

A FRACTURED SYSTEM: IS IT TIME FOR NEW PROGRAMMING WITHIN THE CHILD PROTECTION SERVICES?

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1. Introduction

Children are thrown into the foster care system everyday without any explanation or understanding as to what is happening. Once a child is put into the foster care system they lose sight of the only reality in stability that have ever known. Even if they were in a dangerous home, it is all they ever knew, and they do not understand why they are being taken away from it. By taking a child's reality away, it creates more emotional and psychological issues. If there are no measurable strides taken to protect a child, then the child could fall into a pattern of crime, emotional instability, and the inability to connect emotionally with others. The foster care system has become noticeably broken in the sense that resources are stretched thin on both the financial side and the staffing side. Oftentimes, children slip through the cracks because the Child Protective Service agents do not have enough time to account for every child once they enter the system. Children become neglected by not being properly educated on what happened to them, and why they have been taken away from their home. It is vital to have programs and policies implemented to keep children safe and watch out for their well-being. A beneficial program for children would be one that involves both education and therapy for them, as well as for the CPS agents and foster families that the children will interact with. With the creation of a new program, the United States will see juvenile crime rates go down, have children with

less behavioral issues, and witness children healing from all they endured when they were in an unhealthy home.

Without a new program, there are limited resources for these children to create a new reality. An outline of a new program shows that it is designed to provide therapy, education, and create a new foundation for foster children to build a future on. The goal of the new program is to not only help foster children heal, but to also lower crime rates that stem from the broken child welfare system. Unfortunately, it will be near impossible to completely fix the system, but programs like this one will at least drive necessary improvements in various areas. Without new programs, crime rates are going to continue to rise because agencies are not being proactive about protecting children entering into the system. Childhood mental illnesses will also continue to rise because they are not getting the proper therapy necessary for them to process their trauma and relearn proper coping mechanisms.

1.1. Background

There are thousands of children in the foster care system today. Children can end up in the system in many ways; for example, the parents may be abusing substances, abusing the children, inflicting violence on one another, or fostering unsafe living conditions. Once children are in the foster care system, there is a chance of them being placed in another unsafe home. Social workers have immense caseloads and are highly over-

worked, so they oftentimes place children into homes simply to put them somewhere. According to Teo, some social workers will not tell a foster family about poor behavior to get the parents to agree on taking the child in (2015). Some purport that the foster care system and social workers forget that children's lives are at stake and they need to be placed in positive homes with substantial support. "If the foster care system were considered a business, with its profit-and-loss statements judged in terms of unnecessary human suffering inflicted by mismanaged systems, it would have been forced into bankruptcy long ago" [1].

A competent program could be established for the purpose of equipping broken youth in our community with the skillset to cope, heal, and grow. There are programs in the city of Alexandria, Virginia that help foster children such as the IV-E Foster Care program. This program is operated by Children's Bureau and it supports states to provide board and care payments for eligible children. Programs like IV-E Foster Care are beneficial for children, but children also need more resources like education and therapy. Any new programs would need to be implemented slowly overtime to ensure they are perfected and able to handle the mass amount of cases in Child Protective Services.

1.2. Need for Change

Child Protective Services (CPS) has been stretched to the limit for years. They are poorly staffed, lack financial support, and have a large number of children that need safe homes. According to the US Department of Education (2016), there are approximately 400,000 children and youth that are in foster care at any given time and each year about 20,000 of these students age out of foster care. CPS is unable to provide proper homes or programs to help these children that desperately need it. Being separated and then placed in another home that is not a good fit can negatively affect the child and create more trauma, leading to bigger problems in the future. "Children are thrust into alien environs. Such experiences cause grief, terror and feelings of abandonment and lead to other serious problems" [2].

Child Protective Services is responsible for the lives of thousands of children across the United States. CPS removes more than 700 children across the United States in one day [2]. When CPS is called, they must investigate the family, home dynamic, and the child's wellbeing. If a CPS agent concludes that the child is in danger of more harm, they will remove the child from the home and place them in a different one. However, if the agents find nothing wrong they will leave the family be. Logistically, this is a great system and program. The system protects the children that are in dangerous homes and ultimately puts them in a safer home.

Victims of child abuse need more attention than the average child. They need to be reassured that everything is going to be okay, that they are loved, and that there is hope for their future. The lack of attention children in the foster system receive can result in a life of disparity, confusion, and crime. There is a vast amount of evidence that proves children in the foster care system are among the most at risk for poor life outcomes [3]. If CPS continues this vicious cycle of letting children fall through the cracks, then juvenile crime is going to continue to increase.

