



CENTER FOR THE RIGHTS
OF ABUSED CHILDREN

TO: ALEX ADAMS, ASSISTANT SECRETARY FOR FAMILY SUPPORT
FROM: DARCY OLSEN, CENTER FOR THE RIGHTS OF ABUSED CHILDREN
RE: FOSTER CARE STATISTICS & POTENTIAL FEDERAL REFORMS

“Upon the strength of the family rests the future of the nation,” President Ronald Reagan declared when he established National Foster Care Month in 1988.¹ Then as now, some families are unable or unwilling to care for their children, necessitating temporary or permanent alternative homes.

This memo outlines potential federal reforms to ensure children have the chance to grow up in safe homes. Rooted in the Constitution’s guarantee of the right to life and liberty for every American, this document affirms our commitment to safeguarding the rights of both parents and children in cases of abuse and neglect.

FACTS

- 1. Children are returned to their abusers - and re-abused.** 50% of children in care experience re-abuse within three years of being reunited with their caretakers.²
- 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 abusers.³
- 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.**⁴ Child fatality rates have risen 30% since 2010.⁵
- 4. 20,000 children disappear from foster care annually.** Most states do not search for these children.⁶
- 5. Most child sex trafficking victims come from foster care.** Alarming, 70% of trafficked children were first exploited while missing from foster care.⁷
- 6. Each year, 20,000 children age out because of agency failures.**⁸ These teens end up in prison, homeless, and face high rates of mental illness.⁹
- 7. The idea that children enter foster care due to unmet material needs is a myth.** In 99% of investigations, there are documented risk factors or concerns beyond material deprivation.¹⁰

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 care.¹¹ John Corbett spent 14 years in foster care, enduring 47 placements between the ages of 3 and 17.¹²

9. Abused children are treated as second-class citizens under the law. Most states give parents attorneys, but only ten states grant children equal protection.¹³

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 reform.¹⁴

POTENTIAL FEDERAL REFORMS

1. Amend federal law to require independent legal representation for all children and parents. Attorneys provide a necessary bulwark against overreaching bureaucracies, defending innocent parents and safeguarding children from abuse. Federal matching grants are available for both, but federal law does not require traditional legal representation. Children with counsel exit care faster,¹⁵ experience 45% higher reunification rates, 30% fewer placement moves, and 65% fewer unnecessary school transfers.¹⁶

2. Increase government accountability by mandating transparency in child abuse proceedings. Criminal proceedings are open to the public to ensure transparency, accountability, and fairness within the justice system, allowing the public to observe how the courts function and potentially deter judges and prosecutors from abusing their power by knowing they are being watched. This “open court principle” should apply to child abuse proceedings, with limited exceptions.

3. End aging out by ensuring a safe family is available for every child. Agencies routinely fail to search for relatives. Meanwhile, there is only one licensed foster home for every three children in care.¹⁷ This critical shortage of homes pushes children into shelters, separates siblings, and is a key factor behind the high number of children aging out of the system. Key reforms include conducting immediate relative searches, rigorously enforcing permanency timelines, and launching a national campaign to recruit foster and adoptive families.¹⁸

4. Protect unborn children from the effects of neonatal drug exposure. Declared a public health emergency by President Trump in 2018, the opioid crisis continues to devastate the nation.¹⁹ First Lady Melania Trump advocated for families and children, highlighting the tragedy of “neonatal abstinence syndrome” and emphasizing “the importance of healthy pregnancies.”²⁰ In-utero drug exposure can have severe developmental consequences, including impaired growth, cognitive deficits, birth defects, altered brain development, and lasting brain damage.²¹ A robust initiative could ensure access to drug treatment for pregnant women, improving maternal and infant health, and reducing the need for foster care.²²

5. Require states to provide civil “Miranda” warnings to inform parents of their rights and responsibilities at the start of child safety investigations. To protect children and parents from state overreach, their rights must be clearly defined in law and enforceable in court. States should follow Arizona’s lead by providing parents with protections such as the power to require investigators to have a court order before entering the home, to have an attorney present when being questioned by a social worker, and to receive information about the decision-making process. Children’s rights must also be enumerated, making it possible to enforce those rights as part of abuse and neglect proceedings.²³

6. Stop child sex trafficking by prioritizing finding children missing from care.²⁴ Elements of this life-saving reform include requiring the states to search for children until they are found, keeping cases open until a missing child is found and recovered, and ensuring police have access to photographs to enable searching. Traffickers know that no one is searching for these children. Until the nation prioritizes their safety, trafficking will never end.²⁵

7. Tie Federal Funding to Child Safety Outcomes. Congress should condition key federal funding streams—such as Title IV-E and discretionary grants—on demonstrable improvements in child safety metrics, including reductions in repeat abuse incidents and child fatalities, compliance with permanency timelines, and timely relative placements. States consistently failing safety standards could face funding reallocation or mandated improvement plans, while high-performing states could receive federal bonuses to assist struggling states.²⁶

8. Prohibit States from Exploiting Foster Children’s Assets. Congress should pass a comprehensive Foster Youth Benefit Protection Act, permanently prohibiting state agencies from appropriating foster youth’s federal disability and survivor benefits to cover state maintenance costs. The act would require agencies to proactively apply for and conserve each child’s benefits, manage those benefits under fiduciary standards solely in the child’s best interests, and mandate transparency through rigorous reporting requirements.

