more often, and are less likely to be adopted or returned home. A 2001 Department of Health and Human

Services report showed that even when their parents had the same characteristics as White parents, Black children were three times less likely to be returned to their parents than White children.

In New York, the disparities are starker still. Although the city saw a 36 percent drop in the foster care population from 1999-2003, Black children still make up 55 percent of those 21,829 in the system. Hispanics make up 24.7 percent and Whites 3.5 percent.

"We went from a system that was supposed to provide services to one where people are scared to call and ask for help," said Dorothy Roberts, a professor at Northwestern University School of Law and author of *Shattered Bonds: The Color of Child Welfare* (Basic Books, 2002). "It's become a system for investigating – one that is coercive and punitive. And because of that it's susceptible to bias and stereotypes."

Nicolie Jones is not fighting alone. She has the support of People United for Children (PUC), a Harlem-based advocacy group. In 1998, PUC filed a class-action federal lawsuit charging that New York City's ACS discriminates against parents of color by removing children without investigation and failing to inform parents of their rights. PUC is negotiating to settle with the city, said Joan Gibbs, the group's lawyer. "We're seeking policy changes to keep cases from getting to court in the first place."

No custody case is simple. Parents have been known to stretch the truth, while case workers have done the same to protect their positions. The parents often rely on court-appointed lawyers – many of whom are underpaid and under-staffed. But one thing is clear: Race matters. One look at those awaiting hearings at Manhattan family court shows the grim reality that parents like Nicolie Jones must endure. The people in power – judges, lawyers, case-workers – are predominantly White, and

those fighting to get their children back are mostly Black and Brown.

Jones is ready to battle for her children. She speaks her mind at every turn, and makes it clear she will fight against her children's being passed from foster home to foster home. "They'd better find somebody else's kids," She said. "These are not for sale."

Child welfare advocates and experts will tell you how to fix an ailing system: create financial incentives for agencies to reunite children with parents; supply more money and services to solve the problems of struggling families; and carry out more studies to measure how that money is spent. But when it comes to racial bias, efforts to provide solutions – like cultural awareness training – are few and far between, especially when so few recognize bias even as they perpetuate it.

"Willie Horton, 'welfare queens' and other cultural icons have affected these people as much as everybody else," said Martin Guggenheim, a professor at New York University School of Law, referring to the decision makers in child welfare cases. The danger, said Guggenheim, an expert on juvenile and family law, is when decision-makers are "unaware that they perceive people differently based on where they live, their color and the fact that they're poor. And there's an unspoken understanding by many that parents of these children are not worthy people."

Roberts explores this disconnect in her book, *Shattered Bonds*. "Standards for abuse and neglect leave a lot of room for people to import their own cultural biases," she said in an interview. "What the home should look like, how the mother should act. These affect the decision for removal, and once a child is removed, there is pressure to keep them out of the home."

Jones knows this pressure first-hand. When I met her, she had just returned from visitation with her middle daughter, whom everybody had always said was bright. The girl is in the psychiatric ward of a downtown hospital. She was taken there after she threatened her guardian, a cousin, with a knife and started talking about killing

people. She was 6 at the time. The child is bloated from medication to control her behavior and anger, Jones says. Her left arm is swollen, from a fall, her mother was told. At 7, the girl is still in kindergarten when she should be in second grade.

As the ranks of foster care swell with Black children, the stories of other parents like Nicolie Jones become too common. For Amanda Sherman, her story started with a call for help. In August 1995, she placed her 4-month-old granddaughter in foster care after, she says, her cocaine-addicted daughter left the baby with Sherman and disappeared. Sherman's hands were already full with her daughter's 2-year-old son, and she wanted to try to find her own child.

"Going to them was the worse thing I could have done," said Sherman, a child-care worker in Manhattan who is a plaintiff in the People United for Children suit.

"I was upset and confused at the time. I wanted them to take the baby until my daughter could get herself together. And if not, I said I would take her."

A few months later, when she realized that her daughter would not finish rehab, Sherman said, she requested her granddaughter's return. She was denied; case-workers warned that the baby would be at "imminent risk" because of her grandmother's initial, agitated state, according to court documents. Nevertheless, they acknowledge that her grandson was well cared for.

Sherman's granddaughter was placed with a foster mother "somewhere in Brooklyn," she said. Sherman's last visit was June 11, 1998. The child was adopted that September. Today she is 9. Her brother, 11, often asks about the sister he remembers from visitations. Sherman has asked the court to allow her and her grandson to resume visits with her granddaughter. "I want her to know that we didn't give her up," Sherman said. "She should have a voice in this too."

Ironically, children may be worse off in foster care than they were in the parental homes where they were allegedly abused and neglected. Jones recounted one of her girls' tales that their first foster mother's boyfriend "rubbed his wee-wee" on her until "white cream" came out. Jones called

ACS and the children were removed. The children then went to a home with five other foster children. From there the eldest girl complained of rampant bullying, roaches and rats. Two homes later, one child came to visitation with a case of ringworm, dressed for summer in December and plagued with a hacking cough. In all, the girls moved five times in the last two and a half years.

