



Foster Care

Introduction

For decades, the Annie E. Casey Foundation has been investing significant resources in efforts to improve the life outcomes for America's most disadvantaged children. Driving our work is a belief that the most important thing we can do to advance positive long-term results for kids is to ensure their connection to stable, loving families. At Casey, we believe that having a strong family is the best predictor of any child's long-term success and the key to helping every child become a secure, thriving adult.



Too many children in our country do not succeed because crises leave them without a family to whom they can turn for the kind of help and support that most children take for granted. For a variety of reasons—illness, inadequate housing, substance abuse, poverty, domestic violence, mental health issues, and others—their families have failed to meet their needs. In extreme cases, when substantiated abuse or neglect compromises a child's safety, child welfare systems may be compelled to intervene, to remove a child from their home and place the child in protective care¹.

Thus began the essay for the 2007 Nation KIDS COUNT Data Book published by the Annie E. Casey Foundation. This issue of Facts on KIDS in South Dakota will discuss the foster care system, the background and history, and review data for South Dakota.

History of Child Welfare

Over fifty years ago, doctors, researchers, and journalists made clear that some children in our country face unacceptable danger in their own households. They documented the extent of physical abuse, sexual abuse, and child neglect, and their work led to a legislative revolution both at the federal level and in the states. Systems that had grown up to provide for orphans and children whose parents were simply unable to care for them would now take on the daunting challenge of finding and protecting abused and neglected children. Shielding a child from danger and harm became the over-arching purpose of child welfare work².

Part of the child welfare system is foster care. Briefly, foster care is temporary care for children who are unable to remain in their own homes and are placed in the custody of a county social service agency by the courts. In order to

understand welfare in this country one must look to Europe and the welfare system that was established there. Our system is based on the European model, more specifically the British example.

Feudalism

From about the 11th through the 13th centuries, a contractual system of relationships flourished in Europe called feudalism. Feudalism was characterized by nobility parceling out tracks of land, or fiefs, to people who would pledge allegiance to the nobleman. This pledge was that the fief would work the land and give a portion of the goods grown or animals raised to the nobleman and perform services if needed. Under this system, persons were accounted for and taken care of by the lord/nobility.

Elizabethan Poor Laws

During the reign of Queen Elizabeth 1st, the changing social, economic, and political climates forced feudalism to give way to a new era of a wage earning work force. The result was a tremendous increase in vagrancy, poverty and begging. To deal with this new type of poverty the Elizabethan Poor Laws were passed. These poor laws provided the basic philosophy that the United States uses today.

There are four basic principles to the Elizabethan poor laws:

Local responsibility

Local responsibility meant that the local parish was responsible for people within its boundaries. Alms houses were built for the poor to do work in exchange for food, clothing and shelter. Dependent children of the poor were indentured to a tradesman for a set time.

Settlement and removal

The settlement and removal principle of the poor laws was the beginning of residency requirements. Since the parish or local government was responsible for its own residents it became important to belong. While people in a parish were willing to take care of their "own", strangers were not welcomed and forced to move along.

Primary family responsibility

Primary family responsibility meant that parents were responsible for their children. Once these children became adults, they were responsible for their parents and grandparents.

Obligation to work

Due to the scarcity of workers, obligation to work principle provided that everyone who was able to work was expected to work. A distinction was made between

worthy and unworthy poor. The worthy poor were dependent children, the aged and the physically handicapped. The unworthy poor were the able-bodied that were unemployed.

A Brief Timeline of Child Welfare in America

In the United States, methods of providing child welfare have been determined by the popular attitudes and philosophies of the age. During our nation's history, adults considered children as simply property, plain numbers or the keys to social control. Attitudes began to change with the emergent theories of Freud regarding nurturance, infancy and development. In more recent years, the public began to define parental abuse and neglect as a responsibility of the federal government. In response, children were placed in children's homes and orphanages until society regarded the family as essential to child well-being. Children were then placed in foster homes, and with time, significance was granted to providing a permanent, loving home for the child. Today, attitudes toward child welfare focus on permanent homes and in-home services for parents. Follow the progress of America's answer to child welfare in the subsequent paragraphs.

1700s - orphans and children whose parents could not care for them were often indentured to work for other families.

