

FOSTER SYSTEM AND COVID-19

How are families impacted by child welfare and the foster care system (collectively known as the foster system) affected by the coronavirus (COVID-19) public health crisis?

Every facet of humanity has been touched by the novel coronavirus (COVID-19) pandemic, including foster systems. The foster system's coronavirus response is making circumstances worse for families who are entangled in a system that was never designed to support them – abruptly ending physical contact between parents, children, and siblings; placing family reunifications in limbo; and freezing legal challenges in the face of broad child welfare prosecutions – all in an economic time which will have severe and lasting impacts on marginalized communities.

Across the country, parents went from seeing their children, playing, singing songs and cooking for their kids – to wondering when they will next be able to hug their children, as family courts and the foster system move to end parent/child visitation in the name of public health. This is a terrifying prospect at any time, but especially so during a pandemic. While virtual visitation via video conferencing can be made available, early reports indicate that foster agencies and courts are not doing all they can to ensure virtual visitation is in place. Many of the people targeted by the foster system are living in poverty and housing insecure (some in ill-equipped shelters), and do not have access to the necessary technology, phones, or cellular minutes making these “televisits” another illusory promise of a failed system.

Families impacted by the foster system are the most resilient and the most forgotten. It is unacceptable that family courts and foster systems have so abruptly ended what every family targeted by this system holds most sacred - visits with their children - in this isolating and terrifying time. It is even more upsetting that we have no sense of how family courts and foster systems will use this period of family separation against parents.



Will they allege that parents are non-compliant with visitation plans when visits with a two-year-old on FaceTime don't go as planned and thus deserving of permanent family separation? Will families get more time to work on bonding and attachment in the face of this disruption? Or will federal laws like the Adoption and Safe Families Act (ASFA) hold delays of reunification against parents? We simply don't know.

What we do know is that even when this pandemic ends, and we transition out of crisis, families in this system will still be fighting. Because of quarantine restrictions, many are unable to work, at risk of being laid off, or have already been laid off. This impacts a parent's ability to provide for their family's basic needs such as food, housing, and health care. Because their parenting is already under scrutiny, they could be judged to be neglectful and have their child removed. The vast majority of allegations against parents are for neglect and resemble allegations of living in poverty.

What do families need?

Families need support, not separation. And they need to be free of a system that has caused more harm than it has prevented. Advocates must call on family courts and child welfare systems to:

- Continue in person parent/child visitation and facilitate private transport to visitation so families can avoid public transport where possible
- Halt demands for compliance with service plans so that parents are able to decrease social contact
- Continue to make hearings to challenge removals available to families and facilitate technological participation in hearings
- Decrease petition filings and removals
- Decrease the number of children in group foster homes
- Halt implementation of the ASFA timeline and, in fact, lengthen the time families have to reunify to at least the period of the pandemic
- Fast track cases that are set for reunification
- Allow children to stay with their family through the quarantine if granted overnight visitation

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The Shriver Center on Poverty Law published a letter outlining demands for the foster system during COVID-19. Read it [here](#). We encourage the foster system to implement changes immediately.

As a society, we can all take steps to:

- Provide essential supplies that families need
- Offer non-judgmental support and assistance
- Recognize that what looks like neglect could be poverty
- Build out mutual aid networks
- Offer care and support to vulnerable members of society

The coronavirus pandemic has surfaced much of the dysfunction in the courts and foster system, as well as dysfunctions in American social policy. Families' needs for basic essentials, flaws in the social support system, and lack of political will to solve problems that typically affect marginalized communities are now more apparent than ever. Families and communities who are overrepresented in the child welfare system need better social support systems – such as food, housing, a living wage – not more policing.

In response to coronavirus, federal, state, and local governments have shown increased willingness to provide aid and basic social supports that help people access food, health care, and increase cash for necessary expenses.

Families need this help during the crisis and they will continue to need them after the pandemic ends. For example, what the child welfare system deems neglect on the surface are often symptoms of poverty that can be alleviated with appropriate support such as connecting families to public benefits and assisting in identifying sources of food and shelter. The government could help more people by driving resources to community-based, family-centered support instead of systems that punish and separate families.

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How can courts and foster systems shift to better serve families?

The systems we currently have in place are functioning as planned, but they were not designed to support families or prevent or heal the harms that some have experienced. This is not a moment to entrench or expand failing systems. It's a moment for change. The courts and child welfare systems have churned on during a global pandemic and, in doing so, exposed how systems like child welfare don't actually work for marginalized families. The foster system is needlessly separating children and parents; requiring parents to appear in court; making parents fight for their kids with even more odds stacked against them and demanding foster kids continue living with strangers even when they want to go home.