9. Foster Youth Independence Accounts (FIA). Congress could create Foster Youth Independence Accounts (FIA), providing foster youth with individual accounts to deter them from running away by giving them enough cash in an account to see hope for their future if they stay in the system and continue a positive trajectory as they transition into adulthood.²⁷

10. Reform “Aggravated Circumstances” Standards. Congress could revise the federal law governing “aggravated circumstances” to clarify and strengthen requirements for the timely termination of parental rights in egregious abuse cases. Ensuring these cases move swiftly toward termination would prevent prolonged exposure of children to dangerous home environments.

11. Dylan’s Law—No Infant in a Drug House Ever Again. Two-thirds of child maltreatment fatalities occurred among children under three years of age. Nearly half of fatalities were children under one.²⁸ This life-saving measure would align with federal drug laws and protect

innocent infants and young children from being placed in homes with drug users and dealers. If there are illegal drugs, there's no placement. Period.

Congress could enact Dylan's Law, named in memory of Dylan Groves, a child placed in a home with active drug users. This law would explicitly prohibit agencies from placing children in homes where illegal drug use is known. Strengthening federal protections around illegal substance abuse in foster placements could significantly reduce infant fatalities and injuries from drug exposure.²⁹

POTENTIAL EXECUTIVE ORDERS

1. Executive Order to "Make America's Children Safe Again." The President might issue an executive order declaring child safety the preeminent priority in abuse and neglect cases:

(a) Name a White House Special Advisor on Child Protection.

(b) Convene a presidential commission, chaired by the Special Advisor, to rapidly identify transformative legislative and regulatory reforms addressing critical child safety failures, including the opioid crisis impact.

(c) Set a deadline for the commission to produce a clear, actionable blueprint for federal child safety reform within 12 months.

2. Executive Order to "End Child Trafficking in America." The administration might issue an executive order specifically targeting the trafficking of children from foster care. This would involve direct coordination between the Departments of Health and Human Services, Justice, Homeland Security, and others to recover and protect missing children from trafficking and exploitation.

3. Executive Order to End Government Raids on Foster Children's Benefits. The President can stop a quiet injustice harming tens of thousands of foster youth by issuing an executive order to end the government's seizure of foster children's Social Security and survivor benefits. These funds—intended to support vulnerable children—are routinely intercepted by state agencies to pay for foster care, without notice or consent. The order would direct federal agencies to prohibit this practice, ensure these funds are managed transparently, and guarantee they are used *only* for the child's direct benefit, not to subsidize government budgets.³⁰

POTENTIAL CAMPAIGNS FROM THE EXECUTIVE STAGE

The President and the First Lady,ACYF, and key agencies have a unique opportunity to use the executive stage to rally the nation, calling on American companies, private citizens, faith-based groups, civic organizations, and philanthropic leaders to join forces in improving outcomes for abused and neglected children.

1. "Families Waiting for Children, Not Children Waiting for Families" Initiative. Building on Dr. Alex Adams' testimony, this initiative might encourage corporations, civic groups, and

communities to undertake extensive foster-family recruitment efforts, adopt foster-family friendly policies, and support campaigns to eliminate the shortage of foster families.

2. Strengthening Relative Searches. The President could direct HHS to enhance guidelines for thorough and immediate relative searches, increasing the rate and effectiveness of kinship placements.

3. Be Best Homes: Initiative for Children in Crisis and Foster Care. This national campaign, championed by the First Lady, could elevate the dignity and urgency of foster parenting, launching a “Just Say Yes to Fostering” campaign, targeting recruitment of families for teens, siblings, and children with special needs.

4. “My Story, My Voice” Listening Tour. Executives could conduct roundtables with foster youth nationwide, elevating their experiences and insights, bringing attention to systemic improvements needed in child safety.

5. Promoting the Parental Rights and Child Safety Act. The executive could champion state-level actions to adopt and enforce comprehensive bills of rights protecting both families involved in child safety investigations and children in government custody. The Parental Rights and Child Safety Act would reaffirm constitutional protections at every stage of child safety proceedings.

