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Relative Placement: The Best Answer for Our Foster Care System[1]

When the juvenile court removes a child from parental care because of abuse or neglect, what type of placement will best meet his or her needs? In the United States, the answer to this question has evolved for more than a century.

In the 19th century Charles Brace led a movement to place children with families. The famous Orphan Trains moved more than 100,000 children to homes in the Midwest. In spite of these efforts, 120 years ago most children living out of home were placed in orphanages and other types of congregate care. By 1910, there were over 1,000 orphanages in the United States and their average size had grown significantly since the late 19th century.[2] After the White House Conference on Children in 1909, the national policy seemed to move towards placing children in families and foster care was born.[3] However, foster homes as an alternative to congregate care grew very slowly in the 20th century. It was only after the passage of Public Law 96-272 (The Adoption Assistance and Child Welfare Act of 1980) that the numbers of children placed in foster care surpassed congregate care as the preferred placement for children removed from their parents' home.

There are significant problems with foster care. First, many children placed in foster care do not like the foster home. After all, they are placed with strangers. That transition can be traumatic.[4] Some of these children run away from foster care, while others are separated from their siblings, particularly if there is a large sibling group. Second, many children move from foster home to foster home, never settling into a long-term placement, a phenomenon referred to as foster care drift.

Third, and perhaps most important, there are not now, nor will there ever be enough foster homes to meet the demand. In spite of millions of dollars spent on community outreach and efforts by social service agencies, judges, and other child advocates, the number of available foster homes has never matched the numbers of children needing out-of-home placement. One indication of the inability of foster homes to meet the placement needs of out-of-home children is that approximately 20,000 children "age out" of foster or congregate care every year, never having reached a permanent placement despite the efforts of many professionals.[5]

Where will homes be found that will meet the needs of children who cannot live with their birth parents? Certainly not in congregate care. Ironically, congregate care that provided almost 100% of all placements 120 years ago is now the least-favored placement. Federal law does not consider it a permanent placement and requires social workers and judges to take extraordinary steps to find a permanent home.[6] The best answer is placement with relatives. That conclusion came very late to the United States government. For years, the federal government did not favor relative placement, likely because of the old adage that an apple does not fall far from the tree. Since the parents have demonstrated that they are abusive or neglectful, their own parents must have been at least partially responsible for their inability to be safe parents.

Late in the 20th century federal policy finally changed.[7] Then with the passage of the Fostering Connections to Success and Increasing Adoptions Act of 2008, relative placement became a preferred placement to foster care and a recognized permanent plan under federal law.[8] Relative preference for placement is now federal law, and many states, including California, have added parallel statutes reflecting those changes.[9]

Placing children in relative care is a best practice, one that benefits the child in many ways. Relative placement minimizes trauma to the children since the children likely know the relatives. The relatives are more likely than foster

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parents to take large sibling groups, thus maintaining sibling contacts. Research has demonstrated that children placed with relatives fare better than those placed in foster care. They experience better stability, have fewer placement changes, fewer behavior problems,[10] and not as many school changes.[11] Living with a relative helps preserve a child's cultural identity and community connections and eliminates the unfortunate stigma that many foster children experience.[12]

Data support this conclusion. Relative placements are the most stable, followed by foster care and finally by congregate care. See Figures 1 and 2.[13]

This is a low number. We can and should increase it substantially.

Los Angeles County is currently experimenting with increasing the numbers of children placed with relatives. Two of the 19 Regional Offices of the county Department of Children and Family Services (Santa Fe Springs and Glendora) are using new practices to identify, engage, and clear the legal and bureaucratic hurdles that have for years delayed the relative placement process. One innovation is to look for relatives ahead of time. If the office knows they are getting a protective custody warrant from a judge, social workers will immediately start to canvass for relatives and NREFMs (non-relative extended family members such as family friends, god-parents, and similar close family friends). The office uses a search engine to see if they can identify and locate "lost" relatives. They also do a better job of tracking down "non-offending" fathers, as this identifies both fathers and their extended families as possible placements. After all, fathers provide on average 50 percent of a child's relatives. Even locating relatives who are not suitable for placement can still

