

Julia Gatto  
Honors Capstone

The Psychological and Regulatory Problems in the Foster Care System: How CASA can Help

Family is viewed as a *given* aspect of life, however there are thousands of children, of all ages, that are not granted this blessing. Foster care is a temporary home provided by an adult for children whose birth parents are unable to provide support or care for them. There are various arguments about whether or not the foster care system is a disruptive and unethical way of living. In many cases, the system deprives children of a safe environment and often takes their voice away, especially in court. Not only that, but there seems to be a lack of regulation within the system. Rules and regulations currently in place are often glossed over. Since 1977, Court Appointed Special Advocates, also known as CASAs, have been providing a voice for children that are facing abuse and neglect in the foster care system. They act as a mentor, friend, and advocate for a foster child during their stressful and difficult times in the foster care system. With foster children's plummeting mental health and the problems within the laws and regulations, foster children are going through severe problems that children their age should not have to endure. The general needs of children are seldom met in a foster home because of the deprivation of basic human needs, due to lack of regulations, which ends up causing problems in mental health; however, CASA volunteers dedicate time to improve the lives of foster children for the better.

### **What is Foster Care?**

Foster care is set up by either a court system or an agency, with the goal of adoption or in some cases, reunification with the child's birth family. Children are placed in foster care because their parents are unable to take care of them. Adoption from the foster care system can occur in two possible ways, the first being "Foster Adoption." Foster adoption occurs when a child is

placed into a foster care home with the intention of being adopted by the foster family. The second way a child can be adopted out of the foster care system is by legally terminating the birth-parents' rights, which would then lead to a legal adoption process.

According to recent data, there are over 780,000 children in the foster care system. About 107,918 of these children were waiting to be adopted and 22,392 of those children grew out of the foster care system without being adopted ("Court Appointed Special Advocates Facts," 2019). 25% of the children who grew out of the system without being adopted did not complete high school and only 6% of the children who did finish high school would go on to complete a two year or four year college degree. These are not even the worst of the statistics. 40% of foster children reported that at one point in their lives they were homeless and 33% reported that they did not have enough food to eat. Half of these kids report that they have been involved in substance abuse and 60% have been convicted of some sort of crime (Stoner, Leon and Fuller, 2013). As shocking as the statistics may seem, this is a real representation of what life is like in the foster care system.

It is argued that because there are several beneficial opportunities for foster children, these children's outcomes are solely an effect or consequence of their own actions. The Children's Bureau is a federal agency that is under the Department of Health and Human Services' Administration that focuses on improving the lives of children. It offers various opportunities specifically for foster children; For example, it provides funding to states in order to provide safe foster care placements for children having trouble remaining in their homes. The Children's Bureau also offers funds to assist the children who are starting to age out of the foster care system ("Benefits.gov," 2019). This can help them achieve self-sufficiency and provide an

opportunity to start with a small amount of funding rather than starting from nothing. Foster care children are often offered various scholarships to continue their education into college. Although it may seem that foster care children have a large support system and are open to various opportunities the children still seem to regress after they leave the foster care system. If these foster children are offered these benefits and many more, why are the statistics so disheartening? Basic human needs are not met in group homes and these children are being deprived of the chance to have a lively childhood. Judge David W. Soukup noticed this and founded the Court Appointed Special Advocates program.

Soukup noticed that an alarming rate of foster children were still struggling through neglect and were being victimized by courts or public service agencies that were understaffed and under-resourced. In 1974, the Child Abuse Prevention and Treatment Act (CAPTA) was passed. This act provides federal funding to states for prevention, intervention, investigation and prosecution, as well as grants for non-profit organizations (“Child Welfare Information Gateway,” 2019). Unfortunately, the guardians ad litem - a person assigned to be one of the foster child’s guardians - did not have the time or proper training in order to meet the new standards set up by CAPTA. As a result, in 1977 Soukup gathered a group of volunteers together and trained them to serve as GALs in order to fix the gap between children in foster care and children not in foster care. “The idea quickly caught on with the Children in Placement Committee of the National Council of Juvenile and Family Court Judges” (CASA History, 2019). By 1978, the committee endorsed these ideas and the volunteers became known as Court Appointed Special Advocates.