REGULATORY CHANGES

Federal agencies could consider regulatory adjustments such as embedding a child-first culture in guidance, expanding independent legal representation for children, strictly enforcing permanency timelines, promoting transparency in child safety courts, tightening data reporting, improving foster family recruitment and retention, combating trafficking from foster care, and supporting youth transitioning out of foster care.

CONCLUSION

The Center for the Rights of Abused Children was founded to do more, be more, and change more for children in danger—we’re here to serve. Please reach us anytime: Darcy@thecenterforchildren.org or Brad Galbraith at Brad@thecenterforchildren.org.

¹ Ronald Reagan, President of the U.S., *Upon the strength of the family rests the future of the Nation, Proclamation 5820 -- National Foster Care Month, 1988* (May 10, 1988), <https://www.reaganlibrary.gov/archives/speech/proclamation-5820-national-foster-care-month-1988>.

² Christian Connell et. al., *Maltreatment following Reunification: Predictors of Subsequent Child Protective Services Contact after Children Return Home*, 33(4) *Child Abuse & Neglect*. 218 (Apr. 2009), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3867131/> (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(11) Child Abuse & Neglect. 1201, (2006).

³ Naomi Schaefer Riley & Sarah Font, American Enterprise Institute, *Why Are States Putting Child Sex Abuse Victims Back in the Home of Their Abusive Parents?* (Dec. 6, 2021), <https://www.aei.org/op-eds/why-are-states-putting-child-sex-abuse-victims-back-in-the-home-of-their-abusive-parents/>.

⁴ Ariz. Child Fatality Review Team, *Thirtieth Annual Report* 79 (2023), <https://www.azdhs.gov/documents/prevention/womens-childrens-health/reports-fact-sheets/child-fatality-review-annual-reports/cfr-annual-report-2023.pdf>; Colo. Department of Human Services Child Fatality Review Team, *2023 Child Maltreatment Fatality Annual Report* 30 (2024), <https://drive.google.com/file/d/1kHaoB0QMdRzpnovsB3SgWVolkIEB18TF/view>.

⁵ The maltreatment fatality rate in 2022 was 2.73 per 100,000 children. U.S. Dep't of Health & Human Serv., Children's Bureau, *Child Maltreatment 2022* 53 (33rd ed. 2024), <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2022.pdf>; The maltreatment fatality rate in 2010 was 2.08 per 100,000 children. U.S. Dep't of Health & Human Serv., Children's Bureau, *Child Maltreatment 2014* 52 (2016), <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2014.pdf>. That is a percent increase of 31.25%.

⁶ Darcy Olsen & Rebecca Masterson, *Disappearing and Dying* 1 (January 2020), https://www.thecenterforchildren.org/assets/Blog-Files/2b9970_059b8c1746d64a588d8616fc27c3678b.pdf.

⁷ U.S. Dep't of Health and Hum. Serv., Admin. for Children and Families, *Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care* 3 (Dec. 1, 2022), <https://www.acf.hhs.gov/sites/default/files/documents//ACF-IM-on-Youth-Missing-from-Foster-Care-and-Trafficking.pdf> (last visited May 22, 2024).

⁸ U.S. Dep't of Health and Human Serv., Children's Bureau, *The AFCARS Report* (May 9, 2023) 4, <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-30.pdf>

⁹ See, The Annie E. Casey Foundation, *Youth transitioning out of foster care: Currently employed part- or full-time by race/ethnicity in United States*, <https://datacenter.aecf.org/data/bar/10872-youth-transitioning-out-of-foster-care-currently-employed-part-or-full-time-by-race-ethnicity?loc=1&loct=1#1/any/false/1698,6285,4411,4039,2638,2597,4880,4758,1353|6259/21138>; The Annie E. Casey Foundation, *Youth transitioning out of foster care: Experienced homelessness in the past two years in United States*, <https://datacenter.aecf.org/data/tables/10857-youth-transitioning-out-of-foster-care-experienced-homelessness-in-the-past-two-years?loc=1&loct=2#detailed/2/2-52/true/1698,1697/6259/21108>; The Annie E. Casey Foundation, *Youth Transitioning out of Foster Care: Incarcerated in the past Two Years in United States*, <https://datacenter.aecf.org/data/tables/10865-youth-transitioning-out-of-foster-care-incarcerated-in-the-past-two-years?loc=1&loct=2#detailed/2/2-52/true/1698,1697/6259/21124>; and Judy Havlicek et al., *Mental Health and Substance Use Disorders among Foster Youth Transitioning to Adulthood* 35 *Children and Youth Services Review* 194 (2013), <https://doi.org/10.1016/j.childyouth.2012.10.003>.

¹⁰ Lindsey Palmer et. al., *What Does Child Protective Services Investigate as Neglect? A Population-Based Study* 29 *Child Maltreatment* 96 (2024), <https://pubmed.ncbi.nlm.nih.gov/35829657/>.

