I.   **Child Welfare Values**

Conceptual Framework

> *"A man's values are like his kidneys; he rarely knows he has any*
> *until they are upset." [Jones 1970]*

If you eavesdrop on conversations about the problems in today's world, you are likely to hear statements such as, "People don't have the same old-time values," or, "Kids just don't have any values." At least 100 times a day, each of us in thought, word, or gesture evaluates the worth and merit of various events of daily life. We judge them as good or bad, right or wrong. When these value judgments concern our relationships with others, they become moral judgments. The general values that underlie these moral judgments are the foundations of our personal ethics.

In addition to this collection of personal ethics, we can also speak of professional ethics. Most professions have attempted to identify their fundamental principles and underpinning values. Within the field of child welfare, we speak sincerely of child welfare and social work values, and talk of teaching prospective child welfare caseworkers not only knowledge and skill, but also values. We look to professional codes of conduct, such as the National Association of Social Workers' Code of Ethics, to guide and sanction our work. We even wistfully speak of teaching attitudes, as if an attitude were some kind of empirical datum to be acquired in a course or training, rather than an existential composite of a lifetime of experience and reflection. But if we ask ourselves, or others, to identify the values that underlie our ideas of a just society, that underlie our professional codes of conduct, that are the foundation of child welfare practice, we will often come up very much short of anything that resembles a comprehensive delineation of fundamental values.

One reason for this confusion is that the study of values is inherently complex; so complex, in fact, that there is a separate field of philosophy devoted entirely to its study, called axiology. Within axiology, philosophers ask many questions regarding these things we call values, such as: How do we come to know our moral responsibilities, and how must we act to achieve these moral ends? Are our values related to time, place, and culture, or are they absolute, transcending human circumstances?

There are no simple answers, little consensus, and some would suggest, no possible absolute clarity when it comes to validating our values. This is unfortunate, because our profession and our conscience demand that we seek clarity regarding child welfare's fundamental ethical values. It is these values that underlie the mission, goals, and objectives of the social work profession, and the child welfare field of practice. If we are not clear about the content and scope of these fundamental, underlying ethical values, then we cannot expect our professional ends to remain clear, consistent, morally grounded, and valid. Most often when we lament a profession's shifting priorities or misdirected evolution, we are really mourning its lack of, or loss of, ethical foundations, perhaps because of the failure of its newest members to acquire an understanding of these principles.

Among the most important and meaningful things we can do as child welfare professionals is to constantly strive to clarify and justify the underlying values of our profession, and to be clear how these values guide practice. It may be true that we can never be absolutely sure of the validity or legitimacy of our values. Perhaps we never should be. But we can put forth the absolute commitment to continuously critique both child welfare values and the relationship of those values to practice. The first step is to begin to identify these elusive and essential things we refer to as child welfare values.

Because child welfare is a field of practice within the profession of social work, we must first look at the fundamental values of the social work profession.

The Fundamental Values of Social Work

"The social worker...sees his major obligation to be his duty to his   fellow man."
[Pernell 1970]

Social work is a remarkable profession. It is a religion without a theology, and a philosophy without a paradigm. Its fundamental principles are generally adhered to by most of its members, but genuinely understood by few. When pressed, its members may agree about some of the fundamental values of the profession, disagree about others, and would disagree vehemently about the instrumental value of various means of achieving the profession's moral ends.

To state that values and ethics have been central to social work since its inception [Reamer 1994] understates the profound. Social work is its values. Like social work, most professions have codes of conduct informing activities to assure ethical practice. But the moral scope of social work far exceeds its code of conduct. Social work, more than any other secular profession, has as its professional end, the systematic application of fundamental ethical values. All social work interventions, whether they be with individuals, groups, or social institutions, strive toward functional ethical ends. Social work is a unique secular profession, as guided by moral duty as any theological profession.

This should come as no surprise when we consider the roots of social work. The history of the social work profession is the history of a secular profession evolving out of religious concern. Until the mid-nineteenth century, there is no history of the profession of social work. Before 1850, the vast majority of formal institutions providing social aid were instruments of organized religions [Johnson & Schwartz 1991]. Most motivation to assist persons in need emanated from religious duty. Social work emerged as a profession in the mid-1800s, as more humanistic and rational explanations were sought for both human behavior and social dynamics. As social work evolved into a profession, it became a collection of moral imperatives stripped of

a specific theology. Religious duty became professional duty, religiously applied. Earlier sectarian moral obligations of charity were replaced with humanistic professional values of "social work." The history of social work is a history of the evolution of these humanistic values into a secular profession attempting to operationalize moral social ideals on which our society was founded. Irrespective of an individual's religious propensities, to be a social worker required the acceptance of the profession's fundamental values. In our pluralistic society, with social workers of many different religious persuasions, individuals could infuse their professional values with their religious beliefs; however, the profession's ethical principles transcended its members' individual religious beliefs. Regardless of their religious backgrounds, social workers had to embrace a professional moral duty to help others. The source of this moral sense was their own private concern.

While the scope of social work's values separates it4 from other secular professions, its embracing of rationalism and the scientific method have made it a profession. For some, this evolution produced a tension between ethical values of moral duty and epistemological values of rationalism, a tension that exists to this day. For many, it seems an existential conflict to adhere both to deontological values of moral duty, and, to also embrace the cold realities of science and other mechanisms of rationalism. For others, being ethically committed to a professional moral duty to help, and being epistemologically committed to rationalism and a rigorous scientific process, is not a philosophical contradiction. On the contrary, it is a remarkable combination of compassion and logic. It is social work.

Fundamental Values

To identify social work's fundamental values, we must distinguish between these fundamental values and other values that are derived from them, but which are bounded by time, place, and circumstance. These derivational values are an attempt to take fundamental values and make them applicable to specific circumstances. For example, a fundamental value would be, "All people have a

right to self-determination," and a derivational value might be, "Native Americans have a right to legal governance of tribal adoption." We may disagree with a derivational value because of problems with its circumstantial validity, but still believe the fundamental value to be valid. We must identify and come to agreement on the validity of fundamental values before we begin the difficult process of developing their circumstantial derivatives.

Fundamental values, which are the moral ends we seek, must also be differentiated from the means we use to achieve these desired moral ends, often referred to as instrumental values. For example, a fundamental value might be that, "All human life has absolute value." Toward this end, for some, there is instrumental value in medical policies requiring efforts to maintain life at all costs, under every circumstance. For others, there is instrumental value in medical policies which allow, or even facilitate death when life is without personal worth, meaning, or dignity. Another example is the instrumental value given the elimination of poverty toward the goal of human well-being. In spite of the instrumental value most would give to this basic means of achieving human well-being, there are those who take a vow of poverty to achieve the same end. Fundamental values have intrinsic value. The instrumental means to achieve these moral ends have value only in so far as they are effective in achieving an identified moral end. When we refer to the "norms" of our profession or field of practice, we are referring to the means we have determined to be effective in achieving desired moral ends. These means are often codified as standards or rules.

Derivational values and instrumental values become the day-to-day playing field for the profession of social work and the child welfare field of practice. Operationalizing concepts like "social justice," and developing social policies that have true instrumental value are continuing and difficult objectives of the field and profession. They are difficult but essential activities, necessary for the implementation of social work and child welfare practice. But our task here is to identify the fundamental values of social work, and we must distinguish them from derivational or instrumental values.

"After all, social work is a normative profession." [Reamer 1994]

The social work literature is rich with statements delineating the values of the social work profession. Pernell [1970] sees social work as representing "the social conscience of the community, promoting us toward actions in keeping with our highest ideals," which, in our society, were democracy, individual freedom, justice for all, and the common good. Fortune [1994] writes that social work values include, "regard for individual worth and dignity, people have a right to make independent decisions, assisting people to obtain resources, making institutions more humane, respect for diversity, and responsibility for ethical conduct and practice." Gil [1973] states that important social work values are social and economic justice, and equity.

For Hartman [1994], important social work values are that individuals have inherent value and deserve respect; that all people have the potential for psychosocial growth; and that all people have the right to personal liberty. Reamer [1994] states, "The profession [social work] has a long standing tradition of commitment to values related to justice, fairness, altruism, and human dignity." Hollis and Taylor [1951] tell us that between 1920 and 1950, the social work profession evolved from an altruistic and moralistic exercise to focus on understanding individual and social dynamics supporting self-determination, and, to the recognition of the inherent dignity of all people, toward the goal of helping both individuals and communities to solve their problems. Lubove [1965] described social workers as "professional altruists." Emmit [1967] states that despite social work's moral purpose, some social workers appear embarrassed by this moral teleology because it is not scientific.

The MSW curriculum policy statement of the Council on Social Work Education sets forth the official curriculum policy for the accreditation of MSW programs of social work education by the Council. The policy statement specifies content areas that must be included in a masters degree program in social work, and

requires that these content areas relate logically to "...the values of social work as set forth in this document." [Council on Social Work Education 1992]. Throughout the document, social work values are explicitly stated, and implicitly inferred, in statements about the desired moral ends of the social work profession and social work education, and the valued means to achieve such ends. Considerable time and effort went into the preparation of this document to assure the legitimacy of its values base and it should, therefore, be an excellent resource in our effort to identify the fundamental values of the social work profession. In analyzing the policy statement, we can make more explicit the fundamental social work values which inform its content.

Throughout the document, there are many morally-valued means identified as having high instrumental value for achieving morally-valued ends. These include: "alleviating poverty;" "alleviating...oppression and discrimination;" "serving the poor and oppressed;" "lifelong" commitment to learning and professional development; enhancing the "functioning of individuals" and the just functioning of social systems; "meet(ing) basic human needs;" "support(ing) human development;" using "scientific, analytic" methods of inquiry and service delivery; maintaining "honest" and "responsible" professional relationships; and "understanding and appreciating human diversity" [Council on Social Work Education 1992].

In addition to these instrumental values, the fundamental social work values we can extrapolate from the document are:

1) Social work should "further the well-being of people." In other words, social work is an altruistic profession with a responsibility to promote and enhance social well-being.

2) Social work should promote "justice," both "social and economic." In fact, justice is always a social concept, and economics is a social phenomenon. But the reemphasis correctly points out the prevalence of economic injustice in our society.

3) Because all human beings have intrinsic value, social work must show "regard for individual worth and dignity."

4) All people have a "right to make independent decisions," a right to "self-determination," should "value diversity," and should strive for "the alleviation of oppression," i.e., people have a right to freedom and liberty.

After a comprehensive and rigorous analysis, Reamer [1994] states there is considerable consistency in the core values of different authors, and he identifies 14 commonly cited values. These are: 1) individual worth and dignity; 2) respect of persons; 3) valuing individuals' capacity for change; 4) client self-determination; 5) seeking to meet individuals' common human needs; 6) commitment to social change and social justice; 7) confidentiality; 8) seeking to provide individuals with adequate resources and services to meet their basic needs; 9) client empowerment; 10) equal opportunity; 11) nondiscrimination; 12) respect of diversity; 13) willingness to transmit professional knowledge and skills to others; and, 14) providing individuals with opportunity to realize their potential.

