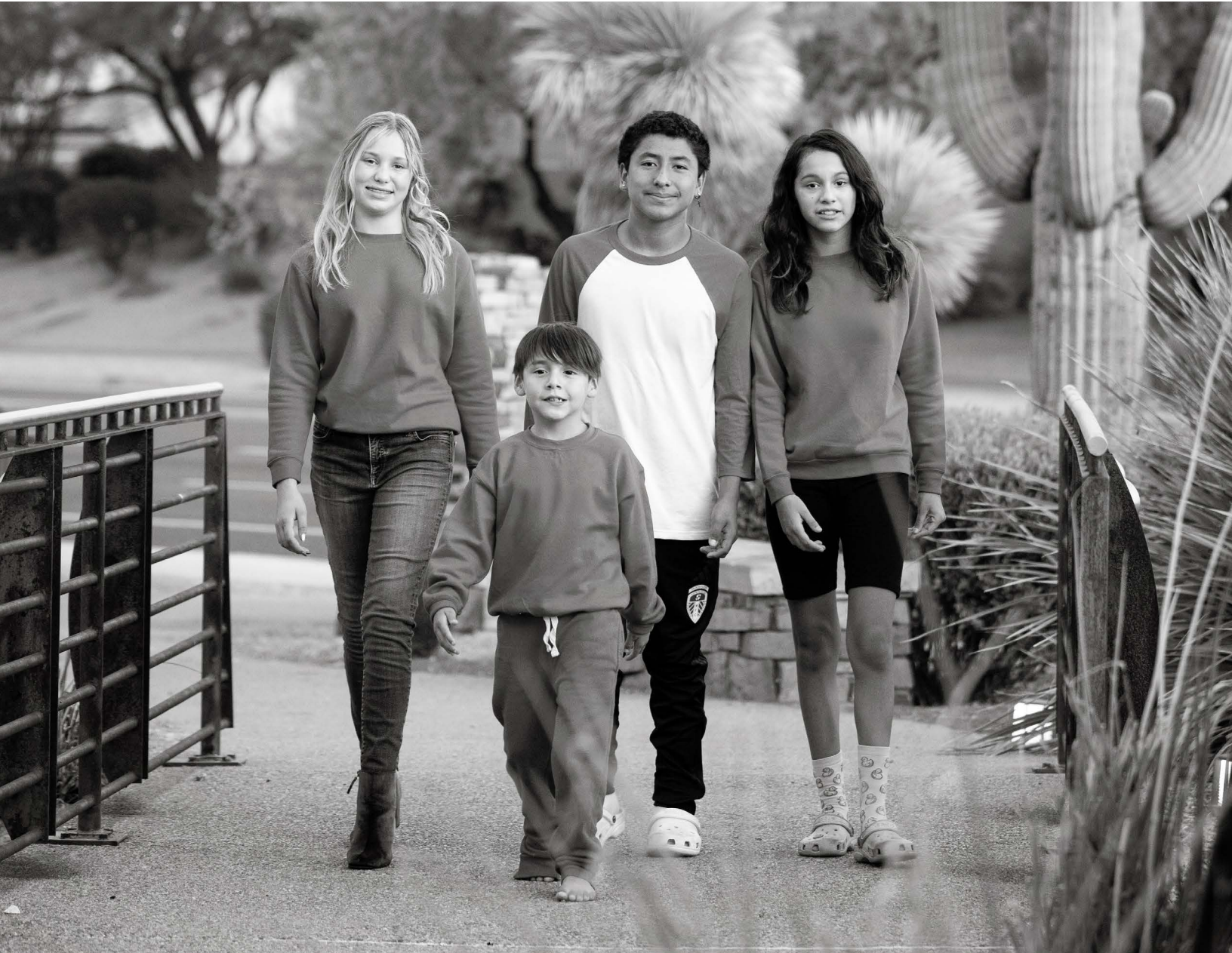




CENTER FOR THE RIGHTS
OF ABUSED CHILDREN



LIVES IN THE BALANCE

A Bold Plan to Fix America's Broken Child Protection System

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INTRODUCTION

For more than 25 years, despite countless reforms, outcomes for America's abandoned, abused, and neglected children in the foster care system have remained unchanged. Children in foster care face a devastating reality—poor educational attainment,¹ staggering suicide rates,² and an endless cycle of re-abuse and preventable deaths.

