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## Nobody's child: victims of the U.S. child welfare system

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Source: Pixabay

### ***How racism, classism and injustice intersect with poverty and lack of an adequate social safety net to violate children's and families' rights***

By Camille Landry (National Co-Coordinator)

The U.S. child welfare system is broken. It violates human rights of the children it claims to serve. It intersects with racism, classism, patriarchy, the criminal justice system, an all-but absent mental health and substance abuse treatment system and all the other social woes in the United States to form a huge, unwieldy, powerful and deeply flawed system that harms children, families and communities.

The United Nations [Universal Declaration of Human Rights](#) identifies the removal of children from their families of origin and communities as a violation of human rights. The U.S. child welfare system, together

with law enforcement, courts and other institutions, is a major violator of this most fundamental right.

Children sit squarely and precariously at the intersection of social, economic, political and familial problems: poverty, health and healthcare issues, education, housing, social services, policing, criminal justice issues and every aspect of human and civil rights.

The [United Nations Convention on the Rights of the Child](#) clearly states:

“Children and young people have the same general human rights as adults and also specific rights that recognize their special needs. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights.”

Children are obviously vulnerable; few have the ability to act on their own behalf to ameliorate circumstances that negatively affect them. That is why the actions or inactions of the government impact children more strongly than any other group in society. Nowhere is the government's impact more pronounced than in the child welfare system.

Few U.S. institutions display the intersectional nature of social problems as do child welfare issues. Race, wealth inequalities, class, employment, health care (especially mental health and substance abuse treatment), housing, education, the social safety net (or lack thereof), policing, the criminal justice system and every other institution affect children more than adults, because children are more vulnerable and have a lesser ability to act in their own best interests. Thus the most vulnerable among us are at the mercy of a system whose racism, classism, bigotry and continued violation of human rights make them yet another instrument of structural genocide.

In the United States, a child is removed from their home and placed into foster care [every two minutes](#). As of September 2019, [nearly 424,000 children](#) were in foster care in the United States. Another [four percent](#) of all children in the U.S. – more than 2.65 million total – are in kinship care. The total number of children who spend some time in state custody is [closer to 800,000](#) for any given year, as some children move in and out of foster care within a year's time.

Authorities estimate that [hundreds of thousands](#) of more children are in “shadow foster care” – unofficial placement with relatives or friends, without going through court – and without resources for the guardians or support for the children. Sometimes this shadow care is arranged or promoted by child welfare workers. Often families take action on their own, sending children to live with someone willing to care for them when parents are unable to provide appropriate or adequate care. The shadow care system is very prevalent among BIPOC people, who have good reason to be wary of the child welfare system.

The child welfare system costs more than [\\$200 million per day](#), over \$80 billion per year. And that's just the direct costs. The cost in broken families and broken children is incalculable. The social, personal and financial burdens on families, many of whom assume care of young family members without going through the foster system and thus receive no public support, is huge. This money could be used to improve the situations that lead to children being removed from their homes.

The child welfare system in the United States [disproportionately affects](#) Black, Brown, Indigenous and poor white families. Although child abuse and neglect cross all racial, social and economic boundaries, abuse and neglect are [not reported or handled equally or proportionally](#) across all strata, as reflected by the children and families involved in the child welfare system.

Poverty is strongly related to neglect, although poverty does not equal neglect. Dominique Roberts was a single mother of four whose children were seized and placed in foster homes due to her use of illegal drugs. After months on waiting lists for treatment, Dominique found a drug treatment program in another state – the only one that would accept uninsured women with small children – and kicked her drug habit. Upon her

return to her home city, she got two jobs, an apartment, and petitioned to have her children returned. The kids came home on a provisional arrangement. Two months later Dominique was evicted from her apartment in a public housing project because of her earlier drug conviction. She moved in with a friend because she didn't have the \$2,500 it would cost to rent a new place, put down a security deposit, rent a moving truck and pay a deposit for electric service. When her case worker found that her roommate had both drug and assault convictions in the past, she removed the children from Dominique's custody again – despite the fact that the roommate's charges stemmed from incidents more than ten years in the past, and the woman was then clean, sober and employed.