## **Mental Health and Regulation in Foster Care**

Children in the system have less favorable mental health outcomes than people of the general public. Of the 780,000 children in foster care, 95% of them have experienced some sort of trauma and 75% are classified as moderate or severe cases (Bertram, 2018). Traumatic experiences lead to mental health issues in the future and unfortunately, the foster care system does not have the means necessary to help improve this. While trauma is the number one cause for these children's mental health problems, there are other reasons as well. Abraham Harold Maslow was a psychologist from the mid 20th century who created something called the "Hierarchy of Needs." On this chart, love/belongingness and safety are right above our physiological needs. These two human needs help motivate people and avoid future mental health problems such as anxiety or depression. Children in the system often feel that they are not safe and do not have a place where they belong, especially when they are jumping from house to house. When this happens, it can be extremely hard on them and can even be considered a childhood trauma. However, the lack of communication and unwillingness to accommodate children's needs is a real issue. This goes to show that there is a real problem with regulation and enforcement of rules in the system.

Foster children lack the safety net and loving household that everyone deserves and every child needs. Without the reassurance from a parent figure or guardian, children lack some of the essential human needs. Caseworkers, lawyers and judges do not compensate for a family. At the end of the day, these are paid employees and the children can clearly see this. Whether this is

true or not, the children think these people do not genuinely care and they are just another folder on a lawyer's desk. When the folder is gone, the lawyer's and social workers do not need to think about that child's case again. Misty Stenslie, Deputy Director of Foster Care Alumni of America said:

A social worker here, a judge there, hundreds of different people over the years, and yet somehow, even with all those people looking out for me and taking care of me, I aged out with no family at all. On Tuesday you're a kid and somebody's there to take care of you, and on Wednesday you're an adult; nobody's there (Badeau, 2009).

Since these children typically end up moving from house to house, they end up experiencing mental health issues that are more uncommon for people not in foster care. Moving so many times can cause detachment disorder - a defense mechanism that does not allow the child to attach and form a relationship with people. This will inevitably result in the lack of normal long-lasting relationships needed to be successful later on in life. Having a sibling in the foster care system has the potential to create feelings of safety and love. Unfortunately, due to unavailability in group homes, many siblings end up getting separated, adding additional grief to a child's already difficult life. Moving from house also means that they get new teachers, classmates, roommates, therapists and many more important people in their life. Detachment disorder is almost inevitable because of this. Thanks to Court Appointed Special Advocates, more and more foster care children are experiencing what it feels like to have a person on their side who is unpaid and genuinely cares about the wellbeing of the child. This is clear through the Court Appointed Special Advocates motto: I am for the child ("CASA for Children, 2019).

The most prominent mental health diagnosis in the foster care system is depression. "Within this system, depression is one of the most commonly diagnosed disorders, with prevalence rates up to three times that of same aged peers, and is associated with long-term

negative outcomes such as greater substance use, suicidality, and psychiatric hospitalization” (Stoner, Leon and Fuller, 2013). This alarming rate of depression within the system is due to multiple foster home placements, disruption of educational services and the anxiety from neglect. Children that suffer with depression have increased negative outcomes such as substance use, suicide, or psychiatric hospitalization.

According to *Psychology Today*, many children that end up in foster care go through extremely traumatic situations that lead to Post Traumatic Stress Disorder (PTSD) which at such a young age causes uncontrollable behavioral issues and emotional distress (Babbel, 2012). Situations like these clearly need interventions from professional help, but foster families also need to realize that removing a child from the temporary family can cause even more PTSD. Although relocation seems like a positive thing, the child is leaving behind siblings, pets, and belongings that they may never see again. The system seems to be a large paradox; it was designed to support abused and neglected children, but in the end many foster children are victims of additional harm. In New York alone, 28% of children in the foster care system were abused while in the system (Bertram 2018). This could stem from the fact that foster care has become incentivised with a certain amount of commission; foster agencies can receive money for each placement and if a child is removed from a placement, the agency can lose the money. This third party factor changes the workers interests at heart from what is best for the child to what is best for their system efficiency and income.