If we look closely at these 14 core values, we can see they represent a combination of fundamental, derivational, and instrumental values. If we do a factor analysis of these 14 values statements, we can further reduce them to four fundamental values statements. These are:

1)   All human beings have an intrinsic and irreducible worth. (1) (2)

2)   All individuals have a right to liberty. This includes self-determination and privacy. (4) (7) (9) (12)

3)   All individuals have a right to social justice. This includes equal opportunity. (6) (9) (10) (11) (12)

4)   Human beings have the responsibility to help others achieve their social rights and human potentials. (3) (5) (8) (13) (14) (This is probably the most definitive value of the social work profession, the one that separates it from all other secular professions.)

(The parenthetic numbers represent the specific values from which the core values were reduced. There is overlap.)

When the four fundamental values statements derived from Reamer's 14 commonly-cited social work values are compared with the fundamental values extrapolated from the Council of Social Work Education's MSW curriculum policy statement, we see a basic consistency. I contend these four fundamental values represent the fundamental values of the social work profession. All other values that have been legitimately identified as important and essential to the activities of the profession are either derivations of these four fundamental values, or are valued means of achieving these moral ends.

Definitions of Values Concepts

If we believe the fundamental values underlying the social work profession are some contextualization of the concepts of freedom, justice, social responsibility, and intrinsic human dignity, we should take time to consider the meaning of these concepts. What follows are some brief descriptions and comments regarding these values concepts.

Freedom

John Stuart Mill's On Liberty is one of the best developed treatises on the concept of freedom. According to Mill, a person is free who is not constrained or oppressed, or otherwise coerced by another person, or collective of persons, such as a state or other social authority. Persons who are free can choose their own goals, decide their own conduct, and will their own actions. For most political

philosophers, freedom from coercion is a necessary condition for liberty. For many, it is also a sufficient condition. For some, other conditions are also necessary for the full expression of human freedom. Some believe it is necessary to have not only the absence of restraint, but also the power to choose. For example, some philosophers believe that an absence of opportunities for choice make the freedom of choice superfluous. People may be free to choose, but may not have the knowledge to identify their range of choices. Information may be kept from them. Misinformation may be provided. People may not have the material means to make choices because of poverty or other limiting situations. Many philosophers believe these limiting conditions diminish individual freedom. Perhaps it is best to define this basic concept of freedom as the absence of coercion or restraint by others. But we must also recognize that without a certain minimum level of power and means, such freedom can be more of a taunt than a blessing.

The implications for social work are obvious. We must support personal freedom from two fronts. First, we must help our clients to understand their rights and responsibilities in exercising their free choice. Our clients must be enabled to negotiate a hostile environment, must be taught to recognize opportunity, must be empowered to take responsibility and initiative, and must be fortified for the struggle. We must help them to participate in the political process which significantly affects the scope of alternatives that will be made available to them. We must recognize that education and literacy are a prerequisite for liberty. We must help our clients to recognize this reality, and to take advantage of educational opportunities. We must help our clients to recognize the more subtle means of coercion, such as institutional oppression, and distortion and misrepresentation of information. We must empower them with the psychological and emotional means to take full advantage of the right to freedom and self-determination.

The second way social workers can create and support personal freedom is through the engineering of social structures that both allow and support individual liberty and its fullest expression. Social workers must be advocates

and catalysts for the changes within our political, social, and economic systems that can provide the power and means for our clients to become free and responsible social beings. Social institutions must be engaged to root out inequity, oppression, and discrimination, and encouraged to facilitate social and economic opportunity. If freedom of choice is dependent upon awareness of choices, then a society that supports the expression of diverse opinions, religious expressions, and modes of living, and that supports the free and rigorous examination and critique of all these, is a society that most supports freedom.

For children, the concept of freedom takes on a developmental perspective. Children do not have all the same freedoms, rights to self-determination, or the concordant responsibilities of adults. Freedom for children means to be free to grow and develop. Thus, it means the right to be free from abuse and exploitation, to be free from neglect. To be set free to grow and develop requires that children have safe and stable families that can provide basic care and nurturance. Freedom and liberty are about the right to choose among possibilities, and possibilities can only exist for children in a safe and nurturing environment free from abuse, neglect, and exploitation.

Justice

When we refer to the concept of justice, we are here referring to the philosophical concept of "fairness."

Justice is often misconstrued to mean simply equality or altruistic benevolence. However, the concept of justice is much more complicated. In fact, the very concept of justice presupposes selfishness and conflicts of interest. If altruistic benevolence prevailed, the concept of justice as a right to a balancing of self-interests would not be needed. The universally recognized symbol for justice, a blindfolded woman holding a balancing scale, symbolizes justice as an objective and fair balancing of competing interests.

Also, fairness does not mean always treating people equally. While all people have an equal right to justice, this is not the same as saying we should treat all people the same. Fairness sometimes means we must treat people differently. For example, if someone works harder than others, justice may argue that they receive a disproportionate share of the rewards, rather than an equal distribution. Or, if someone has been treated unjustly in the past, justice may argue that the disproportionate redistribution of resources may be required in the present, rather than an equal distribution. For example, many minorities have not received equal opportunity to participate in the economic institutions of our society. Justice would appear to demand that extra opportunities be provided to minorities now in proportion to the relevant barriers unjustly sanctioned by our society in the past.

Aristotle's definition of justice is still generally accepted by many as the clearest and most valid. Justice, he said, consists of treating equals equally and unequals unequally in proportion to their relevant differences [Benn 1967].

The concept of taking into consideration the differences relevant to fairness is especially important when we consider justice for children. Children are not equal to adults. Their developmental needs are great, as is their vulnerability. At the same time, they have relatively little capacity to obtain developmental resources or to assure their own safety. They do not choose their circumstances and are not empowered to change them. Justice for children requires that certain rights be universally applied to children, such as the right to a safe and stable family, and the right to basic care and nurturance. Justice for children also requires that the state act as the guarantor of these rights, since children lack the power to pursue their self-interests adequately. The child welfare field exists as a result of society's evolution of social institutions to assure justice for children.

Social Responsibility

The National Association of Social Workers defines social work as, "the professional activity of helping individuals, groups, or communities to enhance or restore their capacity for social functioning and creating social conditions favorable to that goal." Johnson and Schwartz [1991] interpret this to mean that, "... social workers help people...to solve life problems so their lives can be more satisfying and rewarding." What does this imply about this most fundamental value of social work? If, by definition, social workers have a duty to help people solve social problems so their lives can be more rewarding and satisfying, then the ethical implication is clear. The basic value of social work is the responsibility of social workers to help others achieve a satisfying and rewarding social existence. This moral duty of altruistic social action not only defines social work and identifies its most fundamental value, but it also separates it from all other secular professions. No other profession outside of those in theology has a values base requiring altruistic social actions of such scope and depth.

And from where does this moral sense of duty spring? There are few more difficult philosophical problems than to rationally explain altruistic motivation and behavior. Most classical philosophers did not even consider it a virtue. They saw apparent altruistic behavior as really just a form of enlightened self-interest. They were, therefore, more concerned with the concept of justice; i.e., a fair, social balancing of individual self-interests. For medieval philosophers, humankind's sense of social responsibility and beneficence had no scientific or philosophical basis. The only motivation for putting another's interests ahead of one's own was thought to be a divine one. In a world of indifference and evil, altruism and beneficence only existed because God wanted and insisted upon them. Any sense of beneficence and charity and the source of all altruistic activities were assumed to be spiritual.

Not until the seventeenth century were rational scientific and psychological explanations sought for the source of beneficent inclinations and actions of social

responsibility. Thomas Hobbes was the first to explain in purely psychological terms apparent altruistic actions that supported the general good. Hobbes believed that what appeared to be altruism and moral social responsibility was actually a complicated self-serving calculus. Sacrifices are made for others in proportion to the sacrifices they make for you. There is a net gain for all individuals if they would sacrifice some self-interests for the common good, and share in those social products only possible through social communalism, such as security, justice, and a sharing of wealth. It may even work better for the individual if he or she supports the general ideals, while transgressing when he or she can get away with it, becoming a social animal with antisocial tendencies.

Many philosophers since Hobbes have tried to find other sources and explanations to explain and justify altruistic behaviors, but none have been entirely successful. Hume, the British empiricist, simply attributed altruistic social responsibility to an unexplained "tendency to public good." Likewise, Mill and other Utilitarian philosophers finally had to resort to an unexplained transcending feeling, a "unity with his fellow creatures," that coexists in human nature with the more readily explainable selfish tendencies.

Modern day biologists have attempted to provide a genetic explanation for this apparent existence in human nature of both selfish and altruistic tendencies. The social biologists contend that the apparent moral dilemma between selfish and altruistic motivation is an unfortunate artifact of faulty constructs separating the "self" and "others." These behavioral scientists suggest that "self" and "other" are not as separated as our conscious experience suggests; and, that our genotypic realities are very similar, with individuals sharing large amounts of the same genetic material. These scientists suggest that the functional goal of all our behavior is to protect and preserve this shared genetic essence. Sometimes this is best accomplished in self-serving and self-preserving behavior, sometimes in altruistic and self-sacrificing behaviors. Thus, parents sacrifice themselves for their families, and young men and women go to war to die for their countries. It is possible that our behavior, in a very real sense, precedes our cognition, and we sometimes find ourselves sacrificing our selfish interests for others and then

wondering why. It's ennobling to consider that in each of all of us is a piece of the other, and that all who are psychologically healthy are fundamentally motivated to nurture, support, and care for each other.

The bottom line is that we still do not know for sure from where springs our altruistic tendencies and our acceptance of social responsibility. We as individuals can take our pick:

- A God-given trait;
- Enlightened self-interest;
- A humanistic obligation of natural law;
- A fundamental phenomena of genetic inheritance;
- An unexplained but natural human characteristic; or
- Perhaps simply a purely personal leap of faith.

But, regardless of your choice, child welfare workers must adopt this value as the most important normative ethical standard. Social workers have a moral and professional responsibility to support the general well-being of others. The social work profession elevates this to a fundamental value, perhaps its most essential moral obligation.

Our social responsibilities to children are perhaps the most obvious of all. We cause children to be; they cannot choose their circumstances, their needs are great, their vulnerability is complete, they have little power or influence to pursue their interests, and they are totally dependent upon the good will of others. Our society's social responsibility to its children is, without question, among its most significant moral obligations.

Human Dignity

One of the distinctive elements of modern philosophy is that human beings, as human beings, have unconditional value and are intrinsically worthy of respect. Persons are, in Immanuel Kant's famous phrase, "ends-in-themselves and sources

of value in their own right." The idea that there is a universal quality behind all differences in ability, merit, and circumstance, that unconditionally qualifies human beings as having worth and value, is the foundation for the concepts of human rights. This doctrine permeates the great political revolutions of the late eighteenth century, including the American Revolution. Thomas Jefferson, Thomas Payne, and many others were strong believers in the doctrine of Natural Rights, and it is reflected in the American Constitution and the social and political heritage of the United States. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, stating that, "... all human beings are born free and equal in dignity and rights," and may claim "equality of opportunity" and "equality before the law."