The legal protections for children in foster care are inadequate. The result is a broken system that strips children of their constitutional rights to justice, safety, and family—silencing them in life-altering cases where their futures hang in the balance.

The consequences are devastating:

1. **Children are returned to their abusers and re-abused.** 50% of children in care experience re-abuse within three years of being returned to their abuser.³
2. **In cases of incest, children are being returned to pedophiles.** Half of the children removed from homes for sexual abuse are reunified with their abuser.⁴
3. **Up to 80% of children killed by their parents were known to child protection authorities beforehand—authorities who failed in their duty to protect life.**⁵ Child fatality rates have risen by over 30% since 2010.⁶
4. **20,000 children disappear from foster care every year.** Most states do not search for these children.⁷
5. **Most child human trafficking victims come from foster care.** 70% of trafficked children were first exploited while missing from foster care.⁸
6. **Each year, 20,000 children age out because of agency failures.**⁹ These children end up in prison, homeless, and face high rates of mental illness and suicide.¹⁰
7. **The idea that children enter foster care due to unmet material needs is a myth.** In 99% of the investigations, there were documented risk factors or concerns beyond material deprivation.¹¹
8. **Not one state complies with federal law requiring agencies to seek termination of parental rights after a child has spent 15 of the last 22 months in foster care.**¹² John Corbett spent 14 years in foster care, enduring 47 placements between the ages of 3 and 17.
9. **Abused children are treated as second-class citizens.** Most states give parents attorneys, but only ten states grant equal protection to all children in foster care.¹⁴
10. **The child protection system operates in secrecy, violating the rights of innocent families while failing to protect children in real danger.** Unlike criminal trials, which guarantee access to attorneys and ensure public and timely hearings, child protection proceedings lack transparency, shielding agencies from accountability and necessary reform.¹⁵



One of the primary reasons for these tragic outcomes is that the legal protections for children in foster care are often inadequate, unenforced, or both. Additionally, social workers and courts operate in near-total secrecy due to broad privacy regulations, making reform even more challenging. The federal government plays a pivotal role in shaping state child protection systems by setting standards and allocating resources. Federal policymakers have a powerful opportunity to enact reforms that uphold the rights of abused children, ensure their safety, and promote their well-being. This blueprint outlines essential reforms to improve outcomes for children in foster care, grounded in three core principles: justice, safety, and accountability.

UPHOLD JUSTICE: REQUIRE ATTORNEYS, ENUMERATE RIGHTS, AND OPEN JUDICIAL PROCEEDINGS

Every year, approximately 200,000 children enter foster care and become immersed in a complex legal system that profoundly impacts their futures, determining where they live, which of their friends and family they can see, and what opportunities they will have.¹⁶ Yet, despite such life-altering decisions, most abused children lack basic legal protections. Unlike criminal defendants, abused children are routinely denied the most basic protections—legal representation, a voice in court, and enforceable rights. While criminals are guaranteed attorneys, innocent children typically face life-altering decisions alone, powerless in a system that should protect them.

To uphold justice in foster care proceedings, federal policymakers have both the opportunity and the duty to protect the constitutional and natural rights of children, parents, and caregivers. This can be achieved through traditional legal representation, clearly defined statutory rights, and transparent judicial proceedings. These reforms will usher in accountability and ensure that the rule of law prevails in the child protection system.

