

How Hidden Foster Care Harms Children and Parents of Color

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By [Aubrey Edwards-Luce](#)

I felt an icy cold panic in the core of my being when my ahijada's (goddaughter's) mother called and explained that Child Protection Services (CPS) was threatening to put her and her sister in foster care if I didn't take them in. The only reasonable answer I could give was "Absolutely, yes. They can come here."

My husband and I vowed to our ahijada at her quinceañera that we would always support and protect her. She and her sister needed us, and I wasn't about to turn them away — especially because I knew the damage that foster care can inflict.

I am Aubrey Edwards-Luce and I am a Black woman. For five years, I was a lawyer representing kids in foster care. I know how hard it can be for teenagers to get out of the child welfare system. Bias and a lack of accountability results in teenage girls of color, in particular, enduring the perpetual trauma that comes with frequent movement from foster placement to foster placement. Black girls make up 23% of all girls in foster care, but comprise 36% of girls who experience 10 or more placements in the system, [according to federal data](#).

What I did not know was that there is a name for the arrangement that CPS was initiating for me, the girls and their mother. It is called "[hidden foster care](#)."

And in hidden foster care cases, child welfare agencies effectively separate children from allegedly abusive or neglectful parents while eluding court oversight and other legal obligations. Agencies are not legally bound to provide hidden foster care families the essential services or financial support that they are required to provide to families in the formal foster care process.

Unlike their formal foster care counterparts, caregivers in [hidden foster care](#) often get no financial support from the agency to pay for the cost of raising a child, and the children and parents may not receive services to help them reunify or figure out a permanent caregiving



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arrangement. Contrary to formal cases, there is no court oversight to monitor children in hidden foster care or check to see whether they are safe, healthy and have their basic needs met.

Agencies are not even required to report how many children they are ushering into hidden foster care. A recent [investigation by ProPublica and the New York Times](#) shows that the scope of unjust family separation is even greater than any government agency has the data to comprehensively understand.

Recently, the U.S. Children's Bureau has been focused on supporting kin caregivers and helping children maintain their familial and cultural bonds. Addressing hidden foster care is vital to achieving these goals. The consequences of this version of foster care — disruption to the child's relationship with their parents and siblings, lack of access to much-needed services and supports, trauma, tension in the family's support network — deserve greater recognition and acknowledgment from the Children's Bureau, particularly because they add to the many challenges facing children and young people of color in an increasingly hostile society.

In my case, the atmosphere of distrust created by CPS's threat to remove the girls to foster care weakened the network that we had built in order to endure crises. Instead of being a part of the family's safety net, I was seen as part of a surveillance system. Instead of being positioned to help reunite the children with their mother, the agency instructed me to not let the girls go home until she did what the agency said. As a new mother who is Black and aware that structural racism and individual bias have resulted in [53% of Black families being investigated by CPS](#) and [Black children being removed into foster care at an alarming and disproportionate rate](#), I felt pressured to follow CPS orders. We needed to work together to keep my ahijada and her sister safe and to help them heal, but the pressure and the mistrust corroded the relationship between me and my ahijada's family. It took months before we could mend our relationship and effectively co-parent.

We needed the state agency's established connections to service providers to heal from the mental health crises this ordeal had caused, but we couldn't bear more CPS threats or ultimatums. So, I tried to access help on my own. I found that because we were in an informal arrangement, providers asked me what right I had to request help for the girls far more frequently than they asked what help the girls needed. I had to weigh how much of the girls' history to disclose to providers that worked in systems with [long histories](#) of disproportionately ushering children of color into foster care, the very system I was working so hard to avoid.

Those closest to me have asked why my husband and I didn't fight to get into the formal foster care system. Beyond the harms that children face in foster care, I understood that bringing the girls into the formal foster care system would have meant that their mom, my husband and I would have lost authority over the girls' placement. The state agency could

have removed the girls from our house at its complete discretion. While the agency started this traumatic family separation, at least my ahijada's mother and I had control over when and how the family came back together. For my ahijada, who was already used to spending all Sunday with my family, the knowledge that she was going to be somewhere she knew with people that loved her for as long as she needed gave her some much needed peace.

I hope the Children's Bureau makes good on its commitment to supporting kin caregivers and promoting racial justice. I hope it embraces its responsibility to all children, including those in hidden foster care. The leading federal agency must fully acknowledge past and current racial disparities, not only among children who enter the formal foster care system, but also among those who are separated from their parents at the urging of the child welfare system without due process, ongoing support or oversight.

It starts with knowing the facts. The Children's Bureau must collect the data and the narratives necessary to fully acknowledge the harm that this practice has caused and lead alongside those of us who have lived this nightmare as we help state agencies find a solution.

The solution to the problem of hidden foster care won't be easy to find. Hidden foster care happens differently, even within the same state. But I am convinced that the solution has to include an opportunity for children to use their voice, for parents to have notice of (and a way to enforce) their right to determine their children's care and custody, and for kin caregivers to receive community-based support without risking surveillance.

David Noble, a policy associate at the Alliance for Children's Rights, contributed to the writing of this op-ed.

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