Dominique was able to find another apartment and have regular visits with her kids although they remained in state custody. The requirements for her unification with her children were that she hold a job, have an apartment with at least three bedrooms, and remain sober. One day, after working back-to-back shifts on her two jobs with no days off for over two weeks, Dominique fell asleep while driving with her youngest child in the car and struck a street sign. The child was properly secured in a car seat and was not hurt in the accident. The police officer who responded to the accident looked up Dominique's name and discovered her prior charges. The cop claimed he "smelled drugs" and arrested Dominique. No drugs were found in the car. She was taken to a medical facility where her hair follicle, blood and urine tests were negative for drugs. Despite this, her children were removed again, her parental rights were terminated, and three of her four children were adopted by other people (the fourth child went to live with his father).

Most of Dominique's issues were directly related to poverty. Her inability to find substance abuse treatment that would accept uninsured people prolonged her addiction. If she had been able to afford regular housing instead of living in the projects, she would not have been evicted for prior drug use – and if she had, she'd have been able to afford a new place. She wouldn't have been working two minimum-wage jobs with crazy schedules. If she had been confronted by child welfare workers, she would have been able to afford a good attorney, which would have greatly increased her chances of winning her case. Instead, poverty and its associated maladies tore Dominique's family apart.

Dominique is now dead; her life spiraled out of control after the loss of her children. She was found dead on a highway embankment. Police believe she was pushed out of or fled a moving vehicle, likely due to violence.

Dominique's children experience the fate of so many in the foster care system. One is in jail facing a murder charge; one ran away from foster care repeatedly and now has two children of her own, struggling to survive; one has regular encounters with school officials and police due to her anger and mistrust of authority figures and was recently expelled from school for the fifth time. The youngest is in a special facility for children with emotional disturbances. The Department of Human Services delivered a death sentence that resulted in one dead mother and a total of six children who have been irreparably harmed.

"Rather than seeing these root causes with clear eyes, calling them out, and taking them on with intention, we remain stuck as a system and society that focuses on the harmful aftereffects, often casting blame on vulnerable families for their very vulnerability," [states](#) Jerry Milner, associate commissioner of the U.S. Children's Bureau at the Department of Health and Human Services. "Rather than trying to prevent poverty and the many challenges associated with poverty, such as social isolation and lack of meaningful opportunities and support, we search for increasingly sophisticated evidence-based interventions to treat the trauma or 'fix' the symptoms arising from a family's inability to meet their children's fundamental needs."

Source: Ellen Banner (The Seattle Times)

Poor people do not abuse their children more than affluent families do; they are, however, [far more subject to intervention](#) by child protective services than are families with money. Most of the children in custody are there because of accusations of neglect, and neglect is strongly associated with poverty. Poor parents are being charged with child abuse and neglect because they cannot afford to properly care for their children.

When a child shows up at school (or doesn't show up) and is dirty, malnourished, in need of medical care, or known to stay home alone while a parent works, teachers and other adult caregivers (who are mandatory reporters, required by law to report suspected or witnessed acts of child abuse or neglect) call child protective services and that family finds itself enmeshed in the CPS system. Poor parents who have substance abuse or other mental health issues, or who are physically unable to care for their children due to illness, injury, or other issues, are typically unable to access the services that would improve their conditions and assure child welfare workers that their situations are under control.

Poverty and wealth inequality are on the increase [in every state in the U.S.](#) There is a strong correlation between the increase in poor families and the increase in child abuse and neglect reports. Poverty is causing an increase in the number of child abuse reports given by mandatory reporters because more and more children are living in poverty not getting the care they need. It doesn't mean that poor parents intentionally abuse or neglect their children; it means that poor parents are being charged with abuse or neglect because they can't afford to adequately provide for their children.