Appoint Traditional Attorneys for Children and Parents

Legal representation is a cornerstone of due process, essential to protecting individual rights in any judicial proceeding. In a landmark decision, the United States Supreme Court explained that children in delinquency proceedings need “the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, [and] to insist upon regularity of the proceedings.”¹⁷ The court reasoned that no other adult—whether a parent, probation officer, or judge—can adequately safeguard the child’s legal interests.¹⁸ As the Court held, when facing a serious loss of liberty, “[t]he child ‘requires the guiding hand of counsel at every step in the proceedings against him.’”¹⁹

While children in foster care are not juvenile defendants, they, too, have serious liberty interests at stake. Their futures, including where they will live, who they can see, and whether they will ever return home, are decided through complex dependency proceedings. Yet, far too often, children must navigate complex legal systems without a traditional attorney to fight for their rights. Every abused child deserves an attorney who is ethically bound to defend their rights, uphold due process, and ensure the system protects—not fails—them. Justice demands that no child stands alone in court while life-altering decisions—even life and death decisions—are made about their future.²⁰



While justice alone demands the appointment of traditional counsel for children in foster care, research reveals the transformative impact of this reform:

- Children represented by legal counsel exited foster care to permanency at rates up to 3.5 times greater than children who were not.²¹
- From when a child's case plan was approved, children represented by client-directed attorneys achieved permanency at approximately twice the rate of children who were not.²²
- While children represented by traditional attorneys significantly increased the rate of adoption and guardianship, these improved outcomes did not come at the expense of reunification.²³ In fact, one study found that children with legal representation had a 45% higher reunification rate.²⁴
- Children with traditional legal counsel experienced greater stability, with a 30% reduction in placement moves and a 65% reduction in the rate of unnecessary school moves.²⁵

By guaranteeing every child in foster care a lawyer who champions their rights, policymakers can transform dependency proceedings from bureaucratic exercises into true justice for the most vulnerable. Federal action is critical to ensure that no child stands alone in a courtroom while bureaucrats determine their futures. For states to receive federal funds, Congress should:

1. **Mandate client-directed counsel.** All children must have access to an attorney who is ethically bound to advocate for the expressed wishes of a child or substitute judgment for children who cannot direct representation.
2. **Require attorney accountability.** Children have a right to competent attorneys. States must have a system in place to hold attorneys accountable for violations of the rules of professional conduct through a centralized office or program that files ethical complaints or assists others, such as foster parents, to file ethical complaints.
3. **Fund attorney training.** Prioritize attorney training to ensure they are well-versed in child welfare law and trauma-informed advocacy.

Statutorily Enumerate Legal Protections and Rights

Reforming child protection in America must begin with clearly defined, judicially enforceable rights. Children in foster care lack parental protection. In that void, states must empower children with a knowledge of their rights and the ability to protect them.²⁶ Yet, in many states, no constitutional or statutory declarations enumerate the rights of children, their parents, or their caregivers. Even where such declarations exist, they are often symbolic, lacking the enforcement mechanisms necessary to hold the system accountable.²⁷

Arizona offers a stark example of this failure. In 2009 and 2010, state lawmakers passed legislation that outlined several rights for children in foster care but included explicit language ensuring those rights could not be legally enforced.²⁸ So, from July 29, 2010, to October 29, 2023, Arizona's foster care bill of rights explicitly denied "any legally enforceable right or cause of action on behalf of any person."²⁹ As a result, children had rights on paper but they could not be enforced.



Recognizing rights is not enough: States must ensure those rights have teeth. To rectify this deficiency among states, Congress should mandate that states adopt enforceable, statutory declarations of rights.³⁰ At a minimum, state declarations of rights for children in foster care should guarantee:

1. **Child safety.** Every child has a right to be in a safe environment.
2. **Due process.** Children have a right to meaningful participation in foster care proceedings. Meaningful participation must be through traditional legal counsel. Experience shows that judges sometimes block children from having legal representation, even when pro bono attorneys volunteer to defend their rights in court.
3. **Family.** Children have a right to family, including preventing unnecessary removal and safe visitation, ongoing sibling relationships, and relative caregivers when it is safe and appropriate. States should also be encouraged to codify parents' rights to Miranda-like warnings and legal representation to promote family.³¹
4. **Stable, family-like settings.** When children cannot remain at home, they have a right to live in a family-like setting and to maintain stability, free from frequent disruption. To promote stability, states should be encouraged to enact foster parent and kinship caregiver statutory bills of rights that promote respect, clear and timely information, appropriate guidelines, sufficient support, and a voice in judicial proceedings.
5. **Educational continuity.** Children have a right to remain in their school of origin and, when changing schools is in a child's best interest, to seamless transitions—including full and even partial credit transfers—to maintain as much normalcy as possible, including participation in extracurricular activities.
6. **Expedient permanency.** Children have a right to find their home as quickly as possible, especially through reunification or adoption.
7. **Enforceability.** Enumerated rights must be judicially enforceable as part of the underlying foster care proceedings through equitable relief.

