History of Foster Care Review*

What is Foster Care Review?

Foster care review was originally designed as a protection for children in care, a periodic check to ensure that children in care were moving toward a permanent home. Innovations in the field of child welfare, however, demonstrate that review can also be a management tool for child welfare administrators to monitor and improve outcomes for children. This is achieved by providing crucial data on children in foster care and their families, service gaps and the impact of service strategies to the overall quality assurance system established by the state. Planned and implemented properly, foster care review can be an accurate mechanism to periodically assess the status of a child in out-of-home care in terms of safety, progress toward permanency, and child and family functioning.

The foster care review system may encompass a range of activities including case planning, case consultation and staffing, and quality improvement. In all states and communities, however, review works to achieve the following outcomes:

- Assure that reviews are conducted with sensitivity, including sensitivity to race, ethnicity, culture, economic status and the child=s and family=s unique characteristics, strengths and needs.
- Verify critical information used to make case decisions and findings in foster care cases.
- Establish community standards to assure that an agreed-upon quality of service is being maintained consistently throughout the time during which foster care services are being delivered.
- Consistently provide families served through out-of-home care with high quality review services which are culturally responsive and language appropriate.
- Ensure that children do not remain in care longer than necessary.
- Increase the likelihood that children will achieve improved safety, functioning and permanency outcomes.

The focus of foster care case review is to:

i) Assess the status of the child in terms of safety.
ii) Assess the status of child and family functioning.
iii) Assess whether progress in the child=s safety and functioning validate your permanency goal. (Do responses to 1 and 2 prove that you do not need to revise the child=s goal?)
iv) Determine if 1, 2 and 3 are in the best interests of the child.
v) If not, determine what needs to change now.

* Adapted from *Individual Foster Care Case Review Guidelines*, National Association of Foster Care Reviewers, 1997.

Historical Overview of Foster Care Review

The concept of foster care review arose in the early 1970s as part of the permanency planning reform movement, when adoption activists saw the children=s rights philosophy as an extension of the earlier civil rights activism. In that decade more than 500,000 children were in foster care. Many of these children remained in foster care for years, sometimes moving through a number of different foster homes. A growing recognition of the negative impact of separations and disruption of emotional stability for children in care led to the advent of permanency planning. A major contribution of the permanency planning movement was that placing children in permanent families became the goal or major obligation of the child welfare system.

Permanency planning is the Asystematic process of carrying out, within a limited time period, a set of goal-directed activities designed to help children live in families that offer continuity of relationships with nurturing parents or caretakers, and the opportunity to offer lifetime relationships@ (Maluccio & Fein, 1983, p.197). The concept of permanency planning encompassed several critical elements: the intent of permanency with commitment and continuity of relationships; a secure legal status for child and family; and a social status for children that is respected and nonstigmatizing.

Throughout the 1970s, many barriers to moving children from foster care limbo to adoption or returning them to biological parents were addressed. Demonstration projects addressed legal, attitudinal and practice barriers to permanency, and disseminated strategies for achieving permanency for children. The two major strategies were focused casework (involving methods of contracting with parents and providing necessary services) and systematic re-examination and monitoring of foster care cases at timely intervals.

All successful early permanency planning projects contained a review system as one of their elements (Jones, 1978). Child advocacy organizations promoted the concept of case review, whether by the judiciary, citizen advocacy groups or internal agency administrative review units. Child advocate volunteers became involved in review efforts through participation in citizen review boards or by being appointed as Court-appointed Special Advocates (CASAs) or non-attorneys guardian *ad litem* to provide individual advocacy for children within the courts.

In 1974, South Carolina became the first state to enact legislation establishing a statewide foster care review system, followed by New Jersey (1977), Arizona (1979), Delaware (1979) and Maryland (1979). These states utilized citizen panels to review foster care cases and saw a dramatic increase in the number of children finding permanence and a reduction of the number of children in the system. Within 18 months after the establishment of the South Carolina Citizen Review Boards, the number of children in care was reduced from 4,000 to about 3,300 (18 percent). Adoptions increased by 44 percent (Chapelle, 1975). States also saw a reduction in the cost of foster care maintenance after initial start-up expenses. Delaware had savings of more than $1.5 million in a two-year period, enough

to cover the annual cost of foster care review (DFCRB, 1983). The use of administrative case review was also effective, with an initiative in Illinois that was found to reduce the foster care population (Poerter & Rapp, 1980).