Unfortunately there are people who do not think that these mental health problems stem from problems within the system because they are simply unaware of the issues. “Raghavan, Inkelas, Franke and Halfon (2007) descriptive research about states' level of awareness of quality

standards documented that the majority of state mental health agencies were not aware of existing standards for young people in Child Welfare” (Bertram 2018). There is really no regulation or way to monitor whether or not the children are receiving effective and adequate learning materials. Everyone deserves the chance to receive an education, but when there is no regulation or organized system to ensure that the children are working to their full potential, they get cheated and robbed of their educational rights (Lips, 2007). Foster homes in general have been lacking needed government regulation. A woman named Nehemiah Flynt experienced this first hand. She stated:

One week after the child moved into my home, I received a new notice of certification stating my home was certified to board children between the ages of eight and thirteen. No one came out to my house or did any further investigations to see if I had met any new qualifications that would enable me to move from being a respite provider to a full-time foster parent. My certification changed based upon the states’ need for homes - it had nothing to do with my qualifications. (Nehemiah Flynt, 2015).

Many foster parents are thrown into situations and are not necessarily qualified to house and parent as many children as they are receiving.

Despite these facts, many people still believe that foster care is beneficial to children. Federal and state employees argue that foster care creates a stable and secure environment for the children who are being separated from their biological family and friends. Providing a “safe” and “stable” environment can evidently help with psychological and or behavioral issues. The same people also believe that being in foster care allows for the children to stay in one school while they are in foster care rather than moving them around. They think that having them stay at the same school is important because it creates a constant in their lives while everything else is changing. These people also argue that placing a child in foster care who has not experienced a healthy family dynamic yet will be beneficial. In reality, most of these foster children will *not*



end up in a stable and secure environment. These things are not typically what happens to foster children. Children are put into situations where their home lives are as bad or worse than where they were with their birth parents. They may move in and out of homes and their caseworkers, who are supposed to be protecting them, often fail to ensure that these vulnerable children are given any sense of safety and security.

There also seems to be a lack of communication and continuity when a child has to move homes. Because many of these children have experienced trauma, they naturally have trust issues and mental disorders such as detachment disorder. This can come with many behavioral problems that foster parents and families are not necessarily trained to deal with. “The behavioral expressions can be explosive, leading to placement disruption” (Bertram, 2018). When someone switches households, there is often little to no communication with either foster parents. Switching households also means switching schools and healthcare providers as well. With this in mind, it can be extremely difficult if the parents do not communicate things like how the child is doing in school or if he/she has any current or ongoing diagnosis. There are a number of standards that vary from state to state as well as some guidelines that are applied nationally. However, many states are unaware of these standards and they are often overlooked (Bertram 2018). States are supposed to continually assess the quality of the system and improvement, however these are lacking.

### **CASA and How They Can Help**

CASA, otherwise known as Court Appointed Special Advocates, are volunteers that act as another guardian in a foster child’s life. They are an advocate for the child in all aspects of his

or her life; this includes school, therapy, doctor's visits and most importantly court. There are currently 68,000 CASA volunteers to help children in the foster care system ("Court Appointed Special Advocates," 2019). Each volunteer can work more than one case at a time, however for the sake of the child's best interest, most volunteers will only work one or two cases at most. Children with a CASA have an extra person on their side; they have someone behind them that truly cares about if they are doing well in school or creating friendships at school. This creates a sense of love and belongingness that is clearly overlooked in foster homes.