Maintain Open and Transparent Judicial Proceedings

Public access to judicial proceedings is a cornerstone of justice in American courts. Open courts increase transparency and accountability, safeguarding against judicial corruption, misconduct, abuse of power, and arbitrary or biased decisions. Public scrutiny of legal proceedings creates a collective check on a system that has direct and dire consequences for life, liberty, and property. Transparency deters injustice and fosters public trust in the legal system and confidence in judicial determinations.

Yet, these fundamental protections are largely absent in foster care proceedings. Dependency courts often operate behind closed doors, shielding decisions from public oversight and leaving children and parents vulnerable to unchecked judicial authority. The secrecy surrounding these cases enables injustice to persist in darkness. Without visibility, systemic failures go unchallenged, and families suffer the consequences of a process that lacks meaningful accountability.



To restore trust, ensure due process, and drive systemic reform, Congress should:

1. **Require open court proceedings.** States should be required to allow public access to foster care proceedings unless the judge makes a specific finding that a closed court is necessary to protect children's safety and welfare.
2. **Mandate publishing anonymized data.** Courts should track data regarding foster care proceedings, including delays, the rationale for closed courts, the presence of aggravating circumstances, time to permanency, attorney involvement, and others.

PRIORITIZE A CHILD'S RIGHT TO SAFETY

States often tout declining numbers of children in foster care as a measure of success, yet child safety outcomes tell a different story—one that exposes critical failures in the U.S. child protection system.

Despite federal mandates requiring “the health and safety” of children to “be the paramount concern,” too often, states prioritize the reunification of children with perpetrators at the expense of their well-being.³² A stark testament to bureaucrats operating outside the law is the devastating reality that half of children in foster care suffer re-abuse within three years of being reunified—including cases where children are placed back with pedophiles.³³ Even more alarming, up to 80% of children killed by their parents were already known to child protection authorities—yet bureaucrats rushed reunification before it was safe, or failed to remove the child from danger in the first place, failing in their duty to protect innocent lives.³⁴ Since 2010, child fatality rates have surged by over 30%.³⁵

Congress has the power to reorient state child protection systems to prioritize children's lives. Two key reforms that will help ensure states fulfill their duty to protect children include:

- **Leveraging federal funds to require states to inform judges whenever aggravating circumstances are present in a child's case,** ensuring courts have the full scope of information necessary to make decisions in a child's best interest. Judges must be informed when cases involve patterns of abuse, violent crime, or severe harm to children.
- **Establishing an efficient, standardized protocol for states to follow when children go missing from care,** closing dangerous gaps that leave children vulnerable to exploitation and harm.

By enacting these reforms, Congress can save lives—rescuing children from immediate danger and ensuring the child protection system fulfills its most urgent duty: securing life and safety.



Inform Judges of Aggravating Circumstances

Federal law provides an exemption to the requirement that states make “reasonable efforts” to preserve or reunify families when aggravating circumstances are present—such as chronic abuse, murder, manslaughter, sexual abuse, or similarly severe harm.³⁶ This exemption is designed to ensure that children are not forced back into dangerous environments. However, despite this legal framework, experience shows that states rarely invoke these provisions, leaving children trapped in unsafe situations rather than pursuing timely termination of parental rights and adoption.³⁷

To ensure that child safety remains the central concern in dependency proceedings, federal law should:

- 1. Mandate disclosure of aggravating circumstances.** In all foster care proceedings where aggravating circumstances exist, child protection agencies must be required to inform the court of any facts that meet state or federal definitions of aggravated harm.
- 2. Require judicial training programs.** Judges handling foster care cases must receive specialized training to recognize and appropriately address cases involving aggravating circumstances.
- 3. Require data collection and publication.** States should track, report, and publish data on the presence of aggravating circumstances in child welfare cases and the resulting case outcomes to ensure accountability and transparency.

