



**U.S. Senate Judiciary Subcommittee on Human Rights and the Law**  
*Written Comments for Hearing, "Human Rights of Foster Children"*

Chairman Durbin, Ranking Member Graham, Subcommittee Chairman Ossoff, Subcommittee Ranking Member Blackburn, and Members of the Senate Committee on the Judiciary, thank you for the opportunity to submit this statement for the record.

The Child Welfare League of America (CWLA) is a coalition of hundreds of private and public agencies that, since 1920, has worked to serve children and families who are vulnerable. Our expertise, leadership and innovation on policies, programs, and practices help improve the lives of millions of children across the country. Our impact is felt worldwide.

We appreciate the opportunity to submit these comments in response to the recent hearing about the rights of children in foster care, held by the Subcommittee on Human Rights and the Law.

As the nation's oldest and largest child welfare membership organization, CWLA has developed 13 volumes of Standards of Excellence in Child Welfare, covering a range of services and programs in the child welfare field. For 70 years, CWLA's Standards have played a unique national role in shaping quality child welfare practice. They have been a foundation tool for improving the national child welfare system, guiding policymakers, practitioners, advocates, and the broader public. The Standards are widely accepted as the foundation for sound U.S. child welfare practice, providing goals for the continuing improvement of services to children and their families.

In addition to the Standards of Excellence, CWLA published the National Blueprint for Excellence in Child Welfare in 2013. The National Blueprint "presents a vision for the future of child welfare that all children will grow up safely in loving families and supportive communities."<sup>1</sup> This Blueprint is intended to drive change and to spur communities and agencies to pursue improvement and reform. It also forms the foundation for current and future updates to the Standards.

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<sup>1</sup> CWLA National Blueprint for Excellence in Child Welfare. Child Welfare League of America. Washington, D.C. 2013. p. 1.

In offering these comments for the record, we draw upon the concepts and vision for child and family wellbeing set forth in the National Blueprint and encourage child welfare agencies to adopt and adhere to these standards.

## **Human Rights of Children**

The National Blueprint states that children have rights to survival, protection, and participation in decision-making regarding their care. Several of the rights championed by CWLA are relevant to the Subcommittee's ongoing investigation of the foster care system:

***Children should have nurturing and loving families.** All children should have home lives that provide support for the whole child. Loving, nurturing, and caring environments provide children the necessary foundation to feel self-assured and self-actualized. Children have a right for their families to receive the support and services needed to preserve the family. (p.28)*

***Children must be protected from abuse, neglect, maltreatment, exploitation, and abduction.** These rights include protection from all forms of child abuse, neglect, exploitation, and cruelty, including the right to special protection in times of war... It is the responsibility of governments to legislate these protections and enforce societal adherence to its responsibility to protect children. It is also the responsibility of governments to intervene on behalf of children when parents or other caregivers violate their rights to protection. (pp. 31-32)*

***Children should have access to formal education.** Children have a right to education with the resources, skills, and contributions necessary for the survival and full development of the child. Each child has the right to develop to his or her full potential. (p.29)*

***Children should have access to quality health care.** Each child should be provided with health care based on practical, scientifically sound, methods, and technology. iii Health care should include promotion of health, early diagnosis of disease or disability, prevention of disease, immunizations, access to medicines, when needed, regular check-ups, dental care, and behavioral health care. Health care should be accessible, age-appropriate, and responsive to the child's culture. No child should be denied access to these resources for a healthy childhood. (p. 30)*

***Children should be involved in all aspects of decisionmaking regarding plans for them.** Children are entitled to express their opinions and to have a say in matters affecting their lives. They have the right to be heard and to have their opinions considered fully. They should be included in decisions about their future.*

Ms. Aldridge and Ms. Houston gave emotional and credible testimony that highlighted instances in which Georgia DFCS failed to protect these rights, despite having laws and policies in place that should have done so. These themes were echoed in testimony from

Professors Carter and Hetherington. CWLA affirms these rights of children that we have outlined above and more. To meet the needs of all children, and especially those who are vulnerable, CWLA recommends children's rights and policies that are broader than existing legal requirements.

### **Rights of Parents**

The National Blueprint also recognizes the rights and responsibilities of parents, maintaining that parents are typically the most qualified to ensure the rights and needs of their children are met:

*The rights of children cannot be advanced in isolation. Rather, children's rights must reflect and respect the critical roles and responsibilities of the parents and family members who care for them. In most instances, parents are uniquely qualified to advance the rights of children and to act in their best interest. As such, parents are afforded the right to raise their child according to their beliefs; however, they may not violate the fundamental rights of that child. As such, the rights of children and parents are interconnected. It is the responsibility of every parent, family, and caregiver to recognize and protect children's rights, and it is the responsibility of individuals and entities to work together to give families/parents optimum tools, supports, and opportunities so that they can fully assume responsibility for advancing the rights of their children. (p. 26)*

Ms. Aldridge's testimony described instances in which DFCS did not respect her role and right as the parent, with a devastating outcome, despite the agency's own policies in this matter.

