

FEATURE

The Hidden Trauma of “Short Stays” in Foster Care

Every year, thousands of children are removed from their homes by officials who fear for their safety—only to be returned within days. It “felt like being kidnapped,” one said.



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The children usually arrived in the dead of night, silent and terrified.

For two years, Daniel Derkacs and Ashley Keiler-Green, foster parents in Albuquerque, New Mexico, regularly took in kids whose parents were suspected of abusing or neglecting them. Sometimes, as the couple scrambled to find pajamas for their latest house guest, they couldn't help but wonder if they'd just met a child who would be with them for years to come.

But they rarely had time to get acquainted. Of the 50 children who were placed in their care from 2017 to 2019, more than three-quarters were returned to their own families within days, they said. For Keiler-Green, a doctor, the churn felt a lot like working in the E.R.

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“You get to know this vulnerable person intimately, on the worst day of their life,” she said. “You patch them up a bit, you fall in love a bit. And then, poof—you have no idea what happens to them after that.”

When most Americans think of foster care, they think of children waiting years in homes or institutions to return to their families or to be placed for adoption. But every year, an average of nearly 17,000 children are removed from their families' custody and placed in foster care only to be reunited within 10 days, according to a Marshall Project analysis of federal Department of Health and Human Services records dating back a decade.

Every state allows certain officials—such as police officers, child-services workers or hospital staff—to take a child from her parents without a court order if they believe the child faces imminent danger of physical harm. In most states, police and child-services officials work together during emergency removals, often making split-second decisions in high-pressure situations. [Nightmare stories about](#) children dying after warning signs of abuse and neglect were ignored.

But this analysis shows that thousands of children taken from their homes without court approval are quickly returned to their families after child-services officials review the evidence. The data was analyzed with assistance from the [nonprofit organization Fostering Court Improvement](#), which maintains a database of federal child-welfare records.

“Short stays,” as they are called by child-welfare experts, appear to happen most often in high-poverty areas where law enforcement officials are the only group authorized by state law to remove children without a court order. In 2018, the most recent year for which data is available, Bernalillo County, which includes Albuquerque, recorded a higher rate of short-term removals than any other major area in the country, followed by counties that include Santa Fe, Akron and New Orleans.

Where "Short Stays" Happen Most

These U.S. counties had the highest percentage of foster children who left foster care within 10 days in 2018. In eight of the counties **police are the only officials authorized by state law** to remove children from their families without court approval.

County	Major City	"Short Stays" Percentage
National average		5.8%
Bernalillo County, N.M.	Albuquerque	48.4
Various New Mexico counties	Santa Fe	39.2
Summit County, Ohio	Akron	27.6
Various Louisiana parishes	New Orleans	22.0
Washoe County, Nev.	Reno	17.2
Clark County, Wash.	Vancouver	17.0
Honolulu County, Hawaii	Honolulu	16.4
King, Pierce, Snohomish counties, Wash.	Seattle-Tacoma	16.0
Fulton County, Ga.	Atlanta	15.8
Camden County, N.J.	Camden	15.4

Source: A Marshall Project analysis of the federal Adoption and Foster Care Analysis and Reporting System, with research assistance from the nonprofit Fostering Court Improvement.

Note: Some smaller counties in the data were grouped to protect children's privacy. The Marshall Project marked these areas as "various."

Among states, New Mexico ranked first: In recent years, about 40 percent of its foster children returned home within a few days or weeks. That's due in part to an unusual state law that lets police unilaterally take children into foster care for a 48-hour "hold" while their parents are then investigated by child services.

About 42 percent of short stays in New Mexico stem from various forms of alleged neglect; these cases are often poverty-related, such as when parents cannot provide adequate housing or food or leave their kids home alone because they can't afford child care. Eighteen percent are due to alleged physical or sexual abuse.

State child-services data also show disparities by race and ethnicity, with Latino and Native children more likely to face such situations.

Although short stays in foster care may seem too fleeting to matter, they often inflict lasting damage, much like that experienced by children separated from their parents at the U.S.-Mexico border. Experts and studies on child development say that the moment when a child is taken from her parents is the source of lifelong trauma, regardless of how long the separation lasts.