For social workers, the belief that all human beings have unconditional value is the basis for other social work values and norms. Because people are ends-in-themselves, they have a right to self-determination and equal justice, and they deserve fundamental respect. Social workers may not approve of their clients' behavior, may believe a client is an inadequate or selfish parent or spouse, or even a fundamentally dysfunctional human being. Still, the social worker must value the client and show basic respect.

Even as modern philosophies of human value and rights evolved, children were not included. Until they reached the age of majority, they were not in a moral sense considered really human. They did not have rights and were not considered ends-in-themselves. They were often considered to be an economic or social means to their families', parents', or societies' ends. They were also often considered economic commodities. Only in more recent times have children been seen as worthy of unconditional respect, as having human rights, and as deserving societal protection of those rights.

The History of Child Welfare: An Evolution of Values

Early History

The concepts of children's rights and social justice for children are not new. They are older than civilization. But their historical expressions have been as varied and diverse as the many cultures which engendered them, and their existence has not prevented the emergence of cultural norms which allowed or fostered exploitation or harm to children. Examining how past cultures have valued, related to, and cared for their children can provide insight into the evolution of current child welfare values.

In portions of Northern Africa, from the earliest times, there existed strong cultural precepts enjoining socially just and altruistic behavior toward children. Inferences that children should not be exploited or harmed are included in the Book of the Dead, an Egyptian liturgical text that described behaviors potentially helpful on Judgment Day [Knoles & Snyder 1968].

The Hammurabi Code is one of the earliest records of a society's cultural dispositions and normative standards regarding children. Written in approximately 1800 B.C. in the Mesopotamian empire of Babylonia, the Hammurabi Code is the first known compilation of civil law. Hammurabi, the most famous of the Amorite Kings of Babylonia, attempted to codify the various laws and customs that had been passed down by word of mouth for many generations. This first codification reflected the vagaries and conflicting elements inherent in any oral legal tradition. The general principles that can be extrapolated from the specific provisions of the Code are often in conflict. This is certainly the case regarding the rights and treatment of children. In many respects, children were considered the property of their fathers. Some parts of the Code allowed parents to use their children as collateral for loans, and their children's indentured service as payment [Knoles & Snyder 1960]. However, children could not be disinherited without due cause. And, stepchildren through

marriage had their property inventoried by the state and legally protected from their stepfather [Knoles & Snyder 1960]. Additionally, children could be maimed by their parents for disrespectful behaviors. Children owed their parents respect and reverence and, in return, parents were expected to care for and support their children.

The moral teachings and ethical standards of the Old Testament of the Bible have had tremendous influence on the development of subsequent religious and secular ethical standards throughout the world, including those related to the treatment of children.

Exodus, the second book of the Bible, provides insight to a Code of Conduct that became a part of Hebrew life before 1000 B.C. In the Mosaic Code, we find many similarities to the Hammurabi Code in its treatment of children, including the parent's proprietary interests in children, and children's absolute duty to respect their parents [Fraser 1976]. The penalties for social injustice to children are dramatically portrayed in Exodus 22:23-24, as God sets forth the judgments that Moses is to communicate. The consequences for harming orphaned children are spelled out: "If thou afflict them in any wise and they cry at all unto me, I shall surely hear their cry; And, my wrath shall wax hot, and I will kill you with the sword" [The Bible, King James Version]. The subsequent evolution of the Judeo-Christian ethic was to be one of the most significant contributions to social justice and children's rights in western civilization.

For a 200-year period between about 500 B.C. and 300 B.C., referred to as the Golden Age of Greece, the citizens of the Aegean peninsula's several city-states were the creators of an amazing period of cultural achievement. Yet, though they shared a similar heritage, it would be wrong to consider these city-states as part of one culture. They held diverse political and social views.

Some of these Greek city-states had codes that were repressive and cruel to children. Infanticide was a common practice for unwanted children, and was the recommended practice for a surplus of females, and for any child with

developmental disabilities. Athens evolved more humanitarian ethical standards regarding the treatment of children. Children had some basic rights, could acquire and hold property, and had inheritance rights.   Yet, even in Athens, the laws sanctioned some forms of legalized infanticide. The "amphidroma" ritual in ancient Athens symbolized the birth of a child into the community.   It took place five days after the physical birth. Until this communal birth, the child could be disposed of [Fraser 1976].

More important than what actually existed in the Greek city-states was the heritage left by its thinkers. Greek philosophers have had a profound effect upon future civilizations. For example, the Republic, written by Plato, was his vision of a utopian state. Such a state did not exist, yet Plato's vision has had a significant impact on children's lives. In the Republic, Plato called for an autocracy in which individual rights and interests were sacrificed for the good of the many. The Republic contained the first sophisticated treatise championing eugenics, suggesting that only certain citizens be allowed to have children; that children be separated from families and be cared for communally; and that unwanted and developmentally disabled children be killed [Cornford 1945]. Over the years, there have been both large and small scale political attempts to implement a social philosophy based upon the ethical principles of the Republic and similar utopian philosophies. One of the most morally reprehensible latter-day attempts was the national socialism of Nazi Germany.

Roman civilization supplanted the Greeks and quickly assimilated much of civilization. Roman law evolved over the many centuries of the Roman Empire, and changed, sometimes dramatically, from emperor to emperor. Infanticide was widely practiced, at least until the later days of the Empire [Sumner 1959]. In the fourth century A.D., Constantine I, influenced by the teachings of Christianity, prohibited infanticide and the abandonment of children, and directed communities to provide care for all children. Still later, Justinian I allowed families in poverty to sell their children at birth [Bossard & Boll 1966].

Irrespective of changing laws, a dominant feature of Roman culture was the absolute and unlimited authority of the oldest living male descendent within a family. This family head had undisputed authority, responsibility, and ownership within the family. Children were part of their proprietary patriarchy, and were subject to the dictates and decisions of this family head, including matters of life and death. Within this cultural milieu, infanticide, even when not widely practiced, was the prerogative of the family leader. Children had no rights, and their interests were superseded by the interests of the family [Fraser 1976].

The Visigothic Kingdom ruled western Europe after the fall of the Roman Empire during the sixth and seventh centuries. This kingdom is often acknowledged to be a remarkably just society, especially with respect to children [Fraser 1976]. Apparently, children were seen as having human rights, such as the right to life, a right to fair treatment by parents, property rights, and inheritance rights. Parents were held responsible to provide reasonable care of their children. Infanticide was punishable by death. This exceptional social ethic was short-lived, and was soon replaced by feudal Europe's derivation of Roman Civil Law.

England

Abandonment and infanticide were accepted practices, and were major threats to the lives of young children in western Europe. However, infanticide and abandonment resulted more frequently from hardness of life than from hardness of heart [Kadushin 1980]. Many families did not have the resources to support both older children and newborns. The newborns were often sacrificed because the parents believed it was in the best interests of the rest of the family to do so. The fate of a child lay in the hands of its family, and more precisely, the father as head of the household.

Around the thirteenth century, the concept of "parens patriae" first emerged. This concept, meaning literally, "father of his country," is an evolution of case law from feudal England [Fraser 1976]. Parens patriae gave overlords the authority to intervene in the interests of children within their political domains. First established to protect the land interests of orphaned children within the realm, it also served the interests of the feudal lord by assuring that taxable lands stayed within the fiefdom.

Over time, the concept of the state having a transcending interest and a responsibility to protect the rights of children expanded in scope to include a child's rights to at least a minimum measure of care, and an environment free from debilitating abuse or exploitation. The principle of "parens patriae" evolved to establish three important principles regarding the rights of children. First, it established that children had rights and interests separate from others, including even their parents. These rights of children were absolute, not dependent upon any contingencies. Secondly, it defined the relationship between parents and children as a special trust in which parents, in return for acting in their children's interests, were given wide-ranging authority over the lives of their children. This established parental rights as contingent rights, that is, rights that were contingent upon the parent providing an environment for children that was free from abuse, and that met minimal expectations for care and nurturance. Third, it established the state as the guarantor of that trust, imbuing the state with responsibility to intervene, when necessary, to protect the interests of children.

Although the concept of state responsibility for the protection of children's interests was an important development, its impact would not be significantly felt until many centuries later. The treatment of children within English society was to be predicated primarily by economic factors for several centuries to come.

The sixteenth century was a period of extreme poverty. The Elizabethan Poor Laws of 1601 were an attempt to meet the needs of children in poverty. However, they established the legal precedent of removing children from their families because of their parents' poverty. Although the laws established local

community responsibility for children, they also resulted in a large number of children becoming wards of the state. Children were apprenticed or otherwise put to work for both their vocational development and as a means for the state to recoup a portion of the cost of caring for them. The English Merchant Marines was a primary beneficiary of this growing pool of young conscripts. Many children were also sent to the American Colonies for indentured service. Although benevolent in their intent, the Poor Laws were a failure [Fraser 1976]. Children were more often hurt than helped by these laws, and English society did not have the resources to administer them. By the mid-1600s, the Poor Laws were repealed.

As the Industrial Revolution began in England in the early 1700s, children became an important cog in its development. Children were a durable, inexpensive, powerless, and expendable source of labor. Instead of the state contracting out their services for indenture, parents could legally put their children out for hire and collect their wages [Fraser 1976]. Children as young as age seven began to work for long hours in factories and mills. During the Industrial Revolution, children fell victim to the abuse, neglect, and exploitation that often affect the powerless during times of economic chaos.

Even though infanticide became illegal, abandonment continued, and was a frequent and accepted occurrence throughout the 1700s. The consequences of abandonment were often the same as infanticide. Most abandoned children died. In some regions of eighteenth century England, 90 percent of the children abandoned to parish workhouses died, as did nearly all children less than a year old [Caulfield 1931]. It was not uncommon for wet-nurses to take children, secretly kill them, continue to collect nursing fees, and repeat the process for many additional children.

Judeo-Christian values, such as the sanctity of life and the moral obligation to provide care for others, combined with the humanitarian philosophies of the Enlightenment, helped to transform the moral stage in western Europe by supporting the ideological movements for the rights of children, and the

responsibilities of society to assure their care and protection. But a supportive ideology was not enough to make child welfare services more than an ideal. The failure of the Elizabethan Poor Laws was proof of this reality. At the same time that the Industrial Revolution was fostering the economic exploitation of children, it was also slowly, but steadily, building the foundation of economic resources needed by societies to underwrite the costs of real child welfare reform. Until western society could receive the fruits of the Industrial Revolution in the form of taxes and increased productivity of adults, it was not economically feasible for the state to assume responsibility for children. With the Industrial Revolution, substantive child welfare services became a possibility. Still, as late as the American Revolution, children in England were seen as family property, and as exploitable economic capital.

