



Foster Care and Adoption: An Uneasy Non-Alliance

One of the great and largely unknown tragedies in America is the current state of the foster care system. It is tragic first of all when a child is so maltreated within his own family that he must be removed from his home and placed with someone other than his parents or guardians. However, of even greater concern is that the foster care system itself has become a tragedy. Of course, certain states do better than others, so it is difficult to generalize, but no state is without horror stories.

Katelyn Frazier, age 3, of Alexandria, Virginia, was killed in December of 2000 after being fatally injured two days after Christmas by “blunt impact head trauma,” according to the coroner’s report. By then she had been back and forth among 5 foster homes and her biological mother for much of her short life. Three months before her death, she had been sent back the home shared by her birth mother, Pennee Frazier, and Ms. Frazier’s boyfriend, Asher Levin. Her mother had a history of substance abuse and there were reports that she was living in squalid conditions before her death. Child welfare caseworkers visited the mother’s apartment numerous times in the months leading up to her death, and a babysitter even reported suspected abuse to local authorities. Yet caseworkers made no attempt to remove her from her mother. The case is currently under investigation by local police.

Intended as a temporary arrangement for children at imminent risk of harm until a more stable situation is found, the foster care system has instead become a revolving door. A significant number of children spend years in the system, often shuttled from one foster home to another before either becoming eligible for adoption or, in some cases, growing too old to be adopted and becoming emancipated from

the system. Others end up going back and forth for years between parents who neglect or abuse them and foster care situations. In some cases children are maltreated by the very foster parents who are supposed to provide a refuge for them.

Even those children who do become eligible for adoption may wait several years before actually being adopted. As of the end of fiscal year 1999, the last year for which complete figures are available, of the 127,000 foster children waiting to be adopted some 78 percent had been in continuous foster care for 2 years or more, and nearly 50 percent had been in care for at least 3 years.ⁱ

Although the numbers of children in foster care who are waiting to be adopted has dropped in recent years, the numbers jumped from FY 1998 to FY 1999, and the numbers continue to be high, with some 87,783 children waiting at the end of FY 1999. Moreover, a significant number of them have been in foster care for at least for at least 3 years. The good news is that the percentage of children in foster care for 3 years or more has dropped, as has the average of months that children spend from the time their parental rights were terminated. Moreover, the number of children adopted from foster care in FY 1999 was 46,000, up from 36, 000 in FY 1998.ⁱⁱ

Nevertheless, the foster care population has continued to grow, with more children entering the system each year than exiting – through adoption or other means – and too many children are waiting too long to be adopted. While 16 percent of adoptions in FY 1998 occurred within 2 years after the child’s entry into foster care, another 49 percent occurred after 4 years or more.ⁱⁱⁱ At the end of FY 1999, some 25 percent of the children waiting to be adopted had been in the system for 5 years or more.^{iv} Moreover,

as mentioned above, very young children are waiting longer and longer to be adopted. At the very time in their lives when they are most likely to be adopted, they are having to wait longer to be adopted.

While reforms like the Adoption & Safe Families Act are having an effect, adopting children from foster care remains problematic. Although there is no shortage of couples who are willing to adopt, several factors make domestic adoption extremely problematic. Although they can be expensive – estimates range from \$15,000 to \$30,000,^v foreign adoptions have surged in popularity in recent decades in part due to the shortage of healthy infants available for adoption. Single motherhood is celebrated, not just regrettably accepted, and infertile couples have few options available to them domestically if they wish to adopt an infant.

Other factors may also contribute to the difficulty with domestic adoption. In a policy paper prepared for the National Center for Policy Analysis in 1997, Conna Craig and Derek Herbert of the Institute for children point out four factors in particular that have historically made adopting children from foster care more difficult:

1) A federal funding scheme that creates an incentive for keeping children in care. States are reimbursed for foster care under Title IV-E on a per child, per day basis. Thus foster care funding for states is dependent on the number of children in care. Combined with the “reasonable efforts” provision, which creates an incentive to keep children with their families, has led in practice to a tendency in the child welfare culture to reunite children with parents who abuse and neglect them.

2) The failure of states to expedite adoptions. The Adoption & Safe Families Act has addressed this problem by establishing time lines for termination of parental rights and adoption, and the increase in adoptions from foster care from FY 1998 to FY 1999 may be an indication that it is having an effect, yet problems remain when a quarter of foster children are waiting at least 5 years to be adopted.

3) The overuse of the “special needs” category with reference to foster children. Originally designed to encourage adoption by tying increased federal adoption subsidies to adoption of children so categorized, the definition of “special needs” children has expanded to the point where it is all but meaningless. The plain meaning of the term would seem to indicate a child who has particular physical, psychological or other needs and is in need of special

care. But in some states, “race” or “race plus age” designates a child as having special needs.^{vi} Again, this may be another case of perverse federal incentives, since the adoption subsidy is higher for such children than for other foster children.

4) A lack of public awareness about the numbers of children eligible for adoption.

Conclusion:

Recent public policy measures designed to ensure safety and permanency for foster children appear to be having an effect. At bottom, the problems with foster care are symptoms of the problems of society in general: out-of-wedlock pregnancy and the breakdown of marriage in general; substance abuse; and the devaluing of human life. Families should be a refuge for children, a place where they are lavished with love and guidance by a responsible mother and father. Yet more and more children are born into single parent homes where the mother is not married to the father, and the foster care situation reminds us that the plight of the average single mother is a far cry from the image depicted by Murphy Brown or Rosie O'Donnell. Far too often, the foster child's mother is like Katelyn Frazier's mother – single, with a history of substance abuse problems, and cohabiting with a boyfriend who may or may not be the father of her child.

Until we solve the underlying problems, no amount of legislation – no matter how well intended – will offer a permanent solution.

ⁱ U.S. Department of Health & Human Services (HHS), Administration for Children & Families, Children's Bureau, *The AFCARS [Adoption and Foster Care Analysis and Reporting System] Report, Interim FY 1999 Estimates as of June 2001 (6)*; Source: Data submitted for FY1999 (10/1/98 - 9/30/99).

ⁱⁱ U.S. Department of Health & Human Services (HHS), Administration for Children & Families, Children's Bureau, *The AFCARS [Adoption and Foster Care Analysis and Reporting System] Report, Interim FY 1999 Estimates as of June 2001 (6)*; Source: Data submitted for FY1999 (10/1/98 - 9/30/99); *Interim FY 1998 Estimates as of April 2000 (3)*; Source: Data submitted for FY1998 (10/1/97 - 9/30/98).

ⁱⁱⁱ HHS, Children's Bureau, *Child Welfare Outcomes 1998: Annual Report* (U.S. Government Printing Office, 1999), 4-5.

^{iv} HHS, *The AFCARS Report, Interim FY 1999 Estimates*.

^v Kim Clark and Nancy Shute, “The Adoption Maze,” *U. S. News and World Report*, cover story March 12, 2001, posted on USNews.com.

^{vi} Patrick Curtis et al., *Child Abuse and Neglect: A Look at the States* (Washington, DC: Child Welfare League of America, 1995), pp. 86-87.