According to the latest data from the Center for Children's Law and Policy, "...the foster care-to-prison pipeline is the latest iteration in a decades long national trend which criminalizes adolescence and worsens existing disparities and discrimination" [4]. According to these experts, the youth that are placed in group foster homes are more than 2.5 times more likely to end up in the justice system. Also, 90 percent of those children who have more than five placements in different foster homes will enter the justice system [4]. Those children in the American foster care system have a disproportionate risk of being incarcerated. This is especially true for children of color, those with mental illnesses, and those who identify as LGBTQ.

However, there are too many children and not enough resources for CPS to effectively follow up with every family [5]. There is a high demand for change within CPS to help all the children that go through the system more efficiently.

2. History of the Problem

Throughout history, there have been laws that help protect children and remove them from their homes, if needed. However, it was not until 1875 when the first organization designed specifically for the protection of children was created—New York for the Prevention of Cruelty to Children [6]. The need for a child protection organization emerged when a woman by the name of Etta Wheeler wanted to rescue a nine-year-old girl from her horrible conditions. Etta Wheeler teamed up with the founder of the Prevention of Cruelty of Animals, Henry Bergh, to create an organization that protected children [6]. By 1922, there were nearly 300 nongovernmental child protection societies across America, as well as juvenile courts in every state [6].

Eventually, the organizations went from nongovernmental to being operated by the government, which is when the creation of the Federal Children's Bureau was created. The moment child protection was handed over to the states is when problems started to surface. In 1967, people were vocalizing their concerns about how there are no states adequately prepared to handle the service needs of all the reported cases of child neglect, abuse and exploitation [6]. By the mid-1960's, states started creating and enacting more laws about child protection. This caught the attention of the media, as well as everyone else in the nation. Between 1974 and 2000 the number of reported cases went from 60,000 to exceeding three million [6].

Over the past few decades, there has been an influx of reports stating abuse, or neglect in a household. In 2016, there were 10,917 reports of child abuse in one state alone, which was an increase of more than 18% from 2015 [7]. This stretches CPS extremely thin and they are unable to give each child the attention they need. Therefore, it is difficult for CPS agents to follow up with every child and foster family in an adequate amount of time. For example, when CPS agent believes a child is doing well they will put the child on the backburner, and not respond to the foster family for weeks [5]. CPS is more concerned about re-

moving a child, but they forget the most important step of following up and ensuring everything is running smoothly. CPS does little to provide for foster children and their parents the resources they need to change these behaviors long term [8].

Although there are many problematic concerns associated to the operations of Child Protective Services, there have been vast strides employed to the improvement of the system established in the 1800's. On a daily basis CPS strives to protect children and place them in a safe home. However, the demands associated to this field far outweigh the services that can practically be devoted to CPS. There are currently no treatment facilities in place that are designed specifically to help foster children's psychological and physical needs after they are taken from their homes, treatment is left to the foster families on how they would like to proceed with their foster child. However, this is not enough because foster parents are not trained professionals and they do not know how to care for the child's emotional and mental needs. With limited resources and CPS agents, foster families are left scrambling to figure out how to fully help their foster child. Foster children that do not receive additional support tend to follow in their parents' footsteps full of crime and brokenness. According to the Child Welfare Information Gateway, physical abuse and neglect can cause psychological implications, which turns into high risk behavior such as crime, substance abuse, and other undesired behaviors. They are also more likely to partake in the same behaviors their parents did (2016). If foster children are admitted into new programs that include psychological and educational assistance, then the crime rate will drastically decrease and there will be less juvenile crime. Foster children also tend to struggle with their behavior. They struggle because they have had poor influence in their life and they act out on the trauma. They have not yet learned the coping mechanisms necessary to process adverse situations, as they have yet to even process the trauma of their parents' inappropriate behaviors. They believe that the behaviors displayed to them by their parents are proper responses in social situations. Some behavioral issues can be

fighting, yelling, disobedience, lack of respect, and not listening. This can pour over into the rest of their lives, and negatively affect their social life. A new program could aim to reduce this negative behavior and not let it affect the efficiency or other children. Programs should be created to maximize a foster child's healing, show them they are cared for, take a little bit of a burden off the foster family, and to create a new future.

2.1. Potential Causes of the Problems

Protecting children can be a difficult and complex task, especially when it comes to placing a child into a new home. There are several potential causes for the foster child crisis, which can be linked to social structure, individuals, organizations, and the community. The primary cause to the problem is obviously the parents, but other factors such as CPS and lack of funding are related causes as well.