Implement a National Protocol for Locating Children Missing from Care

20,000 children disappear from foster care every year.³⁸ When children go missing from foster care, they face an immediate and heightened risk of exploitation—particularly human trafficking. Research reveals that 19% of children who go missing from foster care were likely victims of sex trafficking,³⁹ and 70% of trafficked children were first victimized while missing from foster care.⁴⁰ Despite this well-documented danger, state agencies continue to fall short in their duty to locate and recover missing children. While “all 50 State agencies said that they had implemented policies and procedures regarding measures to report and locate missing children,” the federal Office of Inspector General (OIG) has exposed widespread deficiencies.⁴¹ Many states fail to comply with federal law requiring them to report missing children to the National Center for Missing and Exploited Children (NCMEC)⁴² and often neglect to promptly notify law enforcement.⁴³

The failure to swiftly respond when foster children go missing has life-threatening consequences and demands immediate federal action. To ensure states take necessary steps to protect these vulnerable children, Congress should require states to develop and implement robust systems for locating and recovering missing foster youth, including:

- 1. Immediate notification.** States must immediately notify all relevant state and federal law enforcement agencies, as well as NCMEC, when a child goes missing from care, including in presumed “runaway” cases.



2. **Targeted media campaigns.** Congress should ensure federal law permits child protection agencies to share case information with NCMEC and various digital media platforms to increase public awareness and improve recovery efforts. This includes clarifying that recovering children missing from state care is a valid state purpose for disclosing information about them.⁴⁴
3. **Mandatory, ongoing communication and collaboration.** States must establish clear protocols requiring ongoing communication and coordination between child protection agencies, law enforcement, and NCMEC until a missing child is located and returned to safety.
4. **Open case files.** States should be barred from closing the case of a missing child until that child is found and safely returned to care. No child should be abandoned by the system meant to protect them.
5. **Intervention and prevention.** Upon locating a missing child, child protection agencies must be required to conduct a comprehensive assessment of the child's physical and emotional well-being, evaluate the appropriateness of their placement, and address the factors that contributed to their disappearance. States must also implement evidence-based prevention strategies, including individualized placement decisions that reduce the likelihood of future runaway episodes.

MODERNIZE FEDERAL CHILD WELFARE FUNDING TO INTRODUCE EFFICIENCY AND FLEXIBILITY WHILE PROMOTING A JUST SYSTEM AND KEY PERMANENCY OUTCOMES

Each year, the federal government allocates billions of dollars for child welfare programs through Titles IV-E and IV-B of the Social Security Act. In 2024, Title IV-E funding amounted to \$9.7 billion for foster care, guardianship, adoption assistance, and kinship navigator programs while Title IV-B provided \$689 million for services aimed at family preservation and support.⁴⁵ Within these funding streams lies a complex web of entitlement programs and categorical grants, creating an overly rigid and burdensome system that is expensive to administer. The complexity of federal child welfare financing often limits states' ability to prioritize outcomes that ensure justice, due process, and the protection of individual rights.

A just and effective child protection system must be outcome-driven, rather than process-bound. Federal financing should be simplified and streamlined to reduce administrative burdens and align funding with permanency, stability, and due process protections. By consolidating and restructuring Titles IV-E and IV-B, Congress can provide states with greater flexibility to direct resources where they are most needed, while maintaining critical accountability measures that protect children's rights.



Federal policymakers can drive meaningful reform to:

- **Reduce the complexity of child welfare financing** by consolidating and streamlining Titles IV-E and IV-B into a single source of child welfare funding, Congress can eliminate inefficiencies and redundancies, ensure federal dollars are spent on programs and services that directly benefit children through flexible grant programs that allow states to meet their populations' needs and ensure all children receive the legal protections they deserve.
- **Tie funding to justice-centered outcomes** by conditioning funding on states adopting reforms that promote due process, equal protection, and permanency for children, rather than simply reimbursing states for time spent in foster care.
- **End the unjust practice of billing children for their own foster care costs** by prohibiting states from using foster children's Social Security benefits or other personal funds to cover the costs of their time in care.⁴⁶

By modernizing federal funding mechanisms, Congress can ensure child welfare resources are used efficiently to reduce unnecessary time in foster care, promote stability, and protect the fundamental rights of children.