North America

The colonial cultures and laws of the British North American colonies varied, often depending upon the ideology and religious disposition of the respective colonies' founders, and the circumstances under which they emigrated. While many people came to North America to escape oppression and discrimination, it was not always with the intent of establishing more libertarian principles. Some colonial societies constructed their own brands of authoritarian rigidity and oppression, and this was reflected in cultural norms for the care and treatment of children. For example, a 1628 colonial law in Massachusetts made it a capital offense for a "disobedient son" not to "harken unto" his parents when punished [Fraser 1976]. Still, even with these variances, the cultures and social norms regarding the treatment of children in the colonies generally paralleled those of England. Children were often seen as extensions of their families, had few separate rights, were often exploited economically, and were offered little protection from cruel treatment or economic deprivations.

While life for children in British colonial families was often harsh and capricious, life for many Native children in the Spanish colonies was worse. In the mid-1700s, colonists and settlers "made a regular business of kidnapping (Native American) children for the slave market" to be sold "to the northern colonies or the West Indies" [Debo 1970]. In 1784, Spanish colonial administrators offered a bounty of 20 pesos for a scalp or a pair of ears of Apache children over the age of seven. They were hunted the same as coyotes for a varmint bounty [Debo 1970].

The American Revolution, the Constitution of the United States, and early state and federal laws, in their experimentation with human rights and social justice, proffered some ideological gains for children of the former southern British colonies. Still, even with laws assuring basic human rights and such entitlements as public education, the realities of life in the early nineteenth century states and territories of the United States assured these ideological gains would remain ephemeral for the majority of children for many decades.

The federal and state governments' dispositions with respect to children in the United States in the first half of the nineteenth century ranged from general indifference to horror. For most children, the concept of *parens patriae* was immaterial. Parents, families, communities, and the caprice of circumstance decided children's fate, with little interference by institutions of government. For other children, the government was neither benign nor indifferent, but was the source of terror. Native American families were regularly displaced, disrupted, and destroyed. For example, between 1830 and 1840, the families and children of the Creek tribes of Alabama, numbering several thousand, were systematically removed from their lands, thrown in stockades, and transported to Oklahoma, where many were literally dumped naked, without possessions, to live or die. Many of those who remained in Alabama were lynched or sold into slavery. Families were disrupted, and parentless children were left to die [Debo 1970]. And, until the Emancipation Proclamation of 1863, a whole race of children were not just treated as property; they were property, bought and sold by slave owners, subject to physical and psychological deprivation, and routinely, and often permanently, separated from their families.

The Earliest Child Welfare: Out-of-Home Placement

In the British colonies of North America, and subsequently in the states and provinces of the United States and Canada, homeless and dependent children, and children in poverty, were made the responsibility of local communities. The methods communities used to address homelessness and poverty were "outdoor relief," almshouses, and indenture. "Outdoor relief" referred to the direct dispensation of money, food, clothing, and other items to the poor. This method of intervention was stigmatized and not often used, as it was felt that it rewarded the failures and shortcomings of character that caused poverty to begin with.

Almshouses were the forerunners of county homes and other institutions for persons who were poor, homeless, dependent, or disabled. The almshouses became a dumping ground for poor children, people who were mentally ill, developmentally disabled, handicapped, or aged, and anybody else whose conditions or circumstances resulted in chronic poverty. Because of the complex problems of the populations served, and very limited resources, almshouses could not meet the developmental needs of children. Subsequently, dependency asylums were formed specifically as institutions for the placement of abandoned, orphaned, abused, or otherwise dependent children. During the middle and late nineteenth century these dependency institutions would range from homes for abandoned infants, to industrial schools for adolescents.

Indenture means, literally, the provision of occupational training and board in exchange for a period of contributed labor. Some children were indentured by local community governments directly into "adopting" families. Others were placed into dependency asylums, and then indentured into local families under the auspices of the institutions. Dependent children were indentured to families of community craftsmen, who had the responsibility of training the children and

providing for their basic needs. In return, the children would work for the craftsman. The child's labor was payment for the apprenticeship. From the child's point of view, the success or failure of this approach depended entirely upon the luck of the draw. If the child was placed within an empathetic, caring, and fair household, indenture could greatly benefit children. They became part of a family and learned a trade. On the other hand, the indenture system was a convenient mechanism for exploitation. Children could become little more than slave labor, learning little and suffering much.

Several factors contributed to the emergence of government and community-supported dependency institutions and indenture programs during the middle and latter part of the nineteenth century. First, there was a growing recognition within the states and provinces, and especially within religious organizations, that dependent and orphaned children were a significant social problem and moral issue. There was a growing belief that society had a responsibility to "save" neglected, abused, dependent, and exploited children. The accepted method of protecting children became institutionalization. The accepted method for the developmental preparation of children for eventual emancipation became indentured labor. Many child care institutions, funded by their respective church hierarchies, were established to minister to both the spiritual and secular needs of dependent children. Although these sectarian institutions could not provide the intimacy and care of families, they did provide discipline, occupational training, and social structure and expectations. The success of dependency institutions in meeting the needs of children was contingent upon a child's age, developmental needs, and psychological disposition. The institutions met basic developmental needs for many children, and provided the foundation for successful and productive adult lives. For other children, the institutions could neither meet their developmental needs nor prevent physical, emotional or psychological harm. It was common practice for children to be required to work long hours within some institutions, or to be indentured locally to hard labor, because, "hard work built character." Long and strenuous labor was believed by many to be intrinsically good for a child's character, inuring the child to later hardships. It's easy to see how such aphorisms could become rationalizations for

exploitative child labor practices. This was often the case. The financial solvency of some institutions, and the wages of some administrators, often depended upon the productivity of the institution's young occupants.

Second, it became more and more accepted that public monies could be used to support voluntary agencies. Thus, where there was a local disposition to help, there was increasingly more money to actually do something.

Finally, this was a time in which large groups of children in both the United States and Canada became orphaned or dependent. During the middle years of the nineteenth century, many of the immigrant families in the rapidly growing urban centers in Canada were decimated by famine and disease, resulting in large numbers of orphaned, abandoned, and neglected children. Many children were orphaned when their immigrant parents died during epidemics of cholera and yellow fever in urban centers [Laird & Hartman 1985; Rooke & Schnell 1983]. Even more children were abandoned by their parents or removed from immigrant homes because of the poverty and other hardships experienced by their families.

In the United States, the lynchings, family displacements, and disruptions that followed emancipation, the Jim Crow legislation in the south, and the mass exodus north by former slaves resulted in many orphaned and dependent children. This was also a time of major disruption and displacement of Native American families, as whole nations were uprooted and moved to impoverished reservations, and whole tribes were destroyed during the Indian Wars. Many orphaned and dependent Native American children joined the thousands of other Native American children who were systematically removed from their homes and placed in boarding schools in an ethnocentric fervor to deconstruct entire cultures.

Also during this time, Great Britain began to rely on juvenile emigration to Canada as a political and social strategy to deal with increasing social problems of poverty and crime. Both British politicians and British placing societies

recognized that it was less costly to ship children to Canada than to house and care for them in Great Britain until they grew up. Most also believed that children could have a better life in Canada, away from the economic and moral decay of Britain's cities, tempered by the hard work of colonial rural existence. Hence, many British children who were abused, neglected, orphaned, abandoned, or delinquent were shipped to Canada for placement in asylums, and subsequently, for indenture to Canadian families. Between 1868 and 1925, 80,000 homeless and neglected children were sent to Canada to be placed as agricultural laborers and domestic servants with rural families [Peikoff & Brickey 1991]. These children were often exploited both by the asylums, and the homes into which they were eventually indentured. There was little aftercare for children placed for indenture or adoption. Some institutions identified older children who were eligible for indenture or adoption as "workers," thereby almost guaranteeing their exploitation. Rooke and Schnell [1983] state that most Canadian dependency institutions of the latter nineteenth century could have advertised themselves as cheap labor bureaus.

The exploitative nature of these mid-nineteenth century indentures and adoptions is evidenced by the high demand for older children. In an ironic reversal of today's adoption problems, older children were in tremendous demand, and infants were impossible to place. Child placing agencies reported it to be, at times, impossible to meet the demand for children, especially girls above age 12 [Bullen 1991].

The fate of very young orphaned or abandoned children in both Canada and the United States was often worse than that of older children, who could work. Of the infants placed in poorhouses, foundling asylums, or baby farms (homes run by women who took in illegitimate babies for a fee), only a small minority survived the first few weeks. For example, of approximately 600 infants admitted to a Montreal foundling home in 1863, more than 500 died. And, in 1883, in the Bethlehem Home for the Friendless in Ottawa, 224 infants were admitted, and 199 died [Peikoff & Brickey 1991].

The inability of dependency institutions to meet the developmental needs of most children resulted in a growing belief that dependent children without homes would be best served by placement in a substitute or foster home. In the United States, the child-placing activities of Charles Loring Brace and the agency he founded, The Children's Aid Society of New York, are often credited with the first large-scale use of foster care placement for dependent children [Costin 1985]. Between 1850 and 1930, over 30,000 children from New York were placed in families, mostly in the Midwest. During this time, due to disease and the hardships of immigration, there were large numbers of dependent immigrant children homeless and without care in New York City. Mr. Brace felt that the best hope for these children was to get them out of the city and into the heartlands under circumstances in which they could learn a trade and the social adaptive skills to survive. Most placements were really more a form of indentured placement than foster care. These placements did, however, appear to have some success. And, as a social experiment, an analysis of the program's failings identify important areas in need of reform, such as inadequate risk assessment, and cultural ignorance and insensitivity.

"... Within the Bounds of Reason and Humanity"

By 1850, the courts had begun to set precedents establishing children's rights, and making parental rights contingent on their providing proper care for their children. For example, in 1869, an Illinois court in *Fletcher et al. v. Illinois,* finding that parents had been abusive and neglectful, restricted parental rights by insisting that parental authority "must be exercised within the bounds of reason and humanity" [Costin 1985]. However, nowhere did there exist a formal organization for identifying and assessing child abuse and neglect. The first such organization anywhere in the world was established in 1874 in New York City: The New York Society for the Prevention of Cruelty to Children (SPCC) [Costin 1985].

The formation of the New York SPCC was a culmination of evolving social consciousness regarding children's problems and rights. The SPCC was founded through the activities of concerned citizens who had become aware of the abusive circumstances of a single child. A young girl named Mary Ellen was systematically beaten and cruelly mistreated by a couple who had assumed care of her at infancy. Her cries were heard throughout her neighborhood, but concerned neighbors knew of no legal recourse to seek intervention. Concerned community leaders brought Mary Ellen's situation to the attention of the Society for the Prevention of Cruelty to Animals. The SPCA took Mary Ellen's case to court and won a protective order. Her caregivers were sent to prison. As a result, the Society for the Prevention of Cruelty to Children was formed. As cruel as the abuse to Mary Ellen was, it was no more egregious than that suffered publicly by many other children who preceded her, and many who were her contemporaries. But the time was right. Similar child protection agencies sprang up across the continent. By 1900, more than 250 societies for the protection of children had been formed [Costin 1985].