Higher poverty levels lead to more dirty and malnourished children. And because our political and economic institutions don't value the lives of poor people, little is being done to change the conditions that lead to children being snatched from the arms of desperate, loving parents and thrust into the peculiar hell that is the U.S. foster care system.

All of this is well documented in the literature and well known to the child welfare establishment. Partners for our Children, a Washington state-based advocacy organization, defines it thusly:

"Families with greater economic resources – whether through public resources such as Temporary Assistance for Needy Families (TANF), food stamps or parental employment – are less likely to experience child protective services resulting in children placed in out-of-home care. In addition, the Third National Incidence Study of Child Abuse and Neglect [found](#) families with incomes below \$15,000 were 22 times more likely to experience an incidence of child maltreatment than families with an income above \$30,000. Related research [shows](#) a causal effect of income level on the risk of maltreatment reported to the child welfare system."

## Foster care placement

Foster care children in the U.S. are mistreated and shuffled between inadequate and dangerous placements, forced to unnecessarily languish in foster care for years. State social service agencies are often grossly underfunded and dangerously understaffed. The lack of adequate staffing is not surprising, given the

frequent turnover, low wages, massive caseloads, horrific experiences and other negative working conditions that case managers and other employees often face.

There are many different settings that accommodate children in the foster care system. The percentages of one type of facility versus others varies a lot from state to state. For example, the State of Oklahoma has no state-run emergency shelters. They were closed by federal mandate several years ago because children were being killed and injured in those facilities. They were replaced by a series of emergency placements in private homes and group facilities run by private organizations. Other states run shelters in which children may live [from a few days to a few years](#).

As part of a continuing trend to move public services into the private sector, many states rely upon group facilities and even foster care management services that are contracted to provide the care that was once the purview of state-run agencies. Public monies are funneled into private pockets – many of them religious-based organizations. Of note, most of those faith-based facilities are operated by evangelical sects – the very groups that make up the Republican Party's base.

Aside from the not-insignificant issue of tax dollars flowing into private pockets, there is the issue of separation of church and state – rather, the lack of separation. Religious-affiliated foster care organizations often [discriminate openly against](#) LGBTQI foster parents, biological parents and the children in their care. Foster children may be subjected to conversion therapy, either formally or informally. A child who is openly queer may find themselves moved abruptly to a different care setting, contributing to the insecurity and lack of continuity that most children in the foster system experience.

There are several different kinds of foster placement currently in use in the United States:

- State-run foster care facilities are group settings that care for a large number of children.
- Kinship placement removes children from their parents and places them into the care of relatives or friends. Often the definition of "kinship" is expanded to include basically anyone who has been a part of the child's life. A teacher, youth leader, someone who attended the same church as the child's family or a neighbor might be considered kin for the purposes of foster placement. Kinship placement [typically costs the state less](#). Kinship foster parents [typically are required to have less training](#) and often do not receive the same dollar amount for caring for children.
- "Shadow foster care" includes informal placement with a relative or a friend. These foster parents [receive little or nothing](#) from the state. Depending upon their own income and assets, they may or may not qualify for TANF, food stamps, Medicaid, daycare, housing assistance or other income-based governmental aid.
- Private foster families are individuals or couples who offer their services to care for children in the foster system. They undergo training and receive a monthly stipend to provide care for foster children. Some other services are available, including support groups, planned outings, arrangements for respite care, provision of clothing for the children and help supplying Christmas gifts and paying for extracurricular activities. However, the amounts that foster parents get generally [does not keep pace with inflation](#). In many states, private foster parents [subcontract with the state](#) through a private agency, which handles their training, supervision and support.

## **Foster care's impact on mental health**

Frequent changes in living conditions create their own special kind of trauma, even if the children are not openly abused or neglected (although many are). Reactive attachment disorder is a diagnosis that [is often carried](#) by children in the foster system. [According to](#) a study for the Journal of Abnormal Child Psychology, "attachment disorder is central in the description and understanding of social malfunctioning in institutionalized children and represents a major psychological etiological model that links early maltreatment to later psychopathology."