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Figure 1

Percent	Placement Type										
	Pre Adopt	Kin	Foster	FFA	Court Specified Home	Group	Shelter	Guardian	Other	Missing	All
	%	%	%	%	%	%	%	%	%	%	%
Children with re-entries		7.5	13.4	12.6	12.0	20.7	19.2		16.3		10.9
Children with no re-entries	100.0	92.5	86.6	87.4	88.0	79.3	80.8	100.0	83.7		89.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0		100.0

Figure 2

Placement Stability Data for children who entered care between January 1 and June 30, 2016, and who were still in care 12 months later

Relative Care

Selected Subset: First Placement Type: Kin

County	Still in care at 12 months	Children in placement number 1, 2	%
California	2,141	1,939	90.6%

Foster Family Care

Selected Subset: First Placement Type: Foster

County	Still in care at 12 months	Children in placement number 1, 2	%
California	1,241	900	72.5%

Group Home Care

Selected Subset: First Placement Type: Group

County	Still in care at 12 months	Children in placement number 1, 2	%
California	490	182	37.1%

In spite of these advantages, the percentage of children placed with relatives in the United States remains low. Nationally, 26 percent of children in court-ordered placements are with relatives.[14] In comparison, in New Zealand when the state removes children from parental care, over 50 percent are placed with relatives.[15] In Allegheny County, Pennsylvania (Pittsburgh) approximately 65 percent of children in placement reside with relatives. In California, the July, 2017, data in Figure 3 show 32 percent of children placed out-of-home are living with relatives or a non-related extended family member. The county-by-county placement rates for relative/NREFMs, foster care, and group homes are listed below in Figure 3.

Figure 3 - California Child Welfare Indicators Project (CCWIP), University of California at Berkeley, Children in Foster Care Agency Type, July 1, 2017

	Placement Type							Total
	Relative/ NREFM	Foster	FFA	Group	Shelter	All other types	Miss-ing	
County	N	N	N	n	n	N	N	N
California	20,558	6,485	14,498	3,611	82	15,314	2	60,550
Alameda	421	119	328	158	0	465	0	1,491
Alpine	0	0	0	0	0	0	0	0
Amador	14	2	35	3	0	11	0	65
Butte	119	68	234	30	0	156	0	607
Calaveras	30	3	22	5	0	22	0	82
Colusa	16	2	32	2	0	1	0	53
Contra Costa	228	154	278	103	0	335	0	1,098
Del Norte	18	35	2	4	0	9	0	68
El Dorado	83	49	86	25	0	58	0	301
Fresno	488	158	738	77	0	738	0	2,199
Glenn	31	18	11	5	0	28	0	93
Humboldt	155	103	27	22	1	96	0	404
Imperial	132	50	80	28	6	92	0	388
Inyo	6	7	0	0	0	3	0	16
Kern	422	160	621	65	0	583	0	1,851
Kings	99	64	109	3	0	74	0	349
Lake	38	10	58	10	0	55	0	171
Lassen	21	4	22	0	0	10	0	57
Los Angeles	9,161	1,750	4,390	970	0	4,750	1	21,022
Madera	79	25	175	11	0	69	0	359
Marin	17	20	12	3	0	24	0	76
Mariposa	6	5	6	2	0	15	0	34
Mendocino	79	10	74	32	0	64	0	259
Merced	136	42	188	18	0	158	0	542
Modoc	11	1	3	0	0	5	0	20
Mono	5	1	0	1	0	0	0	7
Monterey	106	95	88	33	0	84	0	406
Napa	44	23	17	3	0	32	0	119
Nevada	17	1	19	2	0	5	0	44
Orange	888	388	226	197	0	662	0	2,361
Placer	51	12	43	15	0	95	0	216
Plumas	6	2	21	4	0	10	0	43
Riverside	1,128	299	1,141	166	0	902	0	3,636
Sacramento	596	189	677	217	0	812	0	2,491
San Benito	21	9	19	0	0	9	0	58
San Bernardino	2,199	473	2,031	478	0	1,205	0	6,386
San Diego	928	588	193	215	27	762	0	2,713
San Francisco	177	130	181	69	0	264	0	821
San Joaquin	401	147	417	154	8	426	0	1,553
San Luis Obispo	117	109	25	29	0	115	0	395
San Mateo	55	36	55	13	12	109	0	280
Santa Barbara	137	70	86	25	0	102	0	420
Santa Clara	313	232	141	119	0	290	0	1,095
Santa Cruz	93	55	12	17	0	61	0	238
Shasta	105	89	138	16	0	125	0	473
Sierra	0	0	1	1	0	0	0	2
Siskiyou	15	3	45	8	0	26	0	97
Solano	140	11	133	30	0	163	0	477
Sonoma	159	57	81	27	28	168	1	521
Stanislaus	137	70	337	55	0	277	0	876
Sutter	11	4	102	20	0	51	0	188
Tehama	57	37	53	2	0	94	0	243
Trinity	10	6	20	3	0	10	0	49
Tulare	319	149	330	30	0	260	0	1,088
Tuolumne	32	22	22	3	0	23	0	102
Ventura	330	198	75	46	0	209	0	858
Yolo	100	101	138	20	0	60	0	419
Yuba	45	8	96	15	0	39	0	203
Missing	6	12	4	2	0	43	0	67

