

Placement Matters

When a juvenile court judge removes a child from parental care, it matters where the child is placed. The choices include emergency foster care, foster care, group homes, institutions, and relatives/kin. Fortunately, we now have extensive research that demonstrates what is best for the child. The research includes numerous studies of hundreds of thousands of families over decades. These studies show that placing with relatives/kin is the best for the child, congregate care is the worst, and foster care falls between the two extremes.¹ They conclude that children placed in stranger care (foster care and congregate care) are more likely to suffer life-long medical problems and will die sooner.²

The federal government has acknowledged the negative results of placing children in congregate care. Both the Preventing Sex Trafficking and Strengthening Families Act of 2014³ and the Family First Preventions Services Act of 2018⁴ reflect this policy shift. These legislative initiatives have made it more difficult for judges to make such placements and mandated that social workers and probation officers take extraordinary efforts to avoid placements in congregate care.

It is also the law that neither congregate care nor foster care is a permanent placement. The law considers only return to parents, adoption, guardianship, and placement with relatives/kin as permanent placements.

It also matters how long it takes to make the placement. Removing a child from parental custody is a traumatic event for the parents and the child, and the longer a child remains in stranger care, the greater the trauma.⁵

Frequent reports from around the country reveal that some removed children sleep in social service offices and hotels.⁶ Others remain in emergency foster care for weeks and months before a more stable foster home can be found.

Some social workers place children with relatives/kin instead of foster or congregate care.⁷ Yet even this placement takes a long time in many jurisdictions. Social workers must identify and engage the relatives, do background checks of household members, and get approval from the court.

Fortunately, the social workers in several jurisdictions have developed procedures that enable placement with relatives/kin in a few days, sometimes in less than 24 hours. This reduces trauma and results in a preferred placement. Several articles noted in this article outline these procedures.⁸

Judges should pay special attention to the placement of children in out-of-home care and the time it takes to complete the placement.

Endnotes:

- 1 Sacker, A., *et al.*, "The lifelong health and wellbeing trajectories of people who have been in care," Findings from the Looked-after Children Grown Up Project, Nuffield Foundation, London, July 2021.
- 2 These studies are summarized in Edwards, L., "The Urgency of Placing Children with Relatives," *The Guardian*, NACC, Vol. 42, No. 4, 2020; Edwards, L., "Relative Placement: The Best Answer for our Foster Care System," *The Bench*, Winter, 2018. Copies of these articles is available at judgeleonardedwards.com.
- 3 Public Law 113-183.
- 4 Bipartisan Budget Act of 2018 (HR 1892)
- 5 Children's Rights Litigation, "Trauma Caused by Separation of Children from Parents," ABA, 2020.
- 6 Hawkins, S., "Social workers demand changes in Fresno Co., show pics of kids sleeping in CPA offices," *KMPH News Fresno-Visalia*, Oct. 14, 2021; "Wadhvani, A., "Kids sleep in state offices as DCS struggles to find placement," *USA Today Network*, May 5, 2017.
- 7 *Fostering Connections to Success and Increasing Adoptions Act of 2008*, P.L. 110-351.
- 8 *Op. cit.*, footnote 2.



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