As is the case in U.S. society as a whole, mental healthcare is often sadly lacking for children, in or out of foster care. The American Academy of Pediatrics [states](#) that "mental and behavioral health is the largest unmet health need for children and teens in foster care. Mental and behavioral health requires the presence of at least one nurturing, responsive caregiver who is stable in the child's or teen's life over time."

[Up to 80%](#) of children in foster care have significant mental health issues, compared to approximately 18-22% of the general population. As a result of these increased mental health issues, foster youth are prescribed psychotropic medications at a [much higher rate](#) than non-foster youth. This presents a myriad of problems, ranging from the "dulling out" feeling that often accompanies psychotropic medications, to outright overdoses and dangerous side effects.

Children and teens entering foster care have already had many traumatic experiences that have adversely affected their well-being. In foster care, ongoing uncertainty, multiple losses and transitions can further erode a child's or teen's sense of self and overall health. Some of the transitions beyond the initial separation from family and all that is familiar include:

- Separation of a child or teen from siblings who remain at or return home or are placed in a different foster care setting
- Visitation (sometimes chaotic and unpredictable)
- Movement to adoption either voluntarily by parent or through termination of parental rights
- Changes in foster home placement
- Changes in school and/or childcare arrangements
- Court hearings in which decisions about living arrangements might be made
- Changes in caseworkers, therapists, teachers or other significant adults
- Identification of and visitation with a newly found relative, especially the biological father when there has been no prior relationship

The adjustment to living with a new family for children and teens is an overwhelming task. During a period of grief and bereavement after being taken from their families of origin, children must adapt to an unfamiliar family and environment. At the same time, that new family must adapt and change to welcome this new person into their home, often without any prior knowledge of the child's needs, personality, likes and dislikes. Attachments may form very quickly, or very slowly. Foster parents and other family members are expected to treat the new child or teen as one of their own, and then the time comes to say goodbye. The transitions, adjustments, and uncertainty of foster care not only place a great strain on children and teens, but also on foster parents and their family members, in addition to their biological parents.

## **Inside the foster care system**

Foster placement is often grim. While it can offer safety to children and teens who were experiencing abuse or true neglect, and without considering the stress associated with such a major life change, many foster care facilities and homes are paltry at best, abusive at worst.

Sometimes children in the foster system are blatantly abused. Reliable data on foster care abuse is notoriously hard to come by. While anecdotes of horrible maltreatment of children by foster parents abound, these don't paint a clear picture of how prevalent abuse is in the foster care system. It is estimated that [between 25-40% of children in foster care](#) in the U.S. have experienced abuse or neglect within the system. Multiple organizations that have studied systemwide foster care abuses have concluded that children in state care are [10 times more likely to be sexually abused](#) than children in the care of their biological parents.

Length of time in foster care is estimated to range from [just under one \(0.73\) year to 17.5 years](#) in care. The average length of time in care is [7.8 years](#). The total number of placements per youth ranges [from one to 39](#). The average number of placements is [8.3](#).

When children are removed from their homes, states generally have three placement options:

- The homes of relatives and other unrelated kin
- The homes of non-relative foster parents recruited and trained by both public and private child welfare agencies
- "Congregate care," which includes emergency shelters, group homes and other residential facilities

Children in non-relative foster placements suffer from being torn from their families and communities. Isabella, taken from the aunt who was raising her for abuse that was never proven (and which Isabella vehemently denied) was removed from a thriving African American and Latine urban community where she was often involved in social justice causes and immersed in the vibrant culture of her neighborhood. She was taken to a predominately white suburban family who attended a fundamentalist Christian church where women and girls were forbidden to wear pants, and a home where the food, music, language, mores and overall environment was completely foreign to her. The foster mom had no idea how to style Isabella's hair or provide care for her dark skin. She was the only Black child in her class. Her foster parents were horrified when she listened to rap and hip hop and forbade her to play her favorite radio station. During frequent prayer sessions, her foster parents prayed that Isabella's birth mother, who is lesbian, would be "saved from her wickedness and find the Lord." Isabella, now a young adult, says that "being with those people was like being dropped into a foreign country and threatened when I said I was going to return home. They broke me."