1800s - Private religious and charitable organizations had established the first orphanages by concerned groups such as the New York Orphan Asylum Society and the New York Children's Aid Society. Investing in morals and humane treatment, Charles Loring Brace led "Orphan Trains" of orphaned or immigrant children from New York to the South and West to live with families there. It should be noted that South Dakota began providing subsidies to the Children's Home Society* (CHS) after it was organized in 1893 for its public child care work.

1900s - The first state laws to prevent child abuse and neglect were passed. For instance, the Social Security Act of 1935 authorized the first grants from the government for child welfare services. This allowed the states to develop child welfare agencies and services.

** The CHS is the oldest human service agency in South Dakota. CHS began as an orphanage in 1893, providing home and refuge for abused and unwanted children. Thousands of Dakota's children were cared for and placed with new families. In addition, CHS co-founders, William and Elizabeth Sherrard, authored the first child protection laws for the State of South Dakota. Children's Home Society served as South Dakota's principal orphanage until the mid-1960's when the foster care concept was introduced and implemented by the state, and became the preferred method of caring for children in crisis. Children's Home Society website: <http://www.chssd.org/info/OurHistory.asp> accessed June 25, 2007.*

1960s – Children's rights and their best interests were paramount, as represented in a court ruling that determined states could not ignore a child's needs on the basis of belonging to an unsuitable household (born out of wedlock). As a result to this ruling and several others supporting it, a growing number of children were placed out of the home in the mid to late 1960s.

1970s – The reporting laws and expectations for investigating the abuse or neglect of children became clearer via the Child Abuse Prevention and Treatment Act (CAPTA) that required states to develop child abuse reporting procedures and investigation systems. Also, the Indian Child Welfare Act (ICWA) of 1978 allowed for all child welfare court proceedings involving Native American children to be heard in tribal courts. In addition, tribes were given the right to intervene in state court proceedings.

1980s – Intensive home-based services became popular as a means of preserving the family. Most significantly, the Adoption Assistance and Child Welfare Act of 1980 was passed, allowing for the first major federal role in administration and oversight services of child welfare. The law called for states to develop a plan stating how child welfare services would be delivered while also requiring states to make "reasonable efforts" to keep families together. As a result, in the early 1980s the number of children in foster care and the average time of stay decreased.

1990s – Despite the trend of the early years of the previous decade, "between 1986 and 1995, the number of children in foster care increased from 280,000 to nearly 500,000 a 76 percent increase", possibly due to social phenomenon such as the economic slowdown and crack cocaine epidemic. Accordingly, the Adoption and Safe Families Act (ASFA) of 1997 was passed to address three specific concerns:

1. Children remained in foster care too long;
2. The trend toward family preservation proved to be at the expense of children's safety and well-being;
3. Adoption as an option for permanent placement of abused and neglected children was not given adequate attention or resources.

In response, the ASFA included three provisions to the concerns. First, states were given the right to expedite certain permanent placements despite the "reasonable efforts" to preserve families provision. This was put into

practice for extreme situations such as child abandonment, torture or sexual abuse. Secondly, decisions regarding permanency had to be made no later than twelve months after placement. Finally, a provision known as “15 of 22” required states to initiate the termination of parental rights for children who have been in foster care fifteen of the previous twenty-two months. The Act also includes other points including promoting adoption and safe and stable families.

In 1992 the Annie E. Casey Foundation launched the initiative Family to Family with the Family Centered Neighborhood Based (FCNB). Four principles guide the initiative:

- a) child’s safety is paramount;
- b) children belong in families;
- c) families need strong communities, and
- d) public child welfare systems need partnerships with the community and with other systems to achieve strong outcomes for children.

Child Welfare Funding

In total, nine agencies fund child welfare services, with the majority of support received from the Department of Health and Human Services (HHS). Funding is approved for states, community-based organizations, academic institutions, and other grantees. Of the funding sources, Titles IV-B and IV-E of the Social Securities Act are the largest funds specifically dedicated to child welfare services; in 2000 these funds accounted for 53 percent of total federal welfare services.



The Foster Care Maintenance Payments Programs, authorized under Title IV-E of the Social Security Act, provides Federal matching funds of fifty to eighty-three percent depending on the state’s per capita income. Funding is also dependent on a plan approved by the State to administer or supervise the administration of the program. These funds are available for: monthly maintenance payments to eligible foster care providers, administrative costs to manage program, training staff and foster parents, foster parent recruitment, and other related expenses. In FY 2006, the program was funded at \$4.6 billion.