In June of 1980, the U.S. Congress enacted milestone permanency planning legislation, Public Law 96-272, the Adoption Assistance and Child Welfare Act. This act changed the nature of foster care by requiring states to conduct semi-annual case reviews, place children in the least restrictive placement, provide written case plans, develop permanent plans to be in place within 18 months and specify that Areasonable efforts@ be made both to prevent placement and to make it possible for the child to return home.

P.L. 96-272 required states to implement a two-tiered review system:

> **Periodic (semi-annual) Reviews**: To be held every six months while the child is in foster care and to be conducted by a court or administrative body, to consider the continuing need and appropriateness of the placement.
>
> **Dispositional Hearings or Permanency Hearing:** To be held within 12 months of placement and periodically thereafter, to determine the future status of the child and for determining efforts necessary to provide the child with a permanent family.

The concept of foster care review had become law. How the review was to be implemented was a matter for the states to determine.

The law allows for either court or administrative (public welfare agency) review and, as a result, a number of review models have evolved. Some of these models include representatives from outside the Asystem@ who may be other professionals or volunteer citizen reviewers. The use of citizens in the review process is to provide an independent perspective on cases, to enhance agency accountability, and to enhance community awareness of foster care.

As a result of permanency planning projects and the legislation of foster care review, the number of children in foster care declined from some 520,000 in the 1970s to a low of around 275,000 in the 1980s. During the 1980s, the concept of family preservation came to fruition. Family preservation services which operationalized the notion of Areasonable effort@ prevented the entry of many children into the system, and facilitated the process of family reunification if children had been placed in foster care. Foster care review scrutinized the quality and appropriateness of services to the child=s original family to determine if they could provide permanency.

During the 1980s, foster care review took many forms, with a continuing strong emphasis on judicial/citizen review. External citizen review systems were established in Georgia, Kentucky, Iowa, Michigan, Nebraska, Oregon, Alaska, Florida, Kansas, Illinois and Washington. Internal or administrative review of foster care cases by the child planning

agency took on many forms in the states, ranging from specialized and autonomous review units to review panels which may or may not include citizen volunteers or individual qualified staff. This proliferation necessitated the development of the National Association of Foster Care Reviewers (NAFCR) in 1986 as an advocacy network and source of technical assistance for emerging programs.

The Social Security Act provides that the semi-annual review may be conducted either by a court or by an administrative body. In outlining the elements of the semi-annual review, Congress wished to permit some state discretion concerning the designation of the reviewing body. Aware of a variety of review mechanisms, Congress did not wish to require states to discard operational systems already in place. A number of state review models have evolved in the past 18 years. When states elect an alternative to a court review, they may choose among a variety of administrative review mechanisms involving citizens: review boards external to the agency, state hearing examiners, other special reviewers employed by the child welfare agency or agency personnel. Some states alternate between administrative and court reviews. Other states combine features of the various models.

The achievements of the permanency planning and family preservation initiatives of the 1980s were counterbalanced in the early 1990s by recognition of severe problems within the foster care system and the larger society. Families faced increasing fragmentation due to economic dislocations, structural unemployment, downsizing, homelessness and the advent of welfare reform. Due in large part to the corrosive effects of an Aepidemic@ of parental use of crack cocaine, alcohol and other drugs, the number of children in foster care has risen dramatically. Some of these parents are HIV positive and will be unable to parent their children due to health problems or early death. The steadily rising foster care population, now estimated to be in excess of 500,000, consists increasingly of children with multiple needs who require specialized care and coordination of a host of medical, educational, psychological and community services.

The focus of the foster care system and, consequently, foster care review, has turned increasingly in the 1990s to kinship care. This rediscovery of the kinship network is embedded in the belated recognition of the importance of the fabric of relationships and emotional connections within the diverse cultures of this country to child development. The most important precursor to the widespread use of kinship care was the Indian Child Welfare Act of 1978, which re-established principles of sovereignty and traditional extended family decision-making for native peoples. As children of color, particularly African American children, are greatly over-represented in the foster care system, additional emphasis has been placed on utilizing existing kinship practices and structures such as informal adoption to ensure family continuity and cultural appropriateness. This rising cultural awareness coincides with a sharp decline in non-related foster homes. Foster care review is increasingly finding the use of kinfolk and non-related foster parent adoption as permanency options.

National trends toward devolution of federal authority to the states, block grant funding and re-emergence of community ownership of social programs have created a contemporary climate of opportunity and challenge for foster care review. Both administrative and citizen review can be instrumental in monitoring the quality and progress of changing forms of service to the most vulnerable children and their families. In conjunction with a new national adoption initiative, foster care review can intensify the impetus for permanence for children in the system.