Even when children are placed with foster families of their own race and ethnicity, the stress of adhering to different ways of living, thinking and a new set of rules can be overwhelming. Since almost all foster children experience multiple placements while in state custody, this is no trivial matter.

Congregate care is even more traumatic for children than being placed in non-relative private homes. Congregate care is commonly employed to care for children, especially those who are hard to place with families. This can be because the child has behavioral or developmental issues, requires special care or is an adolescent. Many teenage foster youths end up in group homes (an [average of 10% nationally](#)) because there are too few foster parents who are willing to parent adolescents. A majority of Black male adolescents in the foster system reside in group homes.

Compared to youth not in residential treatment, youth in residential care were [significantly more likely](#) to have suffered all eight trauma types: physical abuse (55% vs. 30%), sexual abuse (40% vs. 24%), emotional abuse (68% vs. 37%), domestic violence (58% vs. 49%), traumatic loss/bereavement (62% vs. 50%), school violence (20% vs. 12%), community violence (31% vs. 16%) and to have an impaired caregiver (60% vs. 40%). Children served in residential treatment [had greater functional impairment](#) in all eight of the functional impairment areas (behavior, academic, attachment, running away, substance abuse, self-injury, suicidality and criminal activity).

Congregate care foster facilities are more restrictive than private homes. Children eat, sleep, play and study in environments where rules are rigidly enforced and opportunities for normal childhood experiences are limited. Frequent staff turnover and poor staff training also contribute to the negative impact of congregate care on children.

Children whose only "crime" was to be removed from their families by child welfare workers are subjected to prison-like conditions.

- What is it like to live in some place where an ever-changing lineup of adults must be addressed as "ma'am" or "sir" and you never know how they will respond because they're the fifth person to fill that slot within a few months' time?
- Contemplate the despair of children who must obey arbitrary and obscure rules such as being forced

to sleep with their hands outside their blankets lest they touch their genitals at night.

- What do you think it's like to never enjoy a home-cooked meal (many group homes serve only packaged food that can be easily reheated) – or to never have access to the foods that formed an integral part of your family's culture?
- Think about times you came home after school and only wanted to be alone in your room – but in group homes you are forbidden access to your bedroom until a certain hour.
- Consider what it's like to be refused the opportunity to attend a regular school and spend your days in a classroom with the people you live with, and one or two teachers to handle all subjects and grading.

Another major problem, especially in congregate care, is bullying and physical abuse by other children. Foster children are often [battered and even raped by other children](#) in their homes. They are at greater risk of bullying in their schools and neighborhoods because they are perennially "the new kid."

A significant number of foster children are abused by foster parents or staff in congregate care settings. [According to](#) an independent study from the National Coalition for Child Protection Reform:

- A study of foster children in Oregon and Washington state [found](#) that nearly one third reported being abused by a foster parent or another adult in a foster home. That study didn't even include cases of foster children abusing each other.
- In a study of investigations of alleged abuse in New Jersey foster homes, the researchers [found](#) a lack of "anything approaching reasonable professional judgment" and concluded that "no assurances can be given" that any New Jersey foster child is safe.
- Independent monitors were appointed to review the performance of the Fulton and DeKalb foster care systems in 2005 lawsuit settlement [found](#) that foster children in the metropolitan Atlanta area are experiencing a "high" rate of abuse and neglect while in state care, according to a report by federal monitors of these child welfare systems.

[More than 58,000 children](#) in the U.S. foster care system have been placed in institutions or group homes. They have little to no experience of ordinary home life and lack the skills to handle such basic tasks as food preparation and laundry. Children who spend time in institutions or group homes have few long-term interactions with adults or other children that are healthy or sustainable. They must figure out on their own, with no experience, how to relate to others in a positive manner.