### **Engagement and Participation**

One of the National Blueprint's guiding principles is the engagement and participation of children, families, and communities: "Children, youth, and families are engaged and empowered to promote family success and build community capacity. Service providers and organizations acknowledge, appreciate, and validate the voices and experiences of those whose lives they touch, so that responsive community-based resources and services are developed, nurtured, and sustained." (p. 46)

Child welfare providers must do better to meaningfully engage children and families in the decision-making process, as was evidenced in the testimony from Ms. Houston and Ms. Aldridge.

### **Systemic Child Welfare Concerns**

The hearing highlighted a number of issues in child welfare that are present in the state of Georgia but are not unique to Georgia alone. Congress could offer vital support, guidance, and funding to address these national concerns to ensure that our child welfare

system has the tools and resources necessary to care for the children and families it serves.

## **Prevention of Child Abuse and Neglect**

The testimony given during the recent hearing, particularly the comments of Professor Carter, highlighted the need for Georgia and the United States to invest in preventing child abuse and neglect to keep children and families from ever coming into contact with the child welfare system.

In CWLA's paper, "Creating a High-Quality, Humane, and Respectful Approach to Advance Our Vision," published in May 2023, leaders in child welfare call for "a National Family Agenda," to prevent child welfare involvement by creating, "a wellbeing system that is family-centered and child-focused, and in which families have access to resources and supports needed to be able to protect and care for their children, including livable incomes; economic supports like Earned Income Tax Credits and Child Tax Credits, stable housing; quality early childhood education and care, quality schools and education; and equitable access to quality physical and behavioral health care in safe and responsive communities."<sup>2</sup>

In fiscal year 2021, there were an estimated 600,000 victims of child abuse and neglect, a decrease from 618,000 in 2020. Child Protective Services (CPS) agencies received just under 4 million (3,987,000) total referrals, including 7.18 million children. According to the Centers for Disease Control and Prevention (CDC), child abuse and neglect has an economic cost of over \$124 billion each year.

The Family First Prevention Services Act (FFPSA) represented a historic investment in child welfare funding for critical intervention services that can safely reduce the number of children in foster care. True primary prevention, however, begins much earlier, focusing on preventing child maltreatment before it occurs. Primary prevention programs operate entirely outside of the child welfare system and include things like evidence-based and prevention focused home visiting programs, high-quality child care and early education, and economic supports for families, such as the Earned Income Tax Credit and the Child Tax Credit. Congress must invest in primary prevention efforts outside the child welfare system to reduce the number of children coming to the attention of and entering the child welfare system.

The Child Abuse Prevention and Treatment Act (CAPTA) is the only federal legislation exclusively dedicated to the prevention, assessment, identification, and treatment of child abuse and neglect. It represents less than 3% of total federal child welfare spending. Congress should reauthorize and invest additional funds in CAPTA, particularly in the Community Based Child Abuse Prevention grants (CAPTA Title II).

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<sup>2</sup> "Creating a High-Quality, Humane, and Respectful Approach to Advance Our Vision." Child Welfare League of America. May 2023. Retrieved from: [https://www.cwla.org/wp-content/uploads/2023/05/CWLA\\_WhitePaper\\_e-1.pdf](https://www.cwla.org/wp-content/uploads/2023/05/CWLA_WhitePaper_e-1.pdf)

## Sexual Abuse and Human Trafficking

Professor Hetherington's testimony, and the testimony of witnesses in subsequent hearings in the subcommittee, explained the evident connection between child sexual abuse, child welfare involvement, and child trafficking. The horrific crime of human trafficking capitalized on the vulnerabilities of children in the child welfare system who are already dealing with the consequences of poverty, exploitation, and psychological trauma.

Congress must ensure that agencies and organizations addressing this issue have the resources and support they need. Congress can:

- Take steps to protecting children from online exploitation and provide services for victims by passing the Invest in Child Safety Act
- Reauthorize and strengthen the Runaway and Homeless Youth and Trafficking Prevention Act
- Reauthorize and strengthen the Trafficking Victims Protection Act

In another hearing on this topic, a witness noted that the single most effective protective factor against exploitation is connection and relationship. The National Blueprint also prioritizes connection for children:

*Children should have connections with their family and communities. Children have the right to live with their families of origin unless living with their families is harmful to them. When a child cannot live with both parents, the child has a right to be connected with both parents unless connection with one of the parents would be harmful to the child. The child also has a right to know parents, siblings, and extended family, and to maintain connections with their extended family... Children have a right to maintain connections with their communities—schools, friends, neighbors, special people, and places they are connected to—even when they are required to move from where they are living. (p. 28)*

Although it may not be possible for Congress to legislate relationships and connection for all children and youth in foster care, Congress can invest in family preservation, post-adoption, and reunification services to better support keeping families together. Congress can also take steps to address the shortage of foster families and better support kinship policies to reduce some of the need for congregate care settings, particularly for older youth. Additionally, Congress can fund and implement mentoring programs to connect youth in foster care with caring adults. These supports and investments can better ensure that youth and young people have the opportunity to build relationships and connections and serve as a protective factor against exploitation.