In interviews, nearly a dozen children and young adults who were temporarily removed from their parents as minors echoed that sentiment. It “felt like being kidnapped, even though it was just for a few days,” one said. “I didn’t know how long it would last.” (Their names are not being used because many are younger than 18 and in vulnerable family situations; they were identified and interviewed through foster parents and youth groups in Albuquerque.)



SARA WONG FOR THE MARSHALL PROJECT

Child-welfare experts told The Marshall Project that except for certain unavoidable scenarios that require temporarily placing children in foster care—such as when their parents are sent to jail overnight and no relatives or friends can take them in—these traumatic removals are most often unwarranted.

“It’s hard to imagine that a week ago it was such an emergency that we couldn’t even wait to ask a judge to separate a family, but just seven days later, it’s all good, you can go home,” said Christopher Church, an attorney at the University of South Carolina School of Law who is a national expert on short stays.

Still, several foster parents interviewed for this story argued that some children are returned so quickly to their parents because of a shortage of quality foster homes and social workers, not because police officers wrongly removed them. They also said that state officials place too much emphasis on reuniting birth families at the expense of child safety.

Brian Blalock, secretary of New Mexico’s child-services agency, acknowledged in an interview that recruiting and retaining good foster parents is always a challenge, and that in poor areas there’s a shortage of nonprofits, shelters and social workers to work with potential foster youth. But he said these would never be reasons to hastily return a child to a clearly dangerous home.

Blalock also suggested that New Mexico could be an outlier on short stays in part because it records every time a police officer removes a child on a 48-hour hold, while other states may not count each time an officer or social worker informally takes a child into care for a brief period.



Brian Blalock, secretary of New Mexico's child-services agency, which reached an agreement last summer with the Albuquerque Police Department to work together to make child removal decisions. DON J. USNER/SEARCHLIGHT NEW MEXICO

Albuquerque Police Department spokesman Gilbert Gallegos declined to make department officials available for interviews but said that police officers making these temporary removals give the child-services agency time to assess whether a child is in harm's way.

In a typical scenario, police responding to a domestic call may find a sparse pantry filled with cockroaches or parents who are drunk or high, and conclude that the kids are in danger. Many officers are young men who are not trained to work with children, and follow their instincts to get them out of harmful environments.

But unless there are immediately clear signs of sexual abuse, severe malnutrition or other imminent physical danger, neither the conditions of poverty nor substance abuse legally justify removing a child without court approval.

Parents struggling with generational cycles of joblessness, drug addiction or unhealthy learned parenting habits "almost all love their children desperately and are doing the best they can, even when that can be hard to recognize," said Christi Fields, a former lead social worker for the New Mexico Family Advocacy Program. "We have to ask every time: Is this home dangerous, or are we just uncomfortable with it? Because throwing children into foster care for 48 hours every time we feel uncomfortable, that's not a solution to anything."

Officers who remove children from their homes may not be aware of the research showing that family separation can be more traumatizing than living in poverty.

"It's not malicious; they think it's erring on the side of caution," said Judge John J. Romero Jr., who presides over Albuquerque's children's court and is a former president of the National Council of Juvenile and Family Court Judges. "But caution would actually be to wait, to try to get the birth parents the help and support they need."

That could include providing them financial help for rent and groceries as well as substance-abuse treatment and therapy, Romero said.

Parents' advocates also point to their right to raise their children without government intervention except in rare circumstances, which has long been upheld by the U.S. Supreme Court. If the state is going to infringe on that right, they say, it should only be in the most extreme situations, or the case against them should be proven in a court of law.

Yet in New Mexico and other states, police need a warrant "to look under your bed but not to take your child away from you," said Tara Urs, a child-welfare expert and special counsel for civil cases at the King County Department of Public Defense in Seattle. "That sends a pretty strong message about what we as a country think of a poor family's right to stay together."

Urs also pointed out that in Seattle, unlike many places, some short stays likely occur in part because low-income birth parents have access to a network of family court lawyers to help them get their children back quickly.