The first potential cause of the problem is the biological family. Couples are having children when they are either not ready or are unfit to have children. When couples have children when they are unfit for parenthood, this leads to abuse, neglect, and unsafe conditions for the child. Parents may abuse their children because of their own childhood, lack of support, substance abuse, or emotional disorders [9]. Children are a large responsibility and can either bring out the best or the worst in parents. The added stress can result in parents neglecting them. However, there are parents that do everything they can, but they simply cannot provide. These parents are either working a minimum wage job that cannot properly sustain a child, are unemployed, live with an abusive partner, or have other disabilities. CPS is required to investigate and decide if they must take away the child from the circumstances in the home (Stopitnow, n.d). Oftentimes, in the case of domestic abuse between parents, children are removed from the home regardless of if one parent is doing their best to provide for and protect the child. This decision is often made based off of the protective parent being negligent and not removing the child from the adverse environment. In cases such as this, it is common for the protec-

tive parent not to leave because they are unable to self-sustain, and rely on the abusive parent to provide food, income, childcare, and soon. It can be especially confusing to the children who are removed from these situations because they had one parent that was loving and caring, and now they have been removed from their life entirely. Parents who have had their children removed are given a list of requirements that must be met in order to receive their children back (i.e., sustainable income, suitable housing, sobriety, etc.). The ultimate goal of CPS is to return the child to their biological parents, but some parents never receive their child back. These types of families are the primary cause to the problems surrounding the psychological wellbeing of the children and the overcrowding of CPS. In some cases, this may be to no fault of the family—such as sudden onset of disability or illness, or cases of domestic violence. However, for the families who take on the responsibility of raising a child when they are knowingly unfit to parent, one can argue that there is blame to be placed for the psychological state of the child and the strain put on CPS.

The second potential cause of the problem is the lack of attention foster children receive. Due to the overcrowding of the foster system, CPS agents are unable to follow up with every family they are assigned to [10]. This results in families being overwhelmed and not knowing what to do if their child has problems stemming from their internalized trauma. It should be up to the CPS agent to follow up with the families, and ensure they are getting the proper recourses to tend to the foster child's psychological and physiological needs. If a family has a question or needs additional help with their foster child, then they are oftentimes left to figure it out on their own. This may put a strain on the family's finances, time, and ability to properly care for the foster child. A new program could eliminate this strain because it would be recommended the moment the child is placed in the home and would be financially covered by the state.

The third potential cause to the problem is the minimal funding and attention CPS and foster children receive from the federal government.

The government has always lacked in providing the proper funds to CPS. In the state of Virginia, every city is allowed to investigate all of the child abuse reports but since the money and resources are limited, they are unable to. [11]. Without extensive funds, CPS is unable to do their jobs and be properly staffed to tend to the thousands of foster children. This leads to mistakes, laziness, understaffing, and severe harm.

3. Theories

The main crime theory that can be applied to this specific problem of foster children is the Social Learning Theory. The Social Learning Theory was founded by Albert Bandura. The Social Learning Theory shows that people learn from one another whether it is through observation, imitation and, or modeling [12]. The Social Learning Theory is known to encompass characteristics from both behaviorist and cognitive theories. The most common way people learn is through observing others' actions, attitudes, words, behaviors, and the different outcomes from them. Children form ideas on how they should behave and later use that as a guide for their own behaviors [12]. The Social Learning Theory comprises tenets that are continuous interactions between cognitive, environmental, behavioral, and psychological influences [12].

The Social Learning Theory is applicable to the problems created by broken families and CPS. All children, but specifically foster children learn unhealthy behaviors from their parents. They have repeatedly observed behaviors that were harmful, unhealthy, and socially unacceptable. However, this is what they were raised on and they do not know any better. The child ultimately begins to act out and behave in such a way that reflects the way their parents behaved. This can affect the rest of their lives, and oftentimes, foster children will fall into a life of crime because that is what they were raised around [13]. Most foster children do not know how to readjust their behaviors and behave properly in a social setting. This is where a new program is vital because the program can provide therapy specifically for fix-

ing learned behaviors. Foster children will learn that those behaviors are not acceptable, and that there are ways to learn new ones. The ultimate goal is to teach foster children how to act differently and apply their learned coping skills from therapy. If they observe positive behaviors, then they will start to adapt to those behaviors rather than their previously learned ones.