Data Source: CWS/CMS 2017 Quarter 2 Extract.

provide benefits to the family if they want to be a part of the team to assist the child and parents in reaching their goals. All of this has developed a spirit within the offices that places great emphasis on locating and engaging relatives as soon as possible.

The office policies and procedures allow social workers to make emergency placements. They run a CLETS (California Law Enforcement Telecommunication System) search to ensure that there is no criminal record (that cannot be granted an exemption) and a CWS/CMS (Child Welfare Services/Case Management System) search to make certain there is no DCFS (Department of Children and Family Services) history. The office expedites criminal waivers for prospective relative caregivers, depending on the crime. They can approve placement when the record is only misdemeanors and certain crimes that are very old. Emergency Response (ER) staff immediately conduct in-person interviews of all prospective relative caregivers. Given the emergency involved in the placement, they conduct these on the same day as the placement. ER staff conduct an initial home assessment at the time of the placement to ensure that the home meets initial criteria and that there is an appropriate sleeping arrangement for the child or children. As a result of CCR (Continuum of Care Reform)[16], the ER section has been allowed to place children with a relative under emergency circumstances using the new RFA (Resource Family Assessment) guidelines. ER social workers are required to conduct CLETS, CACI (Child

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Abuse Central Index), and CWS/CMS background checks. They perform these checks online and obtain the results the same day. The RFA staff members conduct the more intensive background checks such as Live-Scans during the home study process after the children have been placed. If a criminal history appears during the Live-Scan checks, then RFA staff will assist the family to apply for a waiver if the crime meets waiver criteria. According to the regional administrators, the biggest barriers are criminal waivers and space at the relative home as many relatives live in small places, often apartments.

This early and intensive work permits the child to go directly from home into relative care without spending any time in foster care. The office provides relatives with a temporary stipend ($400.00 a month) for three months to help the relatives adjust to the additional children in their care. The office also provides, upon request, child care, cribs, car seats and any other services the relatives might request. The office policy is to take whatever steps are necessary to ensure the placement is successful.

The projects started in each office in October of 2016. The results have been dramatic. The average rates for relative placements in the Glendora office are 77 percent and 84 percent in the Santa Fe Springs office. There have been several months where the relative placement rate has exceeded 90 percent. The October 2017, relative placement rates for the two offices are 84 percent for Santa Fe Springs and 84 percent for Glendora.[17] The offices achieved these results with the addition of only one support staff member. That person, an Adoption Assistant, was added to the Emergency Response section and is dedicated to the Family Finding process. The success has led to an expansion of the project. Two additional regions, the Vermont Corridor and West LA, started the project in October, 2017.