Restructure Federal Funding into Flexible, Justice-Oriented Grants

Federal child welfare funding should be leveraged to incentivize a system that prioritizes justice, due process, and child safety. States must be held accountable for ensuring both child safety and timely permanency so that children in foster care do not languish in foster care for years. To accomplish this, Congress should:

1. **Consolidate Titles IV-E and IV-B into streamlined categorical grants.** Federal child welfare funding should be restructured into larger, more flexible categorical grants that require states to establish a basic infrastructure of justice and due process, including:
 - Appointment of client-directed legal counsel for every child in foster care.
 - A Foster Care Declaration of Rights that guarantees children, parents, and caregivers clear, judicially enforceable rights.
 - Open and transparent foster care proceedings to increase public accountability and oversight.
2. **Tie funding to performance measures reflecting child safety and permanency outcomes.** Rather than funding a process-heavy system that often prioritizes bureaucracy over children's well-being, federal funding should be directly tied to key metrics that promote safety, stability, and permanency, such as:
 - Eliminating child fatalities in families with a history of maltreatment.
 - Reducing reentry into care and ensuring that children do not cycle through the system due to unsafe or unstable reunification.



- Requiring consistent judicial notification of aggravating circumstances, ensuring courts are fully informed when making child welfare determinations.
- Reducing time in care prior to permanency, ensuring that children achieve a stable, permanent home without unnecessary delays.
- Ending aging out of care, ensuring that all children exit foster care to a permanent, supportive family structure.
- Improving placement stability, and reducing the number of disruptive moves that harm children's well-being and development.

By restructuring federal funding into flexible, outcome-driven grants, Congress can reduce administrative burdens on states, promote due process and child safety, and ensure that every child can grow up in a safe, permanent home.

Reduce the Paperwork Burden on Caseworkers

Excessive administrative requirements can divert resources from their primary purpose—protecting children and securing permanency. Instead of spending critically limited resources investigating abuse, assessing placements, and advocating for children's best interests, child welfare agencies are often buried in redundant paperwork and compliance-driven tasks that do little to improve outcomes. To address this inefficiency, the Administration for Children and Families (ACF) should:

1. **Conduct a comprehensive audit of federal regulations.** Identify and eliminate unnecessary documentation and reporting requirements that do not directly contribute to child safety or permanency.
2. **Streamline reporting systems and leverage technology.** Modernize and simplify data collection processes to reduce redundancy and administrative burdens, allowing agencies to spend more time on direct services that protect and support children.

Stop Funding Systems on the Backs of Orphaned and Disabled Children

Every year, tens of thousands of children enter foster care eligible for federal disability or survivor benefits. Instead of ensuring these funds support the child's future, states routinely seize these benefits to cover the cost of care—forcing children to pay their own way. This injustice violates children's rights and deprives vulnerable youth of the financial resources that should be used for their needs and help them transition to adulthood.

Although there is growing momentum among states to end the practice, because of bureaucratic resistance and inconsistent guidance, these takings persist. The federal government must step in to stop this practice and to preserve children's federal benefits.



1. **Executive Action to Prevent Benefit Misuse.** The Social Security Administration (SSA) oversees the largest portion of benefits seized from foster children. To stop this unethical practice, the President should issue an executive order directing SSA to:
 - Prohibit states from using children's benefits to cover maintenance costs, instead limiting their use to unmet needs and ensuring that remaining funds are protected in accounts that do not trigger asset limits.
 - Extend protections to benefits overseen by other federal agencies, including the Department of Veterans Affairs and the Railroad Retirement Board.
 - Develop clear guidance and technical assistance to help states properly manage and conserve children's benefits.
2. **Legislative Advocacy for Systemic Change.** While executive action can yield immediate results, congressional action is necessary to enshrine these protections into law. Congress should amend the Social Security Act to:
 - Prohibit the use of children's benefits by states for basic maintenance costs.
 - Require states to screen all foster children for eligibility, apply for federal benefits on their behalf, and conserve those funds in the children's best interests.