The educators, therapists, and agents of any new programs would be educated thoroughly on trauma-informed care and the criminal theories that can apply to the foster children coming through the program within the community of Alexandria, VA. If the employees understand that each child has observed different behaviors, and behaves uniquely, then they will be able to help their psychological needs. The Social Learning Theory is applicable to the mission of this program because it will apply to almost every single foster child that walks through the doors. By understanding where the child came from and what they may have observed before they were taken away is vital. Therapists need to understand each child and meet them where they are mentally. If the child is not met on their level, then they will feel misunderstood and stray away from healing.

The second theory that can be applied to the problem is the Labeling Theory. The Labeling Theory is when people begin to identify and behave in ways that correlate to the labels that have been given to them by society [14]. This can be closely associated to crime and social deviance [14]. If someone is labeled a criminal by society, chances are they will begin to behave in that nature. It is hard to psychologically remove a label once it has been placed. This means if a child is labeled a deviant at a young age, they will begin to behave like a deviant and carry that behavior on for the rest of their lives.

The Labeling Theory applies to foster children because oftentimes they are labeled as broken, deviant, and high risk. Even if the child is perfectly normal, they may begin to fall into the behaviors associated with the label given to them. This theory is important to understand because the children going through a new program will need to be "re-labeled". The children need to understand

that they are not criminals because their parents are, and that the societal label of foster children being broken does not have to be true. The children will understand that they can learn to cope with the way society views them and prove them wrong. The Labeling Theory can help explain why a child is acting deviant, and help therapists redefine the way the children view themselves.

3.1. *Fraud*

When a child enters the foster care system the agency or foster home receives money from the government to assist in the care of the child. With the CPS department and all of its employees stretched so thin, there is little room for oversight. This has led to fraud. In 2013 a Wisconsin foster care agency misused almost \$5 million of taxpayer money to increase the top officials' salaries, pay for luxury cars, personal travel and other inappropriate expenses over a three-year time span [15]. In another case a state of revealed over \$22 million in improper payments. Meaning some foster parents were continuing to claim the foster child, even though the child was no long being cared for in their home. Over 100 foster care providers lost their licenses from that case alone. There have been many high profile claims of corruption within the foster care system over the last 10 years. However, these stories usually do not make the national news stories and discussions on how to improve the system are almost never started.

3.2. *Previous Interventions*

There are many previous interventions for the protection of abuse children. These interventions range from enacted laws, programs, and funding acts. CPS is the current and most effective intervention for foster children because they are actively in pursuit of removing children from unsafe circumstances. Unfortunately, it is impossible to help every single foster child to the extent that they need, but with the combination of funding acts, CPS, and a possible new program it is more likely.

4. **Child Abuse Prevent and Treatment Act**

The Child Abuse Prevention and Treatment Act (CAPTA) was designed to help further protect children in unsafe homes. CAPTA was created in 1974 and has been reauthorized and amended many times since. CAPTA ensures that federal funding is provided to the states in order to fully support the prosecution, investigation, prevention, assessment and treatment of those in the foster care system [16]. CAPTA also provided grants to public agencies, not for profit organization, and Indian tribes to assist them with their programs. Lastly, CAPTA provides a federal definition of child abuse and neglect, and sexual abuse. In 2015, the definition was expanded to include victims of sex trafficking or other forms of human trafficking [16].

Although, CAPTA is a current act in the United States it is still a previous intervention because it has not solved the problem completely. Funding is crucial for the protection and treatment of foster children, but CAPTA is focused on the big pictures. Oftentimes, previous interventions for the foster system forget about the everyday details and focus only on the overall treatment and prosecution of the biological parents.

5. **IV-E**

The [17] is an important intervention because it is a federal code that funds must be awarded to the system. Title IV-E is a program with specific eligibility requirements and fixed use of funds (ACF, 2012). These funds are available for the daily care and supervision of eligible children in the foster system. Funds are also used to manage the program, train staff and foster care providers, recruitment of foster parents, and implementation of the system (ACF, 2012). Title IV-E is the program that funds CPS and the foster care system. It is an important program because then children in the foster system will have the funds to live in a new home. It is also important for the families because it gives them the funds to support another child that may be costlier due to their psychological and specialized needs.

Without programs like Title IV-E, the foster care system would fall apart. However, due to the instability of funds the foster system fails to stay consistent. Both foster children and foster families need stability with their finances because it can be expensive.

6. Barriers to Change

The primary barrier to any type of new program comes in the economic, social, and political form. These restraining forces are that the program will be very costly at the beginning, may have pushback from CPS agents and policy makers, and even pushback from the children. However, the main driving forces are that the program will protect children, overtime lower juvenile crime rate, and will be less costly in the long run.