For years juvenile court judges have been frustrated with the inability of children's services agencies to identify, notice, engage, and place children with relatives. Criminal background checks seemed to take months. Finding fathers was a struggle, and searches for relatives often did not start until the father could be located. The longer the wait, the longer the child remained in foster care. If the child was an infant, the foster parents often became active in trying to keep custody leading to contested trials in the juvenile court.[18]

There has been little that the judges could do. They realized that changes in agency practices were necessary to speed up the relative placement process. The two pilot projects in Los Angeles County provide a glimpse of what is possible. When other social service agencies around the state learn of these results, they may modify their practice and be able to place more children with relatives. In a year when California is attempting to do away with congregate care, these new practices offer hope that our state can reach its goal of placing these children in a family-like setting, preferably with relatives. It is a reason for optimism.

Endnotes:

1 The author is thankful for the information gathered from the two Los Angeles pilot projects and the cooperation from Regional Administrators Jennifer Lopez (Santa Fe Springs Office) and Aris S. Banico, M.A.(Glendora Regional Office). The author is also grateful for the assistance provided by Corby Sturges from the Center for Families, Children & the Courts, a division of the California Judicial Council.

2 Myers, John E.B., The History of Child Protection in America, (Xlibris, 2004) at pp.43-44.

3 Three years later the Children's Bureau was created and funded by Congress.

4 See Mitchell,, Monique, The Neglected Transition: Building a Relational Home for Children Entering Foster Care, Oxford University Press, 2016.

5 Greeson, K.P., and Thompson, A.E., Aging Out of Foster Care, The Oxford Handbook of Emerging Aduldthood, September, 2014.

6 Public Law No: 113-183 (09/29/2014); Subtitle B, Section 112.

7 See Edwards, Leonard, "Relative Placement in Child Protection Cases: A Judicial Perspective," Juvenile & Family Court Journal, Vol. 61, No. 2, (Spring, 2010) 1-44 at p. 8. This article is available at no cost at judgeleonardedwards.com.

8 P.L. 110-351.

9 For example, see W & I Code §361.3.

10 Rubin, David, Kevin J. Downes, & Amanda L. O'Reilly, "Impact of Kinship Care on Behavioral Well-Being for Children in Out-of-Home Care," Arch. Pediatric & Adolescent Med. Vol. 162, No. 6, 550-556 (2008).

11 See Generations United. Children Thrive in Grandfamilies, (2016) – (fact sheet available at www.grandfamilies.org/Portals/0/16-Children-Thrive-in-Grandfamilies.pdf).

12 These are only some of the advantages of relative care. For additional advantages see Edwards, op.cit. footnote 6 at pp. 10-13.

13 The data in Figures 1, 2 & 3 were provided by Daniel Webster, a research specialist at the U.C. Berkeley School of Social Welfare's Center for Social Services Research (CSSR), where he serves as principal investigator of the California Child Welfare Indicators Project (CCWIP). Daniel Webster et al., CCWIP Reports (2017), at http://cssr.berkeley.edu/ucb_childwelfare/Stability.aspx.

14 Email from Dr. Sarah Hayward, Principal Advisor, Monitoring and Investigations, Office of the Children's Commissioner, New Zealand. A copy is available from the author. Judgeleonardedwards@gmail.com

15 Email from Marc Cherna, Director Allegheny County Department of Human Services. A copy is available from the author. Judgeleonardedwards@gmail.com. For a description of the procedures used by the Allegheny County Department of Human Services, see Edwards, Leonard, "How To Improve Outcomes For Abused And Neglected Children: Engaging Relatives Early," Summer 2016, The Bench, the official magazine of the California Judges Association, available at no cost at judgeleonardedwards.com.

16 See Cal. Dept. Soc. Servs., What is the Continuum of Care Reform? (2016), at www.cdss.co.gov/cdssweb/entres/pdf/CCR/hatisContinuumCareReform.pdf

17 Copies of these statistics are available from the author as is the contact information for the two offices. Each office has indicated a willingness to work with other jurisdictions to improve their placement outcomes.

18 For example, see In re Sarah H., 43 Cal.App.4th 274, 50 Cal.Rptr.2d 503 (1996).