CONCLUSION

For decades, the government system of child protection has failed the very children it was meant to protect, leaving them vulnerable to abuse, neglect, and a future filled with hardship. They face low educational attainment, staggering suicide rates, and a relentless cycle of re-abuse and preventable deaths. Reforming the child safety system is not merely a practical necessity, it is a moral imperative.

The reforms outlined in this blueprint are not just policy recommendations—they are life-saving measures that will restore justice, safety, and stability to the lives of America's abused children.

By enacting these reforms, policymakers can uphold children's fundamental rights, ensuring they are protected under the law and placed in safe, loving homes where they can heal and thrive.



A BOLD PLAN TO FIX AMERICA'S BROKEN CHILD PROTECTION SYSTEM

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² Heather N. Taussig et al., *Suicidality Among Preadolescent Maltreated Children in Foster Care*, 19 *Child Maltreatment* 17 (2014) 17-26. Read [here](#).

³ Christian M. Connell et al., *Maltreatment following Reunification: Predictors of Subsequent Child Protective Services Contact after Children Return Home*, 33 *Child Abuse & Neglect* 218 (2009). Read [here](#) (citing Brett Drake et. al., *Rereporting of child maltreatment: Does participation in other public sector services moderate the likelihood of a second maltreatment report?*, 30 *Child Abuse & Neglect* 1201 (2006)).

⁴ Naomi Schaefer Riley & Sarah Font, *Why Are States Putting Child Sex Abuse Victims Back in the Home of Their Abusive Parents?* (Dec. 6, 2021). Read [here](#).

⁵ Ariz. Child Fatality Review Team, *Thirtieth Annual Report* 79 (2023). Read [here](#). Colo. Dep't of Hum. Serv. Child Fatality Review Team, *2023 Child Maltreatment Fatality Annual Report* 30 (2024). Read [here](#).

⁶ The maltreatment fatality rate in 2022 was 2.73 per 100,000 children. U.S. Dep't of Health & Hum. Serv., Children's Bureau, *Child Maltreatment 2022* 53 (2024). Read [here](#). The maltreatment fatality rate in 2010 was 2.08 per 100,000 children. U.S. Dep't of Health & Hum. Serv., Children's Bureau, *Child Maltreatment 2014* 52 (2016). Read [here](#). That is a percent increase of 31.25%.

⁷ Darcy Olsen & Rebecca Masterson, *Disappearing and Dying* 1 (January 2020). Read [here](#).

⁸ U.S. Dep't of Health and Hum. Serv., Admin. for Child. and Families, *Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care* 3 (Dec. 1, 2022). Read [here](#). (Last visited May 22, 2024)

⁹ U.S. Dep't of Health and Hum. Serv., Child. Bureau, *The AFCARS Report* 4 (2023). Read [here](#).

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¹² U.S. Dep't of Health & Hum. Serv., Children's Bureau, *Child and Family Services Reviews Aggregate Report*, Round 3: Fiscal Years 2015-2018 20. Read [here](#).

¹³ Personal testimony by Darcy Olsen.

¹⁴ Ctr. for the Rts. of Abused Child., *States with Right to Counsel for Children*. Read [here](#).

¹⁵ Heidi Shellhas, *Open child Protection Proceedings in Minnesota*, 26 *William Mitchell Law Review* 631, 633 (2000). Read [here](#). ("My experiences suggested that such secrecy did not protect the children, but rather served only to protect stakeholders in the system and parents accused of child abuse or neglect.")

¹⁶ U.S. Dep't of Health and Hum. Serv., Children's Bureau, *The AFCARS Report* 1 (2023). Read [here](#).

¹⁷ *In re Gault*, 387 U.S. 1, 36 (1967).

¹⁸ *Id.* at 35.

¹⁹ *Id.* at 36 (citing *Powell v. State of Alabama*, 287 U.S. 45, 69, (1932)).

²⁰ Only ten states provide traditional, client-directed legal representation to all children in care. Ctr. for the Rts. of Abused Child., *States with Right to Counsel for Children*. Read [here](#).