Additionally, drug testing of pregnant people, postpartum parents, and newborns without their knowledge or consent in the hospitals that are about to become overwhelmed with patients fighting coronavirus is still happening. Unconsented drug testing and subsequent reporting to CPS exposes families to potential forced family separation, which has been proven to have long-lasting negative effects and cause trauma that reverberates across generations and communities. The practice of "test and report," along with child welfare involvement, creates cycles of foster system involvement and intergenerational trauma in our communities and spans generations.

Going about business as usual means more families will become entangled in a dysfunctional system and not receive real support that can keep families together. This is simply an injustice. We must dismantle and divest from systems that cause families harm by separating parents from their children.

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Where should resources go instead?

The coronavirus pandemic has upended life as we know it. It has revealed serious holes in our social safety net. It has caused us to question the mass warehousing of people in cages through our criminal legal and immigration systems. And it is also inspiring communities to find new and innovative ways to support each other, separate from systems of punishment and control. Now is the time to divest from systems that don't work and to reinvest in effective solutions.

As we work with affected communities to reimagine what support could include, there are near-term opportunities to redistribute resources to community-based interventions and services that we know work. Most immediately, people need access to basic items such as diapers, baby wipes, formula, and hand soap and sanitizer. In New York City, for example, a domestic violence shelter in Harlem that is currently serving over 80 families has no internet access, no diapers, and no wipes. Without a local diaper bank, parents have few places to turn. Local advocates are working to provide resources to community-based organizations to set up diaper drop-off and pick-up locations, coordinate volunteers who are willing to drop off supplies, and enhance mutual aid systems of support in neighborhoods where the need is greatest.

What about kids who are at risk of mistreatment, neglect, or abuse during quarantine?

We all want children to be healthy and to thrive. Fortunately, physical harm to children by their parents are rare. Of all the children who are the subjects of calls to child abuse hotlines each year, under three percent turn out to be “substantiated” allegations of any form of physical or sexual abuse. The rest were screened out by hotlines, turned out to be false, or involved allegations of neglect.

Despite what media coverage might indicate, most children are going to be the safest at home, and the risk of maltreatment will greatly reduce if the government does its part and bails out families, not just businesses and industries. The greatest harms children face are not related to abuse by their parents, but neglect by society. Housing instability is a larger predictor of child welfare involvement than physical violence and many children are in the system because of food insecurity and parental lack of financial resources.

WE ALSO RECOGNIZE THAT THERE ARE FAMILIES WHO ARE AT RISK DURING THIS TIME, BUT THE FOSTER SYSTEM HAS NEVER BEEN ABLE TO PREVENT THIS HARM OR EVEN EFFECTIVELY RESPOND TO IT. WE CAN USE THIS MOMENT TO RADICALLY THINK ABOUT HOW WE CAN PROTECT FAMILIES IN BLACK AND BROWN COMMUNITIES AND ENSURE THEY HAVE ALL THE RESOURCES THEY NEED.

What can I do right now to help?

Visit movementforfamilypower.org to learn more about Movement for Family Power's work to end the foster system's policing and punishment of families. Then join us as we #ReimagineSupport for our communities. Community members can help each other alleviate the pressure of parenting without the availability of school or daycare through mutual aid; provide necessary essentials such as diapers, soap, and food to families in need; and help individuals in violent situations create coronavirus-ready safety plans and connect to community-based support.

If you are in New York City, please consider donating to the following efforts:

- [Ancient Song Diaper Drive](#)
- [Relief for Families in a Domestic Violence Shelter in Harlem](#)

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Spread the word.

Twitter Samples:

Families need support, not separation! Now is the time to #ReimagineSupport and think radically about how we can protect families in Black and Brown communities and ensure they have all the resources they need. Learn more at movementforfamilypower.org.

Families must be protected during this pandemic. It's unacceptable that child welfare agencies have abruptly ended what every family targeted by the system holds sacred: visits with their children. Join us as we #ReimagineSupport

Instagram/Facebook Samples:

Families need support, not separation, but the foster system's #coronavirus response is making circumstances worse for families who are entangled in a system that was never designed to support them. Now, we have an opportunity to #ReimagineSupport and to think radically about how we can protect families in Black and Brown communities and ensure they have all the resources they need.

Families must be protected during this pandemic. It is unacceptable that family courts and foster systems have so abruptly ended what every family targeted by the child welfare system holds most sacred - visits with their children. We call on the foster system to halt separations and work to reunify families during this crisis. Join us as we work to #ResistSurveillance and #ReimagineSupport for Black and Brown families.

During this time of crisis, we have no idea whether federal laws like the Adoption and Safe Families Act (ASFA) will hold delays of reunification against parents? The foster system must take immediate action to reunify families, halt implementation of the ASFA timeline, and lengthen the time families have to reunify to at least the period of the pandemic. It's critical we #ReimagineSupport for families in the foster system. Learn more at movementforfamilypower.org.