The American experience prompted a 26-year-old Canadian newspaper reporter named J. J. Kelso to organize a public meeting that ultimately resulted in the establishment of the Toronto Children's Aid Society in 1891 [Bullen 1991]. Kelso, a vocal advocate for the safety and protection of children, had used his position as a journalist to advocate for social change. In 1887 he had founded the Toronto Humane Society to protect women, children, and animals. Kelso also initiated activities that led to passage by the Ontario Legislature of the Act for the Protection and Reformation of Neglected Children in 1888. This legislation was significant. For the first time in Canada, agents of the state were authorized to intervene on behalf of neglected and maltreated children. It was followed in 1893 by the Children's Protection Act, which empowered the Children's Aid Society to act as a regulatory agency to inspect homes and take steps to protect children, including placing them in foster homes [Peikoff & Brickey 1991].

Other provinces soon followed Ontario's lead. Manitoba's Children's Aid Society was incorporated in 1898, and by 1914, societies were established in all the

provinces. The Children's Aid Societies were also a major impetus for the elimination of indenturing programs in Canada.

While early child protection advocates in both the U.S. and Canada were acutely aware of the harmful effects of parental abuse and neglect, they were less aware of the potential harm to children from separating them from their families. Their primary objectives were to establish the rights of children; advocate for those rights; identify instances of abuse and neglect; threaten, coerce, and police parents into conforming to acceptable behavior; and remove children from their families for permanent out-of-home placement when necessary. These objectives were fundamental in the evolution of children's rights. They were the catalyst for today's consensus that children have an absolute right to adequate care and nurturance, and to an environment free from abuse. But these same ends often promulgated moralistic, punitive, and culturally incompetent practices. Parents who could have benefitted from remedial help were often punished and imprisoned. Families that could have been saved and strengthened were often disrupted or destroyed. Immigrant families were often discounted and misunderstood.

Our concerns today with the issues of remediation, strengthening families, and reunification are not new. They are reflected in the same struggles of 100 years ago, and are echoed in the thoughts of these early social workers, who, in the first years of this century, called for: remedial work with families; statewide programs to strengthen families; collaborative community-based services, including protective services, and foster care placement, especially in the homes of relatives; and the reuniting of children with their families "at the earliest possible moment consistent with the welfare of the children" [American Humane Association Annual Report 1906; as reported in Costin 1985].

The last half of the nineteenth century was a time of important and accelerating child welfare reform for some children. Others would have to wait. The beginning of modern child welfare reform began in 1874 in New York City as a response to the Mary Ellen case. But, this beginning reform would have little

effect upon the systemic abuse and neglect that were a horrific part of the lives of many minority children.

During this same period, some states were enacting legislation that segregated races, that prohibited African Americans from voting, and that subjected children to the denigration of institutional racism, a denigration less overt than slavery but, in many ways, just as destructive to the lives of children and their families. Thousands of lynchings were recorded. Families were disrupted and destroyed during the "Great Exodus," as tens of thousands of African American families left the lower south in attempts to escape murder and mayhem.

The liquidation of Indian tribes was also occurring. During this same decade, the U.S. Army was hunting down and killing Apache men, women, and children who refused to come into the reservation in actions that were reported to "verge on (a) kind of genocidal persecution." [Debo 1970]. Civilian atrocities against Native American women and children also reached astonishing levels of horror. In 1874, the same year as the Mary Ellen reforms, a group of people from a town in the southwest, in a vigilante fervor, attacked a local Apache camp, killing all its occupants. Of the 140 plus people killed, all but two were women and children. An additional 30 young children were captured and sold into slavery.

When compared to an existential milieu of overt and systematic persecution, lynchings, massacres, and genocide, the New York SPCC child welfare reforms of 1874 may appear contextually diminished.

> *"Home Life... is the Highest and Finest Product of Civilization."*
> *[White House Conference, 1909]*

The beginnings of the twentieth century saw the emergence of a unifying theme that would shape the history of child welfare to the present day: the increasing recognition of the supreme importance of a stable, caring family to the life of a child. This theme was a primary focus of professional and political debate

concerning finding justice for children, the relationship between poverty and neglect, punishment versus rehabilitation of abusing parents, the appropriate structure and function of placement resources, and the debate concerning the legitimacy of home-based services versus placement in cases of child abuse and neglect. These are the child welfare themes and issues that rang in the twentieth century, and they appear destined to attend its end. Across the political continuum from conservative to liberal, various methods of fostering and insuring the integrity of the family were championed, but the purported goals were remarkably similar: the maintenance of the family as the cornerstone of social life [Laird & Hartman 1985].

In the early 1900s, foster care placement was becoming a widespread and well-recognized child welfare intervention. Important programming and service delivery issues were being identified. Practice issues related to foster home selection, the placement process, and regulation of interstate placements were being scrutinized and improved.

The first two decades of the twentieth century witnessed a continuous debate about the relative merits of institutionalization versus foster care. The arguments were often vitriolic and acrimonious, and often driven by self-interest, rather than research and logical analysis. But, even with the dearth of empirical evidence, it was possible to argue that the large congregate institutions could not be remotely successful in programming for the individual developmental needs of their diverse populations. The dependency institutions began to evolve into clustered family settings with increasingly family-like environments.

Gradually, the "foster care versus institutionalization" debate became less strident, and by the middle of this century there was considerable harmony, as each interest carved out its piece of a market where the need for placements far exceeded the combined capacity of both to deliver. Today, institutional residential care facilities still strive to be more family-like. In addition, some foster care programs have begun to provide therapeutic placements for children with developmental, behavioral, and emotional problems. These therapeutic

foster care networks require special training and experience for their professional foster caregivers, and they provide program supports, such as respite care, and psychological and psychiatric services. With these changes and apparent merging of target populations, differences in the structure and function of these placement alternatives begin to blur. This evolving synthesis of form and function is the direct result of the field's growing understanding of the placement needs of children. Young children who must be placed out-of-home need both the intimacy and individualized care that can only be provided in a family setting; and, they also need a therapeutic milieu provided by competent caregivers, who have community supports to meet the children's special needs.

Children's Courts

The development of juvenile courts, probation methodology, and delinquency intervention strategies rather than requisite punishment, were similar in the United States and Canada. In the states, the legislation that formed the first juvenile court was passed in Illinois in 1899. This was an attempt to reform a legal system whose structure was inappropriate and inadequate to serve children. The premise was that behavior problems, such as delinquency, and circumstantial problems, such as dependency, were either developmental issues or environmental issues, but not ethical issues. Children should not be held morally accountable for their behaviors or circumstances in the same way that adults should be. Prior to this time, the courts were structured to establish guilt and to punish the guilty. Delinquent behavior or dependency often resulted in imprisonment or institutionalization. The courts had neither the legal options nor the resources to support the integrity of families. The involvement of the court most often resulted in family disruption.

The purposes of the new courts were to identify children's problems and to develop and insure remedial interventions. Diversion and probation became methods of legal intervention for children, and rehabilitation was substituted for punishment. The new juvenile courts could now exercise their much-needed

authority and power without automatically disrupting or destroying the family. Judges evolved from facilitators of justice in systems of adversarial confrontation, to arbitrators of justice as philosopher-kings. In juvenile courts, children would no longer be subjected to prosecution. The judge was to listen to the pertinent issues and act on the child's behalf. The judge thus became the supreme advocate. By 1917, 45 states had enacted legislation to establish juvenile courts [Laird & Hartman 1985].

Similarly, in 1908 the Canadian Juvenile Delinquents Act (JDA) was adopted, marking the culmination of efforts begun decades earlier to confer special legal status on children. The law was introduced with the backing of J.J. Kelso, then Superintendent of Neglected and Dependent Children of Ontario, and William L. Scott, Chairman of the Ottawa Children's Aid Society. The law established separate courts for children, and a system of probation. The proponents believed that such a system could "save young people ... redeem them in their early years and make good citizens of them, instead of letting them grow up to be criminals..." [Trépanier 1991].

The establishment of separate courts and legal processes for youth was one of the most important legal reforms in the evolution of child welfare. It established a means for legal intervention in the lives of children that could potentially support families, rather than almost surely cause disruption, as previous court interventions had so often done. But it was, perhaps, more important as the solidification of a social reform: children were not adults and should not be subjected to the same ethical and legal sanctions.

By nearly any measure, the new "children's courts" were more just and responsive to the social needs of children and families than the old system. But the early success of the juvenile courts was hindered by several factors.

The problems faced by children and their families were found to be multiple and complex. Because institutionalization was discouraged, the courts' most dispositionally efficient intervention was curtailed. The new juvenile courts

found themselves with responsibility to intervene with children and families who had serious and multiple problems, yet lacked the experience, knowledge, or resources to do so effectively.

Court personnel often had no experience in working with the psychological and social problems of children and their families. Community resources, such as vocational training and education, counseling, and placements other than incarceration or institutionalization, were generally not available. And many of the judges were not up to their philosopher-king responsibilities. They handled the king part reasonably well, but often fell short in philosophy. They had no training in psychology, family dynamics, or social systems. In short, they were not social workers.

By the 1950s, court personnel were receiving more and better training. Foster care programs, either as an adjunct of the juvenile court or accessed through child welfare agencies, were a growing resource. Less restrictive institutional facilities were being developed. Community mental health agencies were assuming some of the responsibility for psychological assessments and counseling. Social workers in child welfare agencies were given responsibility for social assessments of children and families, and were relied upon to make recommendations to the juvenile court. Although the commitment to developing resources for juvenile courts was inadequate, by 1960, there was at least a general recognition that the problems were immense and that more resources were needed.

By the late 1950s and early 1960s, there was growing concern regarding the juvenile court's unfettered authority and power over the lives of children [Laird & Hartman 1985]. Most child advocates believed that the juvenile court changes, which discarded the adversarial structure of court hearings for the paternalistic adjudication of the juvenile court judge, was an important and positive legal reform. But, in addition to the important gains of the reform, there was a significant shortcoming. Children did not have a legal counsel with responsibility for assuring their legal rights. Various legislative initiatives were

thus sponsored to develop methods to assure that children's rights were protected, such as the assignment of guardians ad litem.

The juvenile courts continue today in their attempt to adopt a structure that will allow them to be sufficiently flexible and creative to address the multiple and diverse problems of children and families, and still consistently assure the rights of all. As the juvenile courts work collaboratively with child welfare agencies, their respective responsibilities and the mechanisms for collaborative planning and service delivery continue to evolve.

Poverty and Neglect

Throughout recent history, poverty has been a major cause of family disruption, and the placement of children in institutions and other fostering milieus. With the advent of the twentieth century, more people began to entertain the possibility that poverty was not entirely the result of failures or shortcomings in individual character and faculty. Some began to believe that societal, cultural, and governmental institutions may play a part in causing and maintaining poverty, in so far as they caused, maintained, or failed to prevent some of its root causes, such as racism, political inequities, and lack of educational and economic opportunities. It was logical to conclude that if our society was a least partially responsible for poverty, it should be at least partially responsible for efforts to ameliorate poverty's negative effects.