²¹ Andrew E. Zinn & Jack Slowriver, *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County* 14-15 (Chapin Hall Ctr. for Child. 2008). Read [here](#).

²² *Id.* at 20.

²³ *Id.*

²⁴ Wash. State Ctr. for Ct. Rsch., *Evaluation of the Washington State Dependent Child Legal Representation Program* 1 (2021). Read [here](#).

²⁵ *Id.*

²⁶ Tim Keller, Ctr. for the Rts. of Abused Child., *Asserting, Arguing, and Appealing the Constitutional Rights of Children in Foster Care* 7 (2024). Read [here](#).

²⁷ See, Ill. Office of the Auditor Gen., *Performance Audit Department of Children and Family Services LGBTQ Youth in Care* 17 (2021). Read [here](#). Jessennya Hernandez, *Foster Youth Perspectives: How Foster Youth Navigate and Mobilize Their Rights within the Foster Care System* 46 *Humanity and Society* 249 (2022). Read [here](#).

²⁸ Ariz. Governor’s Message, 7/13/2009.

²⁹ Child Welfare, 2010 Ariz. Legis. Serv. Ch. 218.

³⁰ See, S.B. 1186 56th Leg., 1st Reg. Sess. (Ariz. 2023); H.B. 24-1017 74th Leg., 2nd Reg. Sess. (Colo. 2024); and Ctr. for the Rts. of Abused Child., *Enforcing the Rights of Children in Foster Care*. Read [here](#).

³¹ Arizona law provides that, on initial contact, child protective services must inform the family that they are “under investigation by the department . . . The specific complaint or allegation made against that person . . . That the worker has no legal authority to compel the family or employee to cooperate with the investigation or to receive child safety services offered pursuant to the investigation . . . That absent a court order, the family may deny the worker entry into the family’s home . . . That the family or employee has the right to seek the advice of an attorney and to have an attorney present when questioned by a worker . . . [and] [t]hat anything the person says or writes may be used in a court proceeding.” Ariz. Rev. Stat. § 8-803(A)(1).

³² 42 U.S.C. 671(a)(15).

³³ See *supra*, note 4.

³⁴ See *supra*, note 5.

³⁵ See *supra*, note 6.

³⁶ *Supra*, note 32. See, e.g., Ariz. Rev. Stat. § 8-846(D), Alaska Stat. § 47.10.086(C), Haw. Rev. Stat. Ann. § 587A-4, and Idaho Code Ann. § 16-1602(6).

³⁷ Sarah A. Font & Elizabeth T. Gershoff, Foster Care: How We Can, and Should, Do More for Maltreated Children 33 Social Policy Report 1 (2020). Read [here](#).

³⁸ *Supra*, note 7.

³⁹ Nat’l Ctr. for Missing & Exploited Child., *Our Impact: 2023*. Read [here](#). (Last visited Feb. 26, 2025).

⁴⁰ U.S. Dep’t of Health and Hum. Serv., Admin. for Child. and Families, *Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care 3* (2022). Read [here](#).

⁴¹ U.S. Dep’t of Health and Hum. Serv., Off. of Inspector Gen., Rep. No. A-07-20-06095, *Nat’l Snapshot of State Agency Approaches to Reporting and Locating Children Missing From Foster Care: Rep. in Brief* (2022). Read [here](#).

⁴² U.S. Dep’t of Health and Hum. Serv., Off. of Inspector Gen., Rep. No. A-07-21-06102, *State Agencies Did Not Always Ensure That Children Missing From Foster Care Were Reported to the National Center for Missing and Exploited Children in Accordance With Federal Requirements* (2023). Read [here](#).

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⁴⁴ 42 U.S.C.A. § 5106a (b)(2)(B)(viii)(VI).

⁴⁵ Congressional Research Serv., *Child Welfare: Purposes, Federal Programs, and Funding 2* (updated January 6, 2025). Read [here](#).

⁴⁶ E.g., H.B. 2559 56th Leg., 1st Reg. Sess. (Ariz. 2023). Read [here](#); and Kan. Exec. Order No. 25-01 (Jan. 10, 2025). Read [here](#).



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