

The History of Foster Care

Summary

This paper outlines an introductory history of foster care and provides relevant historical context that is critical to understanding how the current system reflects and upholds systemic racism in its policy and practice. Since its establishment in the late 19th century, the foster care system has been a microcosm of broader systemic violence against communities of color. The foster care system was originally predicated on the well-being of white children and families, and many of its present day policies continue to reflect a myopic understanding of child welfare. Harmful effects of the foster care system must be fully understood to envision, create, and enact a future that protects and ensures safety for all children.

Introduction

In the United States, dominant thinking is often that the foster care system exists to ensure the safety, stability, and overall well-being of children.¹ Child welfare, which includes the foster care system, is a complex system of public and private institutions that span federal, state, county, and Tribal jurisdiction. The child welfare system is regarded as a federal and state legislative priority and garners support across party lines, even within a divisive political climate. Despite this galvanized effort, decades of research provide evidence that the current foster care system has not only failed to ensure the well-being of large portions of the children and youth population,² but it both upholds and perpetuates racial bias, discrimination, and oppression in its very nature as an institution.³ This paper outlines an introductory history of foster care and provides relevant historical context that is critical to understanding how the current system reflects and upholds systemic racism in its policy and practice. Harmful effects of the foster care system must be fully understood to envision, create, and enact a future that protects and ensures safety for all children.

Definitions

For the purpose of this paper, *foster care*, *racism*, and *systemic racism* are defined as follows:

- *Foster care* is a temporary service provided by the state for children who cannot live with their families.⁴ Broadly, this can include placements such as group homes, residential and supportive living facilities, and emergency shelters. In the context of this paper, however, foster care mostly refers to family foster care, the system through which children can receive temporary care within the homes of relatives or non-relatives who have been approved by the state (or an agency licensed by the state).⁵ The foster care system is one aspect of the US child welfare system.
- *Racism* is “the marginalization and/or oppression of people of color based on a socially constructed racial hierarchy that privileges white people.”⁶
- *Systemic racism* is “a combination of systems, institutions and factors that advantage white people and cause widespread harm and disadvantages in access and opportunity for people of color.”⁷

The Origins of Foster Care

Since its establishment in the late 19th century, the foster care system has been a microcosm of broader systemic violence against communities of color, the historical and present-day effects of which are most felt by Black and American Indian/Alaska Native (AIAN) children, families, and communities.⁸ The foster care system in the United States ostensibly serves all children; however, a closer investigation illuminates disproportionality and disparities based on race. AIAN children are less than 1 percent of the child population, but they make up 2 percent of children in foster care.⁹ About 14 percent of the child population is Black, but they make up 23 percent of children in foster care.¹⁰ It is estimated that 4.9 percent of white children will experience foster care placement before their eighteenth birthday, compared to 11 percent of Black children and 15.4 percent of AIAN children.¹¹ These inequities reflect the broader context of the history of foster care and how the present system came to be.

The foster care system is an expansion of private orphanage institutions of the 1800s and other agencies including the Children's Aid Society, the Society for the Protection and Care of Children (SPCC), and almshouses. The first United States orphanage was established in 1729 and it was created to house white children specifically.¹² The foster care system can also be traced to other early attempts of intervention that harmfully separated children from their families, such as the Orphan Train Movement and Indian Boarding Schools. The Orphan Train Movement, another historical precursor to the modern foster care system, was led by Charles Loring Brace of the Children's Aid Society. Between 1854 and 1929, this movement displaced thousands of children from the east and moved them to join a growing "pioneer" workforce of adoptive families in the west.¹³

Contemporary issues in foster care policy reflect two critical flaws that exist in the origins of the system: 1. The orphanage system and the Orphan Train Movement both prioritized the well-being of white families and communities. As children of color were continuously excluded from many child welfare institutions, the foster care system concomitantly evolved to prioritize the needs of white children.¹⁴