It is not unusual for foster children to flee their placements. It is not legal for foster parents or the staff of congregate foster homes to physically restrain children from leaving. Many of them simply walk away. In a lot of jurisdictions, these children and youth are not reported to national runaway databases. Although the child's case worker is typically notified, law enforcement involvement is rare unless there is a strong reason to believe that the child has been harmed – or has returned to a biological family whose parental rights have been revoked.

Running away from a foster placement is quite likely to result in the child being placed in a more restrictive environment. Sometimes children are moved out of their hometowns to a city or rural area that's too far away for the child to easily reach familiar territory. Some children are moved to group homes. Others are placed in detention (jail). Being in foster care too often means being institutionalized over and over again. Youth in group homes are [2.5 times more likely](#) to become involved in the justice system than youth placed with foster families. Moreover, frequent placement changes [increase the likelihood](#) of both juvenile and adult incarceration.

Many runaway foster children end up living on the streets, selling themselves for a safe place to sleep or money to eat. Jails and prisons are full of former foster youth. In fact, spending time in foster care is a [major predictor](#) of future incarceration.



## Juvenile incarceration and the foster-to-prison pipeline

The [foster-to-prison pipeline](#) exacts a terrible toll on children. The problem is so severe that [one quarter](#) of foster care alumni will become involved with the criminal justice system within two years of leaving care. [Almost 80%](#) of inmates incarcerated in our prisons have spent time in foster care.

Black children are around [twice as likely](#) to be placed in foster care as white kids. Because Black kids are already subject to disproportionate rates of school discipline and criminalization, being a foster youth compounds this risk. Foster youth, particularly girls, are [targeted by sex traffickers](#), and the criminalization of sex work funnels these victims of modern-day slavery into the criminal justice system.

Many foster youth [have the police called on them](#) by their caregivers and face incarceration for small infractions. Foster youth in government-run group homes are [particularly at risk](#) of having police called on them by staff.

## Aging out of foster care

As damaging and painful as foster care is, a worse fate awaits young people who reach adulthood while in state custody. "[Aging out](#)" occurs when the young person reaches the age of 18 and/or completes high school. With little experience of healthy family life, few skills and minimal support, these young adults are launched into the world largely on their own. For a time, they qualify for housing and food assistance, but this is limited. The outlook for these young people is grim:

- [Over 23,000 children](#) will age out of the U.S. foster care system every year. Many have lost touch with their families of origin and find themselves completely on their own.
- After reaching the age of 18, [20% of children](#) who were in foster care will become instantly homeless.
- [Only one out of every two foster kids](#) who age out of the system will have some form of gainful employment by the age of 24.
- [There is less than a three percent chance](#) for children who have aged out of foster care to earn a college degree at any point in their lives.
- [75% of women and 33% of men](#) receive government benefits to meet basic needs after they age out of the system.
- [Seven out of 10 girls](#) who age out of the foster care system will become pregnant before the age of 21.
- [25% of children who age out of the foster care system](#) suffer from the direct effects of post-traumatic stress disorder (PTSD). As adults with poor employment prospects, they also have little to no access to mental health services.

## **Kill the Indian, save the man: genocidal Indian boarding schools**

No critique of the foster care system would be complete without considering the most heinous of all systems that separate children from their families. The United States has historically kidnapped Indigenous children with the intention of "beating the Indian out of them." Children were forcibly removed from their homes, communities and families, and transported to so-called [Indian boarding schools](#). Their hair was cut, their personal belongings were confiscated, and they were beaten for speaking their own language or practicing their religious beliefs. Their names were changed. And often, they perished – from beatings and abuse, neglect, disease. Frequently, parents were not notified that their child was deceased – their children simply never came home.