In order to become a CASA Volunteer, there are a myriad of steps for the applicant. There is no field of work or educational background required in order to apply and become a CASA, it is actually encouraged that "people from all backgrounds and professions to join our volunteer program." ("CASA Frequently Asked Questions," 2014). The first step would be to apply and wait to hear back for an interview opportunity. Once accepted into the CASA program, the newly appointed CASA will receive at least 40 hours of training. In training they will learn courtroom procedures, social services, the juvenile justice system, and the special needs of abused and neglected children. They will also attend court observations within these hours in order to get a real feel for what it will be like. In addition to training, the volunteers will be assigned a staff Advocate Supervisor. This staff member ensures that the CASA volunteer has all the information needed in order to be fully prepared for the child's case.

Aside from the multi-step process of becoming a CASA, there are also many requirements. The applicant must be at least 21 years old, hold a high school degree, pass a background check, and provide multiple references. Before applying, the person must note that they must be able to dedicate at least 15-20 hours of work a month for at least 18 months. They

must commit that they will remain in the program until their case is closed. Once assigned as a CASA volunteer, they are required to have contact with the child at least twice a month throughout the duration of the case. CASA volunteers do not provide any legal representation for the child within the courtroom. The titles vary at certain locations, however both are provided for the same reasons; They act as a mentor, friend, and advocate for a foster child during their stressful and difficult times in court.

These programs are funded from a variety of sources. For example, Court Appointed Special Advocates are eligible to receive Victims of Crime Act (VOCA) funding which comes from the state level. Funds from VOCA assist people who have been victims of crimes. “views child neglect and abandonment as serious crimes that can harm children as severely as physical and sexual abuse. Neglect ranges from parents keeping their children out of school to leaving a child unfed in an empty house.” However, not every child that receives a CASA volunteer is a victim of crime. CASA is also funded by donations from large foundations such as Chick-fil-a Foundation and the Kappa Alpha Theta Foundation who have both donated over \$100,000, America’s Best Local Charities and The Stewart Family Foundation who have both donated over \$25,000, and many individuals who have taken it upon themselves to donate to the Court Appointed Special Advocates program (“Funding Court Appointed Special Advocates,” 2002).

Since having a Court Appointed Special Advocate volunteer could be considered a “good or service,” there have been various studies on the consumer satisfaction of CASAs and how the program could improve overall. “In 2005 there were 948 CASA programs with approximately 53,000 volunteers representing 226,000 children” (Litzelfelner, 2008). A variety of questions were asked to judges and attorneys, child welfare workers, and parents that worked with said

children. They seem to mostly agree with the fact that CASA volunteers have the best interest of the child at heart, they are fully prepared for court hearings, and they make a difference in the children they serve. Child welfare workers scored CASAs lower in areas of understanding the welfare system, which could show that CASA volunteers need to be trained more on the welfare system as a whole. In open ended questions, these judges and attorneys, welfare workers, and parents said that CASA volunteers need to spend more time on the case, they need more knowledge on the case, and spend more time training before they are thrown in. Extra training could be extremely beneficial to everyone who works with or is involved in a case with a CASA volunteer. Although they have an Advocate Supervisor to help when needed, learning more about the system could be more favorable for the future of the child. While children with CASA volunteers seem to thrive more than children without CASA, I cannot help but wonder how these children are chosen over others (Litzelfelner, 2008).

The current number of CASA volunteers is not enough to supply every foster care child, so naturally there must be some sort of selection process, whether that be through randomized selection or some sort of application process. The selection process seems a bit bias because most children are specifically chosen for a CASA on non-random characteristics. There is evidence to suggest that judges appoint certain cases a CASA based on the child's case. The selection of who gets a CASA is decided within individual courts and by the judges at specific locations. Recent statistics show that a majority of the children that receive a CASA volunteer are under the age of 13. Of these children, 43.07% are Hispanic, 31.98% are White, and 18.96% are African American. Based on the data found in various analytic samples, it seems that children from ages 5 to 12 are overrepresented by CASAs and infants ages 1 to 4 and teenagers

ages 13 to 17 are highly underrepresented. Gender does not seem significant as “boys and girls are equally likely to be appointed a CASA” (Osborne, Warner-Doe, & Lawson, 2019). The number of children with a CASA that live in a rural community are highly disproportionate to those who do not have a CASA. And lastly, if the child has multiple siblings they are more likely to receive a CASA over a child with fewer or no siblings. There seem to be a variety of differences between family, child and case level jurisdictions over who gets a CASA and who does not. Through these analytical facts and more, it is evident that the judges choose who gets a CASA based on the severity of the case (Osborne, Warner-Doe, & Lawson, 2019).