Thus, by the beginning of the twentieth century, there was a growing reticence by some to support the removal of children from families simply because they were too poor to meet their children's needs. Many believed that some form of assistance should be provided to poor mothers with children. In 1911 in Illinois, the first statewide mother's pension law was passed. By 1921, 39 additional states had enacted similar legislation [Laird & Hartman 1985]. This growing sentiment set the stage for the enactment in the United States of the Social Security Act of 1935, in which Aid to Dependent Children was established as a

federal entitlement for poor mothers who had children and no paternal support. In Canada, by 1950, extensive legislation had been enacted to provide nationalized health care and other social welfare entitlements to all Canadian citizens.

However, some of the fundamental values of social welfare are now being questioned, such as the social legitimacy of the very concept of economic entitlement. This recent reassessment of the moral responsibility of government has resulted in federal legislation in the United States curtailing economic entitlements for some families in poverty. Many believe the net effect of welfare programs in the United States over the last 60 years has been negative, creating chronic dependency and chronic poverty. This recent welfare reform represents a shift in values, emphasizing the responsibility and self-sufficiency of adult family members, rather than the responsibility of society to assure the well-being of children. Therein lies both the dilemma and challenge for recent welfare reform in the United States. How is it possible to maintain the integrity of multiproblem families, to act in children's best interests, and still subject adult family members to economic sanctions for irresponsible and destructive behavior – economic sanctions that could, for many families, contribute to risk of child neglect and abuse for their children? These same values issues and social dilemmas are part of the Canadian social welfare debate. It appears that as the twenty-first century dawns, we will revisit some of these fundamental issues, much as we did 100 years ago.

Punishment vs. Rehabilitation

As the 1900s began, there was a significant ideological struggle being waged between those who believed that child abuse was primarily a result of cruel, morally base parents; and, those who believed much of child abuse was the result of developmental immaturity, psychological ills, and ignorance. The former believed that the cruel and immoral should be punished. The latter felt that the immature, the ill, and the uninformed should be guided, treated, and

educated, both for their own sakes and for their children's. The early state Societies for the Prevention of Cruelty to Children (SPCC) were divided on this philosophical issue. Some SPCCs held strongly to the philosophical ideology that abusive parents were vicious and immoral, basically impervious to reason and treatment, and responsive only to coercion and punishment, both of which they deserved. Others, like the Massachusetts SPCC, believed that some abusive parents could be helped to establish caring and safe environments for their children. In 1909, Theodore Roosevelt sponsored the White House Conference on Children, in which hundreds of child advocates met to develop a strategic plan for children's issues. The meeting proved to be both productive and powerful, as many of its recommendations went on to affect child welfare reform to the present day. One recommendation was the formation of a national voluntary agency to set child welfare standards and advocate for children. The formation of the Child Welfare League of America was the response to this recommendation.

In the early part of the twentieth century in both Canada and the United States, the profession of social work and the casework method of intervention began to emerge as a powerful force of social engineering and social change. Some fundamental principles of the profession were that the majority of people engaged in destructive behavior could, and would, learn socially appropriate adaptive behavior with the proper help and support. Another belief was that many existing social institutions could, and did, contribute to the woes of human existence. Based upon these principles, the social work profession adopted strategies to advocate for change in harmful social institutions, and in counseling and education interventions for individuals. This aligned the social work profession squarely on the side of remediation in this ideological dispute.

From the 1920s on, social work ideology and methods have shaped the field of child welfare. Today, social work methods are an accepted part of our approach to child protective services, supported by protective authority when necessary. But, the ideological debate continues within our society. As people across the continent decry what they believe to be the disintegration of the family and the

pandemic abuse and neglect of children, a confused rhetoric appears. On the one hand, it emphasizes the shortcomings of uncaring parents, demanding their punishment and removal of their children; while, on the other hand, it pronounces these families to be disaffected victims of negative social and economic forces such as poverty, isolation, and racism, and is reluctant to hold anyone responsible for their destructive behaviors. The media adds to the confusion by either presenting sensationalized accounts of the heinous behaviors of deranged parents who, while ostensibly under child protective agency supervision, have killed their children; or, by reporting purported unethical and unwarranted intrusion by protective service agencies into family life. Rarely do we see balanced reporting of the social and psychological roots of family dysfunction and child maltreatment. Against this background, the child welfare field continues to balance the extremely complicated moral dilemmas underlying decisions that promote the "best interests" of maltreated children, and through research and experience, evolve standards and methods of practice that can protect children and strengthen their families.

Who Has Responsibility?

For the first half of the twentieth century, child welfare services in North America varied from state to state, province to province, and community to community. Child welfare services were not universally required; they were largely the purview of voluntary agencies, both secular and sectarian. Private voluntary organizations, such as the American Humane Association, established divisions to coordinate the activities of diverse voluntary protective service organizations throughout the country [Kadushin 1980]. The general values of these protective service agencies were as varied as their members. Many were legalistic in their approach, attempting to identify abusive parents, legally punish them, and secure placement of the abused or maltreated children. Others were more nonpunitive, supportive, and rehabilitative. There was no general legislation expressing guiding social values or directing social programming for child welfare services. Nearly 100 years after local community leaders in New

York City asked the question, "Who has responsibility?" to protect Mary Ellen, the same question could be asked in many communities across North America. It was not until 1962, through amendments to the Social Security Act, that the United States government required each state to develop a plan to assign child welfare services to political subdivisions throughout their respective states [Kadushin 1980]. The Title XX amendment to the Social Security Act made protective services mandatory, and by 1978, protective services were provided by all 50 states [Kadushin 1980]. For the first time, the government took responsibility for the application of our society's child welfare values in the form of universally applicable federal legislation.

In Canada, because the governing structures are more decentralized, Canadian provinces and territories continue to have considerable autonomy in their child welfare policy and programming. This may allow creativity and local control, but it also can result in less standardization and consistency in child welfare programming. Although there is a general consistency in fundamental child welfare values, the ten provinces and two territories of Canada have developed their own distinctive child welfare legislation and systems. In some provinces and territories, the child welfare system is administered by the provincial government, while in others, services are provided by the Children's Aid Societies.

"A Small Revolution in Child Welfare"

As we have seen, the twentieth century history of child welfare can be understood as an evolution of values and their operationalization into theory, policy, and practice related to important issues, including the differentiation between poverty and neglect; the decriminalization of children; the proper utilization of child placement; and the development of methodologies to rehabilitate abusive and neglecting parents. We have indicated how these issues emerged out of a concern for family integrity. Today, we can see how the products of this evolution of child welfare values converged to manifest in a

"small revolution in child welfare" [U.S. Senate Subcommittee on Children and Youth 1975]: the child welfare reform initiative of family preservation.

The roots of family preservation reform can be seen as a result of this convergence of values in the early 1970s. The 1970s has often been referred to as the decade of the child rights movement. The American Civil Liberties Union began publishing the "Children's Rights Report." The Children's Defense Fund was established to champion the rights of children. Many articles began to appear in child welfare journals discussing children's rights, and children's rights issues were more frequently being addressed in state legislatures.

Out of these discussions of children's rights, the conceptualization of the child's fundamental right to a permanent and stable home emerged. As this value crystalized, it fostered the permanency planning movement, which began in the early 1970s. The results of longitudinal research had illuminated the serious negative consequences to children of lengthy and impermanent foster care placements [Fanshel & Shinn 1978]. The common practice of placing children in one or more "temporary" placements, often from months to years in duration with no expedient plan for a permanent family placement, was referred to as "foster care drift." This term was a good analogy for children in lengthy and impermanent out-of-home care. Like a person adrift in a small boat on a large sea, the child in impermanent placement has lost sight of the point of origin, and cannot be certain of the ultimate destination.

Initially, the thrust of permanency planning was to provide permanent families for children in long-term foster care, either by reuniting them with their biological families, or by placing them with adoptive families. However, many of these children had been in foster care for extended periods of time, and their parents' legal rights had been permanently terminated. Many of these children had "special needs" because of behavior problems, developmental disabilities, mental health problems, and other characteristics that made adoption more difficult. The permanency planning movement was, therefore, a strong impetus for the development of strategies and technologies to promote and maintain the

adoption of children with complex needs. Later, the scope of permanency planning was expanded to assure permanence for children in their own homes as well, by preventing placement.

Promoting permanence for Native American children in their own homes and communities was the purpose of the Indian Child Welfare Act (P.L. 95-608), enacted by the U.S. Congress in 1978. It had become evident that many child welfare interventions in Native American communities were actually eroding Indian families. Prior to the passage of ICWA, it was determined that approximately 25% of all Indian children had been removed from their families, and of these, 85% had been placed in non-Indian homes and settings, including boarding schools [Byler 1977]. The Indian Child Welfare Act assigned full responsibility and jurisdiction to tribal governments for child welfare and adoption decisions for children of Native American descent. This assured that child welfare interventions remained consistent with the Native American tradition of the tribal community retaining responsibility for the care of its own children.

There is no federal Canadian legislation analogous to the Indian Child Welfare Act. In most aboriginal communities, the local Children's Aid Society or other provincial and territorial government agencies have the authority and responsibility to provide child welfare services to First Nation (Indian) children and families. However, the degree of aboriginal involvement in child welfare decisions and services varies throughout Canada. For example, in Ontario, child welfare services are increasingly being provided by aboriginal agencies on First Nation reserves, including aboriginal Children's Aid Societies. First Nation representatives may also observe and participate in child welfare court hearings, and aboriginal heritage and culture must be considered by courts as a factor in considering an aboriginal child's best interests. Some First Nation groups, such as the Spallumcheen in British Columbia and the Ojibway in Ontario, have acquired additional child welfare jurisdiction for aboriginal children and families through various means [Imai, Logan, & Stein 1993].

Casework strategies to assure permanence for children were formalized into law in the United States in P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980. This legislation was designed to reduce the incidence and length of foster care placement by mandating that child welfare agencies: 1) provide in-home family supportive services to prevent separation of children from their families; 2) make timely and "reasonable" efforts to reunify children in placement with their primary families; or 3) to place children into other permanent placements, with relatives or adoptive families, as quickly as possible. Permanency planning evolved to include the provision of services during all phases of child welfare practice that addressed children's need for a stable, permanent home. Permanency planning was a major impetus to develop more intensive, home-based, and family-centered child welfare services.

The 1980s saw family rights emerge as an important social issue. Many voiced fears of the break-up of the traditional two-parent family, and demanded laws and programs that would both protect families from intrusive authority, and support family life. Others stressed the need to accept alternative family structures, such as single parent families, kinship care, gay or lesbian heads of households, and forms of communal living. Of universal agreement was the importance of a supportive, nurturing, and protective family environment for healthy child development.

It became clear in the 1980s that even with new social technologies, social services resources, and the best professional efforts, the needs of most children could only be met by strengthening their families. Many public programs and private charitable organizations attempted to strengthen and empower families through broad-based collaborative interventions for people who were poor and disadvantaged. These attempts at comprehensive, systemic family interventions highlighted the multiple and complex problems that many families faced. They also underscored the need for preventive services to address the earliest developmental family problems, and the need for increased opportunities for families to avoid or escape poverty, substance abuse, racism, and other

destabilizing insults. Finally, the need for mechanisms to coordinate case planning and service delivery was identified.