Indian boarding schools were a direct and deliberate instrument of genocide. The schools were literally death factories for Indigenous children and their communities and cultures. The damage did not end when the schools closed or when children left the schools. The experience of growing up without nurture, the trauma of being torn from one's family and culture, the regular abuse and physical as well as emotional harm wreaked upon Indigenous children, some as young as three years of age, created and perpetuated broken people, broken families, and communities struggling to adapt to the loss of their precious children.

The U.S. Administration for Children and Families [tells the story](#):

"The impacts of the Indian Civilization Act of 1819 and boarding schools have been felt for decades since by thousands of Indigenous families. We know from research that the ACEs (adverse childhood experiences) Indigenous children experienced when they were torn away from their parents and forced to live in boarding schools would have put them at great risk of growing up to be less nurturing adults with harsher parenting attitudes, let alone stripped of their culture and language. Such intergenerational trauma, along with the continued oppression and suffering imposed on Indigenous by the United States government, [has] perpetuated a cycle where adverse childhood experiences and resulting unhealthy and sometimes violent adult behaviors (e.g. child abuse, substance use disorder, and domestic

violence) could become the norm."

The total number of children lost to Indian boarding schools is unknown, as the schools took great effort to hide and downplay deaths and illness among students. Unmarked graves on the grounds of these schools often reveal dozens of children's bodies that lie unidentified, far away from their people and ancestral lands. There were at least 367 boarding schools in 29 states, with the highest concentration in the central United States, according to the [National Native American Boarding School Healing Coalition](#), a nonprofit established to address the legacy of these schools.

Source: National Native American Boarding School Healing Coalition

The patterns of abuse continue today in the form of foster care, long after the schools have closed. American Indian/Alaska Native children are entering foster care at rates higher than non-minority children – and they stay in care longer. According to a 2007 report by the National Indian Child Welfare Association (NICWA), American Indian children are represented at [nearly two times](#) the level expected.

The Indian Child Welfare Act (ICWA) was passed by Congress in 1978. ICWA was enacted after Indigenous

children were systematically removed – often without evidence of abuse or neglect that would be considered grounds for removal – and placed with non-Native families, with the intent to deprive them of their Indigenous family or culture. Studies revealed that [large numbers](#) of Native children were being separated from their parents, extended families, and communities by state child welfare and private adoption agencies. In fact, research found that [25-35%](#) of all Native children were being removed; of these, [85%](#) were placed outside of their families and communities – even when fit and willing relatives were available.

The stated intent of ICWA is to establish federal standards for the removal and placement of Indigenous children and to keep them connected to their families and tribes. While there has been improvement in the status of Indigenous families with respect to the child welfare system, they are still [four times more likely](#) to have their children removed and placed in foster care than their white counterparts.

## The bottom line

Irreparable harm is clearly incurred on children who are removed from their families and homes by the state. The fundamental human right to grow up whole, healthy and unharmed with people who love you is thwarted by a system that serves as an entry portal to the criminal justice system, to poverty, to homelessness, to exploitation.

“So what’s right with the child welfare system?” you might ask. The answer is “painfully little.” For children who suffer egregious abuse, being removed from their home may be a matter of life or death. But since the majority of child removals are for neglect, not abuse, we know there are better ways of dealing with these problems. We have shown how many of the problems that get families involved with child protective services are the results of poverty, of an unjust criminal justice and policing system, of a “War on Drugs” that is literally genocidal and to the sexism and racism that are inherent in the child welfare system. None of these underlying issues are being addressed.

As with so many issues in U.S. society, other nations handle this better. In fact, there are programs in some U.S. states that employ mentorship of biological families and wrap-around services for the entire family and manage to reduce the numbers of children who are removed from struggling households. Portugal decriminalized drugs, made substance abuse treatment readily available and effectively reduced the number of children who experience neglect. Although the country has been hard hit by Covid with subsequently high unemployment other stressors we’re quite familiar with, it’s seen an [overall reduction](#) in the number of children in foster care.

Human rights abuses are particularly egregious when they directly harm children. The U.S. child welfare system must be changed fundamentally and at once.

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