There are various ways in which children with CASAs differ from children without CASAs. For one, children with a CASA volunteer on their side are half as likely to spend time in long-term foster care; A child is considered in “long-term foster care” when they are in a foster-home for three or more years. Cases involving a CASA volunteer are more likely to be closed permanently. Fewer than 10% of children with a CASA volunteer re-enter the foster care system. Children with CASA volunteers spend 7.5 months less in foster care, experience fewer out of home placements and have significantly improved educational performance. More than 90% of children with CASA volunteers never re-enter the child welfare system, a significant difference compared to the general foster care population. This outcome also results in significant savings in child welfare expenses for taxpayers. Evidently, in 2013 CASA volunteers contributed 5.7 million advocacy hours, equivalent to almost \$290 million in taxpayer dollars if compensated for their service (“Building a Better Future, 2018 Annual Report,” 2018). CASA volunteers spend most of their volunteer time in contact with a child. They typically handle one or two cases at a time so that they can give each child's case the personal and loving attention he

or she deserves. To a child, that means a consistent and caring adult presence in his or her life. Since Love and belonging are high on every human being's hierarchy of needs, it really shows that having a CASA volunteer, who's number one priority is caring for this child, goes above and beyond those needs. Because these volunteers provide this, children are more inclined to succeed in the future and less likely to experience mental disorders such as depression or detachment disorder. Although foster care was created to help the kids, there are so many negative aspects to the foster children.

Because of CASA volunteers, more and more children are less likely to experience placement instability and more likely to find a more permanent home or go through the adoption process; This leads to a decline in long-term negative outcomes. When the children realize they have someone in their corner who genuinely cares they are less likely to experience depression, detachment disorder or other mental illnesses. This can lead them to do better in school and have a more successful future. Through creating a sense of safety and preventing feelings of loneliness, depression or anxiety, CASA volunteers benefit foster children psychological development and can motivate them to succeed. There are so many court cases that prove this statement to be true.

A Press Release from 2016 described a boy named John who came into the world extremely premature and exposed to various drugs while his mother was pregnant with him. His mother announced she did not want him and with no present father or family member willing to care for him, John was placed into the foster care system. John received a CASA volunteer named Toni. She got to meet him when he was two weeks old. Toni provided John with the physical human bonding that all babies need in order to thrive. Not only that, but "she advocated

for him to receive the vital rehabilitative services he needed in order to flourish as a premature baby” (Texas CASA, 2019). The doctors did not know what side-effects might come up in the future because of the state he was in when he was born. However, John is now a toddler and was adopted by a loving family. He is developing way better than the doctors expected. Toni still maintains her connection with John to this day and is so proud of how far he has come. ““A CASA volunteer who looks like the child benefits them in intangible ways and helps them develop a positive self-image,’ said Williams. ‘There is no greater personal reward as a CASA volunteer than seeing a child whom you helped thrive in their forever home”” (Texas CASA, 2019). Because Toni was able to provide basic human needs of safety and love, John was able to form a life on a better track than any doctor predicted he would.

### **Conclusion**

Despite the mental health issues that foster children undergo and the problems within foster care regulations, CASA is making efforts towards bettering the foster care system as a whole. Having a CASA allows the child to get what he or she truly needs. These children are more likely to be adopted which leads to a decline in potential future problems that other foster children without a CASA volunteer end up going through. These problems include but are not limited to the following: not graduating high school, homelessness, being convicted of a crime and experiencing depression, PTSD or detachment disorder. These problems come up because these children are abused, or neglected and there is no one there who cares enough to do something about it. Through the efforts of CASA, the lives of children brought up in the foster care system can be transformed for the better.

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