2. Simply put, foster care is rooted in the idea of "child saving," with emphasis on removal of the child rather than addressing the underlying problem. These early origins of foster care operated under the assumption that children would fare better after being removed from their own communities.¹⁵

Impact of Foster Care on American Indian/Alaska Native Communities

Indian Boarding Schools and the Indian Adoption Project stand out among many institutionalized practices and policies that have forced assimilation of AIAN children, the lasting effects of which are still felt today. The Civilization Fund Act, passed by Congress in 1819, funded agencies to forcibly remove AIAN children from their families, Tribes, and native lands and subsequently detain them in "boarding schools," for the purpose of assimilation and education.¹⁶ In boarding schools, AIAN children faced egregious harm, including, but not limited to, physical abuse and forced denouncement of their traditional values, language, and knowledge. From the 1950s into the 1970s, federal assimilationist policy expanded the separation of AIAN children from their families, under the pretense of providing necessary social support and intervention. In 1959, the Bureau of Indian Affairs instituted the Indian Adoption Project, which separated AIAN children from their communities and intentionally placed AIAN children with white families. Removal rates of AIAN children from their families were extremely high compared to other racial groups.¹⁷

Impact of Foster Care on Black Communities

Systemic racism remains pervasive at every level of the foster care system¹⁸ and racial bias and discrimination continues to disproportionately harm Black families.

Many Black families are impacted by the intersection of child welfare and systemic issues of poverty, parental incarceration, and substance use.¹⁹ Racial discrimination in reporting bias and inequities in service delivery are also harmful to Black families. When Black children are removed from their homes, they on average are assessed to have lower risk at the time of removal than white children removed from their homes.²⁰ Black children are more likely to be removed from their home after a child abuse referral is received than children of other races. Black children are also less likely to be reunified with their families after such cases are made, and experience longer periods within foster care compared to children of other races.²¹ The compounded effect of racial bias and discrimination has continually left Black families at risk for further harm within a system that is purported to ensure children's safety and protection.

Racist Policy

Policies that have disproportionately harmed families of color abound. Systemic racism and resulting inter-generational poverty have caused families of color to be overrepresented among the poor,²² and federal policies, including Temporary Assistance for Needy Families (TANF) and the Adoptions and Safe Families Act (ASFA) have reduced welfare income and have expedited the termination of parental rights, respectively.²³ Racist policy has disproportionately impacted AIAN and Black families, the populations of whom are overrepresented in the child welfare system.

The number of children in foster care rose significantly after the passage of the Child Abuse Prevention and Treatment Act (CAPTA) of 1974.²⁴ There is little evidence to suggest that Black families have a higher incidence of child maltreatment compared to other races,²⁵ yet substantiated allegations of abuse and neglect are significantly more frequent in cases involving Black families.²⁶

CAPTA is one example of racist child welfare policy that embodies the reality of the foster care system as punitive rather than restorative, and has enforced the surveillance and criminalization of families of color. This is because the current system places blame for perceived harm on individual parents or caregivers, rather than recognizing broader societal failings which restrict parents' abilities to provide a consistent supportive environment for children. Thus, the foster care system becomes punitive: while abdicating collective responsibility for the well-being of all children, the state becomes complicit in taking children from families who may not have access to the resources and tools in order to thrive. This outcome is particularly harmful to communities of color.

Conclusion

The pervasive inequality within the foster care system is symptomatic of broader issues in our society. The foster care system originally was predicated on the well-being of white children and families, and present day policies continue to reflect a myopic understanding of child welfare.

To address disparities in child welfare and in the foster care system specifically, policy efforts can reflect a commitment to anti-racism by adopting an anti-racism lens to address both intended and unintended impacts of policy. These efforts can include broad efforts to eliminate economic inequities, as well as tailored efforts to eliminate racial bias and discrimination within the system.

The history of foster care and its current implications must be understood so that new policies and practices can inform a child welfare system that serves all children, especially prioritizing the long-term safety, protection, and well-being of children of color who have felt the effects of systemic injustice for far too long.

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