After they were placed with a cousin in suburban Long Island, Jones's visits with the oldest child were cut off, because the caseworker reported that the girl was agitated by her mother's irate remarks. The daughter still calls home occasionally, hoping to speak to her Mom.

As Jones headed back to court in July, she steeled herself for yet another round with the city. The foster care agency's petitions for a permanency hearing indicated that its preference was to terminate Jones's parental rights and put the children up for adoption.

Helen Jones, Nicolie's mother, has petitioned for custody in case Nicolie loses, but the grandmother's chances are slim. She was accused of hitting the children with a belt when they were placed with her in early 2002. The charge was determined to be unfounded, according to state documents, but Helen Jones has a feeling it will still count against her.

That may leave Nicolie to fight alone for her children. She wishes the tables were turned. "I'd like to see foster parents screened like biological parents," she said. "I'd like to seem them (foster parents) have to take drug tests, have caseworkers show up at their door without calling. I'd like them to explain why they got men living in the house with little girls there. Every hoop they told us to jump through, we jumped. Everything they said to do, we did."

But she still doesn't have her children. ■

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*Robin D. Stone, author of No Secrets, No Lies: How Black Families Can Heal From Sexual Abuse, is based in New York City.*

## Giving Parents Support — and a Voice

For the system to begin to change, the perception of parents must change, says John Courtney, co-director of Partnership for Family Supports and Justice, a project intended to reduce incidents of child maltreatment and foster care placement in the Bronx. "Parents should be seen as partners and consumers of service," said Courtney, a 40-year veteran in child welfare advocacy. "Not just troublemakers if they stand up for themselves. There's this psychodynamic battle that goes on: 'let's run her through another round of parent training to see if she's more compliant.' And it's really all about power."

Courtney and other experts recommend these initiatives to support parents and their children:

- Increase the role of parents and parent advocacy organizations in developing child welfare policies and practices.
- Track numbers of families kept out of foster care because of alternative interventions.
- Compare number of placements to numbers of families that receive services.
- Develop measurements to hold organizations accountable for service outcomes, for example, based on the number of families served, and those families' level of risk.
- Develop services depending on the needs of particular communities.
- Document the effectiveness of those services. "People are constantly questioning services, but we don't question the effectiveness of foster care," Courtney says.

# KINSHIP CARE: THE PROS, THE CONS AND THE MONEY

## RELATIVES SACRIFICE TO CARE FOR CHILDREN

BY SARAH KARP

With pride, 70-year-old James Williams points out that many of his six children and 15 grandchildren have made their way to college and into good jobs. But there have been some who have fallen through the cracks and into drug addiction and crime. For each of those, Williams and his wife Carrie have opened their door, raising generations in an old house on Chicago's West Side.

"We have grandbabies and great grandbabies here right now from age 28 down to five," Williams said. "We would always let our children come home and we would wind up keeping their children. We are still full force into raising children."

Williams is not alone. The proportion of children in foster care formally placed with relatives increased substantially during the height of the crack epidemic in late 1980s and early 1990s, according to a 2000 "Report to Congress on Kinship Foster Care," compiled by the U.S. Administration on Children and Families. A 1997 Urban Institute survey found that in 37 of 50 states responding, the trend continued through the 1990s.

Additionally, there are an estimated 300,000 other children who informally live with grandparents or aunts while their parents work out their problems, according to the Urban Institute.

In 2001, University of Illinois-Champaign researchers found that children who are placed with relatives generally report being happier than those foster children in traditional care. They were also less likely to be shuffled around from home to home. This was especially true if the caregiver got a full subsidy for the child and if the caregiver came from the South and attended church regularly.

But while the relatives may be rich in family love, they often have little money to provide for the kin in their care.

The University's study, based on interviews with 983 children in kinship care in Cook County (which includes Chicago), found that the caregivers in kinship foster homes tended to be older, lower income, single women of color, who had not planned on caring for children in the later stages of their lives. Foster parents who are relatives face more hardships because they tend to be poorer and less educated than traditional foster parents, the Urban Institute found.

Also, many states refuse to provide foster care subsidies to relatives or don't provide them at the same level as they do to traditional foster parents—a policy strongly opposed by the National Association of Black Social Workers.

To help change that situation, Senators Hillary Rodham Clinton (D-NY) and Olympia Snowe (R-ME) have introduced legislation that would create a federal "subsidized guardianship" program. It would allow states to use federal funds to provide payments to relatives to get legal guardianship of children they care for as foster parents.

"This legislation will allow these relatives to become formal guardians of these children while still receiving a little financial help," Clinton said.

But so far, the government has been of little financial help to his family, Williams complains. One daughter did pass along a welfare check for her children. Now Williams is raising that daughter's grandchildren, who also get welfare.

While the money helps, it's not enough to cover the total costs of raising the children. Williams said he must work odd jobs as a freelance photographer and singing with a gospel group to keep the bills paid and food on the table.

"I guess we just have learned how to live with it and accept it as a gift," Williams said. ■

*Sarah Karp is a journalist with the Chicago Reporter.*



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