The growing concern for the rights of children and the rights of families had a powerful and productive synergistic effect. Because, in most cases, the interests of families and the interests of children are usually the same, efforts to enhance the rights of each resulted in gains for both. Children and their families benefitted from efforts to reduce infant mortality, to support family planning, and to provide better child care to support employment. Within the field of child welfare, the move to family-centered practice promoted several developments: a stronger emphasis on family preservation; the increased utilization of in-home services in an attempt to reduce out-of-home placement; the recognition of culturally-specific service resources and the need to support cultural integrity; the recognition of naturally-occurring services, like kinship care; the utilization of local community supports such as churches and charitable clubs; and the professionalization of foster care.

However, in spite of the many positive effects of the family rights movement on child welfare practice, there was one important unsettling effect. Some rhetoric emphasizing the importance of family preservation began to de-emphasize the fundamental child welfare responsibility of child protection. Today, efforts are being made to integrate family preservation services as a very important method of child protection, rather than an alternative to it. Many more families than previously believed can benefit from such services, and the aggressive provision of such services is in the best interests of most families and children. But for some families, the interests of parents and children diverge; and some children cannot be protected unless placed out of their homes permanently. Amid movements toward noncategorical services for families and children, and toward collaborative planning and service delivery, there has also been a movement to recover the unique responsibility of the child welfare field to, first and foremost, advocate for the protection of children.

Child Welfare Values Today

Today, important elements of our societies' values regarding the welfare of children are articulated in the professional values of the child welfare field within the social work profession. The child welfare field has applied fundamental social work values to the provision of child welfare services, thereby deriving the following general value:

> *All children have an absolute right to a safe, permanent, stable home, which provides basic levels of nurturance and care, and is free from abuse, neglect, and exploitation.*

This general child welfare value is the overriding moral end targeted by all aspects of the child welfare field of practice. It is a derivational incorporation of all four of the fundamental values of social work. For children, *freedom* includes the possibility to grow and develop free from harm and exploitation. For children, *justice* includes access to basic care and nurturance. Children do not ask to be born, and this is their birthright. These rights exist because children, like adults, are human beings with intrinsic and *irreducible worth*. And finally, if we have any *unselfish oblation* to others, it is especially so for children. We cause them to be, they are dependent upon us, they are fragile, and they are without power and influence.

To achieve the ends set forth by this general child welfare value, the child welfare field has developed several norms to guide professional activity. The overriding prescription for child welfare professionals is to *always act in the child's best interests.* This general norm helps the field to stay focused on its primary responsibility – children. It is the most important professional norm of the child welfare field. But it does not always provide applied criteria for the identification and differentiation of policies and interventions. More specific norms for sanctioning activities in the best interests of children are required. Some of these more specific norms of child welfare practice are:

- *The child welfare system must protect children.*
  The only justification for the child welfare field's nonvoluntary involvement with a child and family is that the child is at risk of abuse or neglect. All child welfare protective activities and interventions must be toward the goal of protecting the child from harm.

- *The child welfare field must provide family-centered services.*
  The family unit is the central focus of child welfare practice. It is always in a child's best interests to remain with his or her own family, if the family can be helped to provide an environment that provides basic care and nurturance, and is safe from abuse and neglect. Child welfare services should enhance and promote the healthy development of families, and empower them to provide safe and nurturing care to their children. Out-of-home placement should be avoided, unless it is the only way to protect the child. When children must be placed out of the home temporarily, planning and services to promote reunification should begin as soon as the children are removed.

- *Child welfare services must promote permanence for all children.* Permanency planning is, simply, a comprehensive and ongoing case planning process directed toward achieving the goal of permanence for children. Our adherence to principles of permanency planning reflects a fundamental child welfare value regarding the right of children to grow and develop in permanent, stable family environments. Case planning is the step-by-step planning and problem-solving technology used by social workers to bring about desired ends. The term "permanency planning" thus reminds us that case planning activities should always be directed toward assuring that the children we serve have permanent families who can provide them with nurturance and protection.

- *Child welfare services must be culturally competent.*

Cultural competence is the capacity to relate with persons from diverse cultures in a sensitive, respectful, and productive way. Cultural competence incorporates a complex and interrelated array of cognitive and psychological traits and behaviors. And, since it is virtually impossible for anyone to fully understand all the characteristics, nuances, and traits of all the world's cultures, achieving cultural competence requires a lifelong process of learning and change. While child welfare workers will never learn all aspects of the cultures of the families we serve, they must become sensitive, respectful, and adaptive in their cross-cultural communications and interactions.

- *Children who need out-of-home placement should always be placed in the least restrictive, most home-like environment, as close to their own home as possible.* A properly chosen placement will meet children's physical, emotional and social needs, will strengthen and preserve children's relationships with their families, and will minimize separation trauma. To the degree possible, children should be placed with members of their own extended families, or in their home communities to maintain continuity, preserve important relationships, and support their cultural identity.

These are examples of the norms, or instrumental values, of the child welfare field. They are all valued means, instrumental to achieving safe, permanent, stable homes for children which provide basic levels of nurturance and care, and which are free from abuse, neglect, and exploitation.

Application

Integrating Child Welfare Values and Practice

Values do not always appear complementary. Moral and practice dilemmas can result from apparent values conflicts. For example, our culture places a high value on both individuality and cooperation, practically guaranteeing conflict. Our society also highly values both creativity and conformity. Again, the potential for conflicting values and norms is virtually guaranteed.

Many social workers become concerned about potential moral dilemmas in child welfare practice. For example, in family-centered services, who is our client? Is there a conflict between parental rights and children's rights? And how can we plan for permanence, be family-centered, and still place children when necessary?

Following, we have identified some apparent practice dilemmas, and have attempted to show how these dilemmas fail to materialize, if careful thought is given to their underlying values and their operationalization into practice.

Family-Centered Services Vs. Child Protection — Is There a Conflict?

The recent emphasis on family-centered services has surfaced some confusion regarding the relationship between children's rights and parents' rights. We often hear derisive comments about extreme philosophical positions supporting either parents' rights or children's rights, as if these were on a continuum, with children's rights at one end and parents' rights at the other, and as if we should place an "X" on the spot that best describes our leanings. The "children's rights" end of this hypothetical continuum is often construed as synonymous with child protective services. The "parents' rights" end of the continuum is often construed as synonymous with family preservation. In fact, this continuum model of

parents' rights versus children's rights, and family-centered services versus child protective services, is confusing and inaccurate. The relationship between parents' rights and children's rights cannot be described as the two ends of an exclusionary continuum. They are, in fact, most often compatible. Family-centered services is not the opposite of child protective services. In reality, when children can be protected in their own homes, family-centered services is the best means of achieving child protection.

Rights and Responsibilities

Many ethics philosophies incorporate a conceptualization of human rights. Among these various ethical paradigms the scope of rights may vary, and their moral validity may emanate from a variety of sources; however, they are always divided into two types of rights: absolute and contingent. Absolute rights convey upon their beneficiary privileges that are unconditional. Absolute rights do not have to be earned, and they cannot be taken away. Contingent rights, however, are conditional. They must be earned. Contingent rights may be dependent upon the individual meeting certain responsibilities, and they may disappear if those responsibilities or conditions are not met. Children's rights are an example of absolute rights. Parents' rights are an example of contingent rights.

Children's Rights

Children's rights are absolute. By the fact of being born, children have an absolute right to certain levels of care and support, and to an environment free from abuse. These rights have no contingencies. They should not depend upon children's economic circumstances, the religion of their parents, their genetic inheritance or its phenotypic expression, their culture or race, or even the behavior of their parents.

Parents' Rights

The depth and breadth of parents' rights is considerable. Our society has clearly and correctly determined that, in the vast majority of circumstances, parents should have the authority and responsibility to make decisions for their families and children. Parents are the legitimate source of most major decisions regarding their children's physical, social, emotional, and psychological development and well-being. Parents' rights are, however, not absolute rights. They are contingent upon parents meeting their responsibility to provide their children with minimum levels of nurturance and care, and a safe environment free from abuse or exploitation.

Child Welfare Services

Our society has evolved a clear position regarding the state's interest and moral obligation to assure the absolute rights of children to certain levels of care and nurturance, and to a safe environment. The legal concept of "parens patriae" conveys to the state the legal authority and moral responsibility to assure that children are not neglected or abused by their caregivers. In exercising this authority and responsibility, public child welfare agencies, as agents of the state, can fulfill not only their obligation to protect the absolute rights of children, but they also can facilitate parents in meeting their responsibilities to nurture and protect their children, thus helping parents to meet the contingencies of their parental rights. This combination of protecting children and empowering families should be the foundation of family-centered practice. When parents meet their contingent parental responsibilities, sometimes with empowering and supportive family services, then parents' rights and children's rights become integrated and interfused ends. Family-centered practice is the recognition of this potential compatibility.

Family-Centered Child Protective Services

The guiding principle of child protective services is to always act in the best interests of the child. If we accept that it is <u>always</u> in the best interests of children to remain with their own family, when that environment is, or can, with reasonable efforts, become an abuse-free and nurturing environment, then there is no philosophical conflict between family-centered services and child protective services. Family-centered services should not replace child protective services, but rather should complement them. Family-centered services, when successful, protect children from abuse and neglect, and also protect children from the trauma of unnecessary separation and placement. Family-centered child protective services best describes a family-centered approach to our child protection responsibilities.

Family-centered child protective services will always:

1) Be in the best interest of the child.

2) Advocate for the <u>absolute</u> rights of children to an abuse-free and nurturing family environment.

3) Advocate for parental rights contingent <u>only</u> <u>upon</u> the protection of their children.

4) Recognize that it is <u>always</u> in the best interest of children to remain with their own family when that environment is, or can, with reasonable efforts, become an abuse-free, nurturing environment.

5) Recognize that trauma to children can result from both abuse and neglect, <u>and,</u> from separation and placement.

6) Recognize our obligation to provide comprehensive family-centered services to strengthen families, when it is in the best interests of children.

7) Place children out-of-home only when it is necessary for their protection.

8) Make comprehensive efforts to reunite families when placement is necessary, and families can be preserved.

Child protective services have been the responsibility of child welfare social workers in the U.S. and Canada for over a century. Guided by the philosophical principle of always acting "in the best interests of the child," the field of child welfare has responsibility for protecting children from abuse and neglect. In the past, some social workers and agencies have been too quick to remove children from their homes because it was thought to be "in the best interests of the child." While child welfare professionals were aware of the risks involved when children remained in maltreating families, they were often less clear regarding the traumatic effects of separating children from their families and placing them out-of-home. Recently, as research and experience document both the traumatic effects of separation and placement, and the success of efforts to strengthen and preserve many families, there has been a move toward using comprehensive family-centered services to protect children in their own homes.

The recent focus on family-centered services represents an important reemphasis of casework methods, and a recommitment to the fundamental importance of family integrity to our society's health. This focus is long overdue. Unfortunately, there has also been dangerous rhetoric de-emphasizing our essential responsibility to protect children. Family-centered child protective services must be clearly understood, and clearly communicated, as a means to protect children, not an abdication of our responsibility to do so. And, while family-centered services can help a majority of families provide care and protection for their children, some children must be placed out of their homes to assure their protection.