¹¹ U.S. Dep't of Health & Human Serv., Children's Bureau, *Child and Family Services Reviews Aggregate Report, Round 3: Fiscal Years 2015-2018* 20, https://www.acf.hhs.gov/sites/default/files/documents/cb/cfsr_aggregate_report_2020.pdf.

¹² Personal testimony by Darcy Olsen.

¹³ Ctr. for the Rights of Abused Children, *States with Right to Counsel for Children*, <https://www.thecenterforchildren.org/resources/states-with-right-to-counsel-for-children>.

¹⁴ Heidi Shellhas, *Open child Protection Proceedings in Minnesota*, 26 *William Mitchell Law Review* 631, 633 (2000), <https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1852&context=wmlr> ("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.")

¹⁵ Andrew E. Zinn & Jack Slowriver, *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County* 14-15 (Chapin Hall Center for Children 2008), <https://www.issueab.org/resources/1070/1070.pdf>.

¹⁶ Wash. State Ctr. for Ct. Rsch., *Evaluation of the Washington State Dependent Child Legal Representation Program* 1 (2021), <https://www.courts.wa.gov/subsite/wscsr/docs/DCLR%20Report%202021.pdf>.

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- ¹⁷ Derived from U.S. Dep’t of Health and Human Services, Children’s Bureau, *The AFCARS Report 1* (2023), <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-30.pdf>; and Imprint, *Who Cares: A National Count of Foster Homes and Families*, Total Licensed Foster Homes 2018-2023, <https://www.fostercarecapacity.com/data/total-licensed-foster-homes>.
- ¹⁸ For example, the administration could partner with Wendy’s Wonderful Kids, to hire recruiters who focus on “finding permanent families for children in foster care who are too often overlooked” including “teenagers, children with special needs and siblings.” An evaluation of the program reveals that “children referred to the program are up to 3x more likely to be adopted.” Wendy’s Wonderful Kids, <https://www.davethomasfoundation.org/our-programs/wendys-wonderful-kids/>.
- ¹⁹ [Remarks by First Lady Melania Trump on Combatting Drug Demand and the Opioid Crisis – The White House](#)
- ²⁰ Be Best: First Lady Melania Trump’s Initiative, <https://trumpwhitehouse.archives.gov/bebest/>.
- ²¹ Darcy Olsen, *We Can Reduce the Need for Special Education through Better Drug Treatment*, The Imprint, Oct. 27, 2022, <https://imprintnews.org/opinion/drug-treatment-can-reduce-reliance-on-special-education/235234>.
- ²² American Addiction Centers, *Drug & Alcohol Rehab Centers for Pregnant Women*, Benefits of Addiction Treatment During Pregnancy (Dec. 16, 2024), <https://americanaddictioncenters.org/rehab-guide/pregnant-women>.
- ²³ S.B. 1186, Fifty-Sixth Leg., First Reg. Sess. (Ariz. 2023), <https://www.azleg.gov/legtext/56leg/1R/laws/0157.pdf>.
- ²⁴ Darcy Olsen & Rebecca Masterson, *Disappearing and Dying 1* (January 2020), https://www.thecenterforchildren.org/assets/Blog-Files/2b9970_059b8c1746d64a588d8616fc27c3678b.pdf.
- ²⁵ Ctr. for the Rights of Abused Children, *Missing and Trafficked Toolkit*, https://www.thecenterforchildren.org/assets/Blog-Files/CFC_Missing_Trafficked_Toolkit_01.31.24.pdf?vid=3.
- ²⁶ Bradley Galbraith, Ctr. for the Rights of Abused Children, *Lives in the Balance 9-10*, <https://www.thecenterforchildren.org/assets/Blog-Files/Federal-Reforms.pdf?vid=3>.
- ²⁷ Dan Lips & Tim Keller, *Fostering Independence Accounts* (June 2021), https://www.thecenterforchildren.org/assets/Blog-Files/Fostering_Independence_Accounts_TheCenter.pdf.
- ²⁸ U.S. Dep’t of Health and Human Services, Children’s Bureau, *Child Maltreatment 2023 57* (2025), <https://acf.gov/sites/default/files/documents/cb/cm2023.pdf>.
- ²⁹ The Ironton Tribune, *Johnson introduces law protecting infants in foster care* (Aug. 16, 2021), <https://irontontribune.com/2021/08/16/johnson-introduces-law-protecting-infants-in-foster-care/><https://irontontribune.com/2021/08/16/johnson-introduces-law-protecting-infants-in-foster-care/>.
- ³⁰ Center for the Rights of Abused Children, *Preservation of Youth Benefits Toolkit*, https://www.thecenterforchildren.org/assets/Blog-Files/CFC_Preservation_Toolkit.pdf.