Title IV-B remains the most flexible resource of dedicated child welfare funds. Monies in these funds may be used toward prevention, family preservation, time-limited family reunification, and adoption promotion and support. Interestingly, Native American tribes who run their own child welfare systems are not eligible for Title IV-E reimbursement.

Non-dedicated funding sources include the Social Services Block Grant (SSBG), the Temporary Assistance

for Needy Families (TANF) block grant, and Medicaid. SSBG provides funds for preventing child abuse and increasing the availability of child care. However, tribal governments may not receive direct SSBG funding. TANF, accounting for fifteen percent of all federal child welfare spending in 2000, grants time-limited cash assistance to needy families while promoting formation and maintenance of two-parent families. Finally, Medicaid provides routine medical assistance to low-income families with children and certain others; additionally, the fund covers the medical costs of children in the foster care system. States’ use of Medicaid, an open-ended entitlement program, varies greatly.

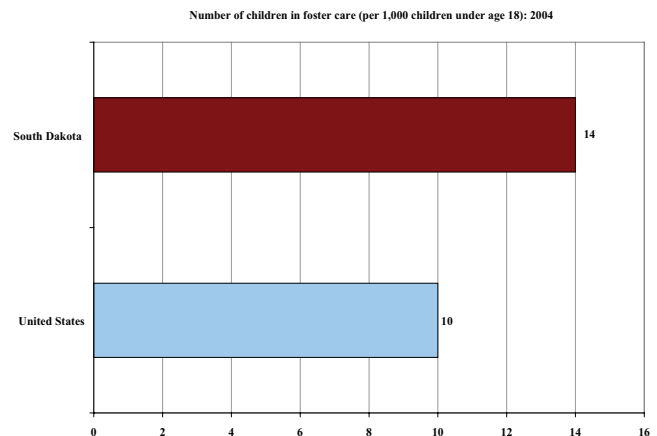
Foster Care in South Dakota

Today, after 25 years of legislative emphasis on children’s need for family permanence, we actually separate more children from families than we did in the past. Despite the fact that the number of children in foster care in the United States at a single point in time has declined from a peak of approximately 567,000 in 1999 to 513,000 in 2005, this is still 28 percent higher than the more than 400,000 children in foster care on a single day in 1990⁴.

There were 2,632 children (under age 18) in foster care in South Dakota for 2004. There were 62 children that aged out of the foster care system without a permanent family in 2004⁵.

	South Dakota	United States
Children under age 18 in foster care at any time in the year 2004	2,632	726,062
Children above age 11 in foster care at any time in the year 2004	890	352,814
Children who aged out of foster care without having a permanent family: 2004	62	22,718

South Dakota has a rate of 14 per 1,000 children under age 18 in foster care. The United States has a lower rate, 10 per 1,000 children under age 18⁶.





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Notes

¹2007 KIDS COUNT Data Book. The Annie E. Casey Foundation. State Profiles of Child Well-Being. Essay, page 6.

²2007 KIDS COUNT Data Book. The Annie E. Casey Foundation. State Profiles of Child Well-Being. Essay, page 7.

³Murray, K.O. and Gesiriech, S. [A Brief Legislative History of the Child Welfare System](http://pewfostercare.org/research/docs/Legislative.pdf). <http://pewfostercare.org/research/docs/Legislative.pdf>
Accessed on-line July 5, 2007.

⁴2007 KIDS COUNT Data Book. The Annie E. Casey Foundation. State Profiles of Child Well-Being. Essay, page 9.

⁵2007 KIDS COUNT Data Book. The Annie E. Casey Foundation. State Profiles of Child Well-Being. Page 142.

⁶2007 KIDS COUNT Data Book. The Annie E. Casey Foundation. State Profiles of Child Well-Being. Page 143.

The South Dakota KIDS COUNT Project

(www.sdkidscount.org) is a national and state-by-state effort, sponsored by the Annie E. Casey Foundation, to track the status of children in the United States. By providing policymakers and citizens with benchmarks of child well-being, KIDS COUNT seeks to enrich local, state, and national discussions concerning ways to secure better futures for children and families. Additional funding for the state project comes from the South Dakota Departments of: Education, Human Services, and Social Services.

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