## **Workforce Recruitment and Retention**

A theme that emerged from the witness testimony and Member questions in this hearing and in subsequent hearings in the Subcommittee was the need to better support the child welfare workforce, particularly the front-line caseworkers that are under-resourced and under-equipped to handle the pressing issues they face every day.

Transformation and reform in the child welfare system moves at the speed of the workforce. A well-trained and well-staffed child welfare workforce is vital to the goals of legislators and the broader community. All the reforms enacted by Congress in recent years, including screening victims of sex trafficking, reducing group home care, expanding kinship care, finding more foster parents, enhanced foster parent training, increasing adoptions, more direct consulting with youth in foster care, addressing substance abuse and mental health needs within the families, and entering new data are all dependent on the caseworker. The experience of each individual child, parent, and caregiver is also dependent on the quality and skill of the caseworker assigned to them.

Even before the COVID-19 pandemic, the child welfare workforce faced serious concerns. The labor-intensive and emotional nature of child welfare work leads to high levels of turnover. Now, the pandemic has worsened pre-existing issues within the workforce, with high turnover rates and rising concern over compassion fatigue, burnout, and secondary trauma. Increased turnover rates and the resulting higher caseloads perpetuate the caseworker crisis, and high turnover rates negatively impact children and families, exacerbating instability and discontinuity in the system.

Strengthening the workforce and ensuring caseworkers have manageable workloads will achieve a reduction in child abuse, reduce the number of children going into foster care, and increase adoptions for children of all ages. Title IV-B reauthorization, due this year, offers an opportunity to begin to address the workforce crisis. CWLA recommends the following investments and policy changes:

1. Increase funding for workforce development and training. There is currently \$20M designated for workforce development in Title IV-B, dependent upon caseworkers visiting families on a monthly basis. Once split among all the state, county, and tribal child welfare programs, this \$20M does not go nearly far enough to truly support the workforce. We recommend the Subcommittee substantially increase this set aside.
2. Promote recruitment and retention. Recruitment and retention of qualified caseworkers is essential for establishing a well-staffed and well-trained workforce. High vacancy rates and unfilled positions lead to much higher caseloads for the frontlines staff, and the stress from high caseloads leads to high rates of turnover and burnout; these problems compound on one another. There are several promising practices that are helping agencies address these key issues, and Congress should support states and counties in implementing and evaluating the effectiveness of these practices. Congress should create new competitive or

- formula grants in Title IV-B of the Social Security Act with additional funding for states to address both recruitment and retention.
3. Increase overall child welfare funding. One of the key issues in both recruiting and retaining qualified caseworkers is low wages. Child welfare staff consistently point out that in many states and localities, entry-level child welfare positions pay no better than the local Target or Starbucks, even though the work is much more challenging. According to the National Survey of Child and Adolescent Well-Being II baseline report, 75% of caseworkers earned an annual salary between \$30,000 and \$49,999. Better compensation and benefits for staff would go a long way in addressing vacancies and turnover rates, but adequate funding for child welfare agencies is necessary to accomplish this goal, as funding has not kept pace with the rising cost of living and inflation. In addition to delinking Title IV-E foster care eligibility from the 1996 AFDC standards, the Subcommittee should increase both mandatory and discretionary funding in Title IV-B programs.
  4. Create taskforces to compile and disseminate best practices. States, counties, and not-for-profit agencies have been long engaged in the difficult work of addressing the workforce crisis, and many best and promising practices have emerged through their efforts. However, there are concerns that continue to plague agencies across the nation. Congress should create taskforces or working groups to compile and disseminate best practices on these nationwide issues, such as creating psychological safety and wellness for staff, racial disparities in child welfare and promoting a diverse workforce, and reducing barriers to social work licensure. Congress should also dedicate new funding to the implementation and scaling of the best practices identified, to ensure that child welfare agencies across the nation benefit from this work.

## **Conclusion**

CWLA thanks Subcommittee Chairman Ossoff and Ranking Member Blackburn for their interest in and attention to children in foster care. We are grateful for the Subcommittee's focus on the human rights and protection of children and youth who are vulnerable, and we stand ready and willing to assist the Subcommittee in addressing the concerns and issues that have been brought to light through the ongoing investigation and the expert witness testimony.