



Harvard Law Professor Faults Strategies for Protecting Abused Kids

Research to develop policy models aimed at assuring that children grow up in nurturing homes - supplemental support

SUMMARY

Starting in 1997, Elizabeth Bartholet a law professor at Harvard Law School, researched and wrote *Nobody's Children: Abuse and Neglect, Foster Drift, and the Adoption Alternative*.

The book analyzed both the current strategies for protecting abused or neglected children and the shortcomings in prevailing foster care and adoption policies.

As part of the research, the principal investigator reviewed the legal, medical, and social science literature; conducted interviews with key players in child welfare; and participated in conferences and workshops on child welfare policy. *Nobody's Children: Abuse and Neglect, Foster Drift, and the Adoption Alternative* was published by Beacon Press in 1999. Nearly 4,000 copies had been sold as of March 2001.

Key Conclusions

- Child abuse and neglect are growing problems.
- The traditional societal response to child abuse and neglect, which focuses on family preservation, gets triggered only after severe abuse and neglect are evident, and it achieves too little, too late.
- More effective alternatives would include earlier intervention in families with problems as well as permanent removal of children to adoptive homes when the family has fallen apart and abuse and neglect are occurring.

Funding

The Robert Wood Johnson Foundation (RWJF) supported this project with two grants totaling \$309,990 from January 1997 to March 2000.

THE PROBLEM

Increasing numbers of children spend large parts of their childhoods in foster and institutional care. Recent child welfare policies and priorities—which emphasize family preservation and reunification—provide no apparent solution. Indeed, many child protective service workers say they are seeing children who are far more damaged than those served in previous decades. Many agree that the system must either move more quickly to help dysfunctional families cope with their difficulties or arrange for a permanent alternative family for such children. Elizabeth Bartholet, principal investigator for the project, is a professor of law at Harvard University.

THE PROJECT

These grants from RWJF funded production of a book that analyzed both the current strategies for protecting abused or neglected children and the shortcomings in prevailing foster care and adoption policies. The project was proposed as a synthesis of law, public policy, and social science that would assess the empirical evidence for societal efforts made in response to child abuse and neglect; that would analyze existing laws and regulations in order to understand how they have helped structure the current system; and that would explore the legal changes needed if that system is to change.

As part of the research, the principal investigator reviewed the legal, medical, and social science literature on such topics as early intervention and family support, abuse and neglect, kinship care, racial and other barriers to adoptive placement, and family preservation programs. She also conducted interviews with key players in child welfare and participated in conferences and workshops on child welfare policy.

The 320-page book *Nobody's Children: Abuse and Neglect, Foster Drift, and the Adoption Alternative* was published by Beacon Press in fall 1999. The book was written to appeal to lay readers, but the publisher marketed it also as a teaching book for social work schools, social welfare departments, and others.

Other Funding

Additional support for the project was provided by the Smith Richardson Foundation in the amount of \$35,000 and by Joseph Puma, a private philanthropist, who provided \$22,000.

CONCLUSIONS

In her book *Nobody's Children*, the author develops three key themes:

- Child abuse and neglect are growing problems. According to the author, at least 3 million American children annually are subjected to serious forms of abuse and

neglect. The author illustrates the severity of the problems through presenting several case histories.

- The traditional societal approach to child abuse and neglect, which focuses on family preservation, achieves too little, too late. The central critique is that the traditionalist approach intervenes only when a level of severe abuse and neglect has been reached or at the point when families have irremediably fallen apart. Allowing children to remain with abusive parents merely because they are biologically related is not a viable option. Parenting classes—the principal corrective strategy offered by traditionalists—are not helpful. Repeated child abuse and neglect merely continue the cycles of abuse and neglect, thereby leading to further substance abuse, crime, and poverty. The author also assails the practice of racial and ethnic matching in adoption—another strategy of traditionalists. Because the children who need help are overwhelmingly black and the parents who adopt are overwhelmingly white, large numbers of children remain in the foster care system—without permanent families.
- More-effective alternatives would include earlier intervention. The hallmarks of such an activist state would be earlier intervention in families with problems, with a focus on home visitation, and permanent removal of children to adoptive homes when the biological family has fallen apart and abuse and neglect are occurring.

Recommendations

- Enforce current federal law. The Multiethnic Placement Act of 1994 was designed to ensure that foster placements and adoption do not get either delayed or denied due to race, color, or national origin. The Adoption and Safe Families Act of 1997 was designed to protect children and to expedite the placement of foster children in permanent families.
- Expand the use of family drug courts. The author notes that 80 percent of all abuse and neglect cases stem from parental alcohol and substance abuse.

Communications

Nearly 4,000 copies of *Nobody's Children* had been sold as of March 2001. The author published six articles based on the research, including one in the *Yale Law Journal*. She also made 23 presentations at conferences and workshops, and she gave invited testimony on interethnic adoption to the US House of Representatives Ways and Means Committee's Human Resources Subcommittee in 1998. Eleven reviews of *Nobody's Children* have been published, and the author was interviewed by several local and national television and radio outlets. (See the [Bibliography](#) for details.)

AFTERWARD

The author continues to give presentations on issues related to adoption and child abuse and neglect.

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