The overall push from the restraining forces is minimized by the driving forces. The driving forces far out way the restraining forces, which means a new program would have more benefits than disadvantages. All the restraining forces can be worked through as well. The main concern will be the initial costs, but with good budget controls a well-run program should be able to lower expenses in the long run. The reason for this is a successful program would lower crime rate, which in return lowers prison rates and costs. The second concern will be pushback from CPS because they are the main organization driving the protection of children. However, once CPS sees how beneficial a program can be to not only them but the children then that will no longer be a concern. CPS will become a driving factor because of their involvement and support of the program. Once those two restraining forces are handled, then the other ones are minimal and can be worked through over time.

References

[1] Chapman MV, Wall A, Barth RP. Children's voices: The perceptions of children in foster care. *American Journal of Orthopsychiatry*. 2004;74(3):293-304.

[2] Friedersdorf C.). In a year, child-protective services checked up on 3.2 million children; 2014. Available from: <https://www.theatlantic.com/national/archive/2014/07/in-a-year-child-protective-services-conducted-32-million-investigations/374809/>.

[3] Lips D.). Foster care children need better educational opportunities; 2007. Available from: <https://www.heritage.org/education/report/foster-care-children-need-better-educational-opportunities>.

[4] Center JL. What is the foster care to prison pipeline?; 2018. Available from: <https://jlc.org/news/what-foster-care-prison-pipeline>.

[5] Teo D. Surprising things about foster care; 2015. The 10 most. Available from: https://www.huffingtonpost.com/dawn-teo/the-10-most-surprising-things-about-foster-care_b_7058474.html.

[6] Myers JE. The history of child protection in america. *Family Law*. 2008;42(3).

[7] Wade CM.). Prosecutors overwhelmed by child abuse reports. *Gloucester Daily Times*; 2017.

[8] Grohol J.). Child protective services ineffective; 2010. Available from: <https://psychcentral.com/blog/child-protective-services-ineffective/>.

[9] Bauer M.). What causes parents to abuse their child?; 2017. Available from: <https://www.livestrong.com/article/142315-what-causes-parents-abuse-their-child/>.

[10] Bailey S, Auld A. Foster care crisis: Overcrowding, lax screening and too few homes stressing system; 2012.

[11] Harki GA.). Few complaints to child abuse hotline investigated. *The Virginian Pilot*; 2014. Available from: https://pilotonline.com/news/local/crime/article_c8e41095-8ba0-5c01-9322-4f1ebe3b6af5.html.

[12] David L. Social learning. *Learning Theories*; 2015. Available from: <https://www.learning-theories.com/social-learning-theory-bandura.html>.

[13] and C. youth well-being data profile; 2016.

[14] Crossman A.). How labeling theory can help us understand bias and criminal behavior; 2018. Available from: <https://www.thoughtco.com/labeling-theory-3026627>.

[15] Hall D. State: Foster care agency owner misused nearly \$5M of taxpayer money; 2013. Available from: https://madison.com/wsj/news/local/crime_and_courts/state-foster-care-agency-owner-misused-nearly-m-of-taxpayer/article_16ad5bb6-6ce3-11e2-8215-0019bb2963f4.html.

[16] Child welfare information gateway; 2017. Available from: <https://www.childwelfare.gov/pubs/factsheets/about/>.

[17] care TIE; 2012.

[18] Cassidy J.). The impossible job of child protective services; 2017. Available from: <https://spectator.org/>

- 61708_impossible-job-child-protective-services/.
- [19] advocacy C; 2016. Available from: <https://www.scanva.org/child-advocacy/statistics-policy/>.
 - [20] Justice for children;. Available from: <http://justiceforchildren.org/about-us/>.
 - [21] National foster parent association - about NFPA;.
 - [22] (n d N;. Available from: <https://newfoundva.org/about>.
 - [23] One safe place for help;.
 - [24] Reuther ET, Osofsky JD. Resilience after trauma in early development; 2003. Available from: <http://www.child-encyclopedia.com/resilience/according-experts/resilience-after-trauma-early-development>.
 - [25] Thoma R. 16). A critical look at foster care: Foster care outcomes; 2010. Available from: <http://www.liftingtheveil.org/foster14.htm>.
 - [26] Welsh WN, Harris PW. Criminal justice policy and planning: Planned change (Fifth ed.). New York: Routledge Taylor and Francis Group; 2016.
 - [27] What is child protective services?;. Available from: <https://www.stopitnow.org/ohc-content/what-is-child-protective-services>.