Domestic violence is likely another factor in some short stay cases. In many states, police or child-services workers will remove children from their homes during disputes between parents only to conclude soon after that the mother was an abuse victim, not a danger to her child.

It's not clear from the national data how often this happens, but there is a long history of child-services officials taking children from women in abusive relationships. Experts say that spousal abuse does often coincide with child abuse, but that if a father is being violent, he's the one who should be removed—through an arrest—not the child. After that, social workers should work with the mother to find a safe home, so that her bond with her child is not unnecessarily severed for days or weeks.

One South Carolina mother, who requested not to be named for her child's safety, temporarily lost her 9-month-old son last August when the boy's father was arrested after throwing her to the ground.

Although there were no allegations of child mistreatment against the mother, and although she obtained an order of protection against her son's father, a social-services worker took her baby into foster care. She sobbed for days. "It didn't feel 'temporary' at that point," she said.

Court records show that, within weeks, a judge concluded that the woman was no danger to her son. When the boy returned home, she noticed that he'd started crawling and saying more words while they were separated. "A lot can happen in just a short time away from a baby," she said.

Yet in the view of many foster parents, including Keiler-Green and her husband, who is a physicist, children are often returned to their birth parents too soon. Keiler-Green says that some kids who've stayed with them gawked at the sight of a refrigerator with food in it. Most wanted to go back to their families, she said, but others who had been abused at home begged her: "Please, I'll do anything, I'll help you clean your house—if you can just be my mom."

Even some children who were placed in foster care for short periods said in interviews that they didn't want to go home right away.

One 15-year-old from Albuquerque said she missed her mother, who was intermittently homeless and mentally unstable, when she stayed in short-term foster homes. But she also felt better taken care of in foster care, and believed she would have more success in school and more opportunities in life if she stayed. Generally, being a short-stayer was like "being luggage, kind of—just tossing me around," she said.

When Blalock, the head of New Mexico's Children, Youth and Families Department, first saw a chart of all the children cycling quickly through his agency's care, he thought, "Shit, this looks like something that is going to be hard to fix," he said.

Blalock, who relocated from California last year, was surprised to learn of the distinct power that police have over child removals in New Mexico. "They're the wrong tool for this job," he said.

Police should be able to focus on fighting crime, he said, not having to respond to "neglect calls about parents who can't afford food or whose kids have head lice."

Last summer, Blalock's agency reached an agreement with the Albuquerque Police Department to work together to make child removal decisions. Following that deal, short-stayer rates in the city declined for the rest of the year, according to data kept by the agency.

City police are now being more strongly encouraged to identify relatives or family friends who can take in children who must be temporarily removed from their parents. Research shows that is far

less traumatizing than sending them to a foster home—or worse, a group home or youth shelter, where violence and sexual assault often run rampant.

But it isn't always easy for officers to quickly contact relatives who might live hundreds of miles away, said Gallegos, the police department spokesman. Some might not be appropriate guardians because they have a criminal history, and others might be such distant aunts or cousins that the children don't even know them.

Many foster parents in New Mexico have reacted viscerally to the state's new policies, saying the priority should always be on child safety, not keeping kids with their birth families at all costs.



Joanna Rubi, an Albuquerque foster parent, hugs her foster child. She estimates that about a third of the nearly 200 children she has taken in have been short stays. DON USNER/SEARCHLIGHT NEW MEXICO

Derkacs and Keiler-Green wrote a scathing letter to the governor in November criticizing Blalock's attempts to limit removals of vulnerable children and to encourage placing them with relatives. "[The agency] is proud of this 'accomplishment'?" they asked. The couple has stopped receiving short stays to focus on their four long-term foster children.

Joanna Rubi, another Albuquerque foster parent, has taken in nearly 200 children over two-plus decades; she estimates that about a third were short stays. Also a nurse who has treated abused children, she has mixed feelings about how kids shuffle into and out of the foster system.

"It's easiest to blame the agency," Rubi said, "but look at what they're up against: New Mexico is at the bottom of all the lists for poverty and drug abuse. They're trying to keep kids safe. But they're also trying to value birth families' bonds, because those are precious."