Integrating Family-Centered Services and Child Placement

As we indicated earlier, permanency planning is a comprehensive case planning process directed toward achieving the goal of permanence for children. Principles of permanency planning reflect fundamental child welfare values regarding the rights of children to grow and develop in permanent, stable family environments. The rationale for permanency planning is derived from an understanding of the developmental needs of children, and the traumatic effects of separation and placement on children and their families. When children are separated from their families for extended periods of time, they experience multiple psychological losses and threats, which can produce emotional and developmental trauma. When children are removed from their families, their most significant emotional attachments are disrupted or severed. The absence of stability, continuity, or certainty in their lives creates constant anxiety about an equivocal future. They are often emotionally overwhelmed, and they lose the ability to participate in, much less to master, normal developmental activities. Delays in cognitive, social, and emotional development are common outcomes for children who have experienced traumatic separation. Finally, children in lengthy placements will often experience the natural process of grieving and detachment from their families. This may prevent them from ever being fully reintegrated in their families.

All children have a need and a right to grow in safe, secure, and permanent families, with parent(s) and other family members whom they can love, trust, and depend upon. Because of the traumatic effects of separation, children should live with their families of origin, whenever possible. The goal of family-centered child welfare services is to maintain permanence for children within their own homes by strengthening and empowering their families to care for them. This can prevent the need for placement, or permit timely reunification, while simultaneously removing the risk of future maltreatment.

If this is not possible, the options for permanent placement are, in the following order of preference: 1) an adoptive home with relatives, or with other persons whom the child knows well and to whom the child is emotionally attached, including his or her foster caregivers; 2) legal guardianship with relatives; 3) a home with an adoptive family approved by a child-placing agency; or 4) a long-term family placement with an unrelated family, with legal validation of the permanence of the relationship, such as legal guardianship.

Long-term foster care cannot be considered a permanent home under most circumstances. However, there are instances when legal barriers or other unusual circumstances preclude a formal, permanent placement such as adoption or guardianship. In such situations, if the foster home placement is stable over time, if the family is psychologically committed to the child, if the child and the family identify the child as a permanent part of the family, and if the intent of a permanent (i.e. lifetime) relationship exists, a long-term foster home placement might be considered a legitimate permanent home for a child. However, we should not move too quickly to accept long-term foster care as a permanent placement option. Intense and creative efforts by child welfare professionals to recruit, prepare, and support families for children previously considered "hard to place" and even "unadoptable" have resulted in many successful and lasting adoptive placements.

In order for child welfare agencies to assure that permanence, continuity, and stability are attained for all children in agency care, a hierarchy of services must be offered by the agency. These services begin at the point of intake and continue throughout the entire service delivery process.

Intake

Placement is typically viewed as the "back end" of child welfare services, and as a result, many intake workers do not recognize the extent of their responsibility for

preventing placement. By conducting a proper risk assessment, and by arranging immediate and intensive supportive family services to mitigate risk factors, intake workers can set the stage for maintaining many children safely in their own homes. Removal and placement of children in substitute care, even if intended for only short periods of time, should not be considered unless the children cannot be protected from maltreatment while in their own home.

Family-Centered In-Home Services

To prevent placement, child welfare agencies must be able to provide immediate, intensive, in-home supportive services to families on an ongoing basis. Such services can often greatly reduce the risk of imminent abuse or neglect, can improve the quality of child care in the home, and can strengthen the family's ability to provide such care on its own.

The family service caseworker's first task is to work with a family to complete a comprehensive assessment. The family assessment identifies the personal, social, economic, and environmental factors that contribute to risk of maltreatment, and delineates family strengths and resources that could mitigate risk. A case plan should be developed that outlines activities and services that eliminate the contributing factors to maltreatment, as well as build family strengths.

A well-developed family support program should include such services as linking families to naturally-occurring support systems; education and training in parenting and child care skills; protective day care; homemaker and home management services; medical care; budgeting and income management; individual and family counseling; and referral to community providers for other supportive and treatment services, including mental health, mental retardation, and substance abuse services.

Child welfare agencies can often reduce the number of children in placement by "front loading" the service system. This can be accomplished by committing a

large percentage of funds, staff, and other resources to in-home services, and by strengthening programs designed to prevent the removal of children from their families. The child welfare agency should take the lead in developing and organizing an integrated network of community-based services and resources. Agency caseworkers can serve in a case management capacity by referring families to the most relevant service providers, and by coordinating the services provided by other community resources. A team of service providers, including the child welfare caseworker, can also work directly with families in their own homes.   Organizing community agencies and neighborhood resources into a collaborative team to help families at risk is one of the most effective strategies to prevent placement of children.

Placement Services

In situations where children are endangered, and intensive services to their families cannot assure their protection at home, placement in substitute care is often necessary. Several variables should be considered when choosing a placement that will promote permanence and reduce separation trauma.

Abrupt separation from their families and placement with strangers can often produce psychological crisis for children, regardless of supportive strategies. When placement is necessary, children should be placed with extended family members, or with other persons whom the child knows, whenever possible. This will greatly reduce the risk of crisis.

A child should also be placed as close to home as possible. Placement within the child's home community allows the child to maintain important interpersonal attachments, and to continue to participate in familiar activities in the child's own neighborhood, school, or church. This is a direct contradiction to a common, but inappropriate, child welfare practice of moving children to new communities so their families won't learn of their whereabouts, and therefore, won't be able to "sabotage" or otherwise "interfere with" the placement. While

appearing to promote placement stability and reduce stress for children, this practice actually exacerbates separation trauma, and is clearly in neither the child's nor the family's best interests.

Any placement environment should be culturally as similar as possible to the child's own home. This prevents the added stress of "culture shock," and helps to retain continuity for the child. It also helps the child preserve a positive sense of ethnic, cultural, or racial identity, all of which are important components of self-esteem.

Children should always be placed in the most home-like, least restrictive setting possible. Substitute care placements listed in order from least to most restrictive are: 1) a relative's home; 2) a family foster home; 3) a family-operated group home; 4) a community-based group home, staffed by unrelated or changing caregivers; 5) a structured residential treatment center; and 6) other child care institutions. The agency should never choose a more restrictive placement than is necessary to meet a child's developmental and treatment needs. Many children are currently placed in overly-restrictive settings because of the child welfare system's failure to develop and maintain a continuum of appropriate family and community-based foster, group, and treatment homes. (Refer to related discussion in Section IX-A, "The Components of an Effective Foster Care System.")

While in placement, the child should have regular and frequent visits with family members, and with other relatives and friends when appropriate. Regular visitation is critical to maintaining the child's emotional health during substitute care placement, and is also necessary to support reunification.

Finally, a plan to reunite the child with his or her family should be implemented immediately after placement. Reunification activities should be conducted within a specified and limited time frame, with a maximum of six to 12 months in a temporary home.

Permanency Planning When a Child Cannot Go Home

When it is determined that a child cannot go home, the agency should quickly arrange a permanent alternative home. This placement should be legally formalized through adoption or guardianship. Potential placement resources include extended family members, families who have cared for the child (including current and previous foster families), and families approved by a licensed child-placing agency to adopt children.

Adoption should proceed quickly. The agency should systematize all legal and court processes to assure timely filing and receipt of permanent custody orders. The search for the most appropriate family for the child should be conducted prior to receipt of court custody. This permits placement into an adoptive family shortly after permanent custody is received. "Risk placements," wherein children are placed in their intended adoptive homes as foster children prior to their becoming legally free for adoption, can promote permanence by preventing the need for another move when permanent legal custody is received. If legal entanglements prevent a child from becoming free for adoption, the placement can be formalized as a long-term foster home.

Once a child has been placed in an adoptive or other permanent home, permanency planning includes providing family-centered services that strengthen, support, and maintain the permanent placement. The provision of adequate postplacement and postlegalization services is, perhaps, the single most important factor in preventing placement disruption.

It cannot be stressed enough that permanency planning is a fundamental and integral component of all child welfare services, including family-centered services and placement. It is not simply an intervention for children who have been in placement for extended periods of time. Permanency planning requires the completion of individualized family assessments, the development of clearly

defined goals and objectives, the provision of relevant services to develop family strengths and promote family stability, and the provision of timely adoption services for children who cannot be returned home. Permanency planning is, therefore, the responsibility of all agency staff, particularly executives and managers. All staff must be able to create and maintain resources and environments that allow line workers to provide services which promote permanence for children. Without a total agency and community commitment to family support, true permanency planning will be difficult to achieve.

Conclusion

Moral values are strongly held, emotionally inured conclusions regarding the relative worth of specific ways of being and acting within social relationships. There are many essential and important values that have been identified as social work values. These include fundamental values of the profession, derivations of these fundamental values that reflect specific circumstances, and valued means instrumental to achieving these desired moral ends. The fundamental values of the social work profession are:

1) All human beings have an intrinsic and irreducible worth.

2) All individuals have a right to liberty. This includes self-determination and privacy.

3) All individuals have a right to justice. This includes equal opportunity.

4) All human beings have a responsibility to help others to achieve their social rights and human potentials. (This is the most definitive value of the social work profession.)

All other values of the profession are derivations of these fundamental values, or valued means of achieving these ends.

A part of the history of child welfare is the history of the evolution of social values toward children, and how those values became manifest in social and cultural norms. Within and among cultures, throughout history, there have been conflicting norms and behaviors that both sought social justice for children, and allowed their exploitation and harm. Many cultures saw children as no more than subjective extensions of their families, with no separate or specific rights. Children were treated as commodities, exploited economically, and socially used, abused, discarded, and even killed. In more recent history, societies have begun to recognize rights of children. They have begun to see that it is both a pragmatic necessity and a moral obligation to support, care for, and protect children. Our societies have recognized the state's responsibility and authority to guarantee the rights of children and protect them from harm, and the need to support and empower families to facilitate this goal.

Public child welfare agencies have evolved as agents of the state with the authority and responsibility to provide child protection services and other family and children services. Child welfare is a field of practice within the profession of social work. Its guiding value is a derivation of the fundamental values of the social work profession. This guiding child welfare value is: All children have an absolute right to a safe, permanent, stable home which provides basic levels of nurturance and care, and is free from abuse and exploitation. Toward achievement of this valued end, the child welfare field has evolved an overriding prescriptive norm: Always act in the best interests of the child. Additional, more specific, professional norms have evolved to assure that child welfare efforts are in the best interests of children, and result in safe, permanent, and nurturing homes for children.

These include:

- Child welfare activities must always be toward the protection of children;
- The child welfare field must provide services that are family-centered;
- Child welfare services must promote permanence for children;

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- Child welfare services must be culturally competent; and
- Children who need out-of-home placement should always be placed in the least restrictive, most homelike environment, as close to their own homes as possible.

Integrating child welfare values into practice requires considerable thought and skill. Apparent values dilemmas often do not materialize when the values are integrated appropriately.