

SUPPLEMENT TO
"...AND HOW ARE THE CHILDREN?"
FIRST ANNUAL REPORT OF THE
NEBRASKA STATE FOSTER CARE REVIEW BOARD

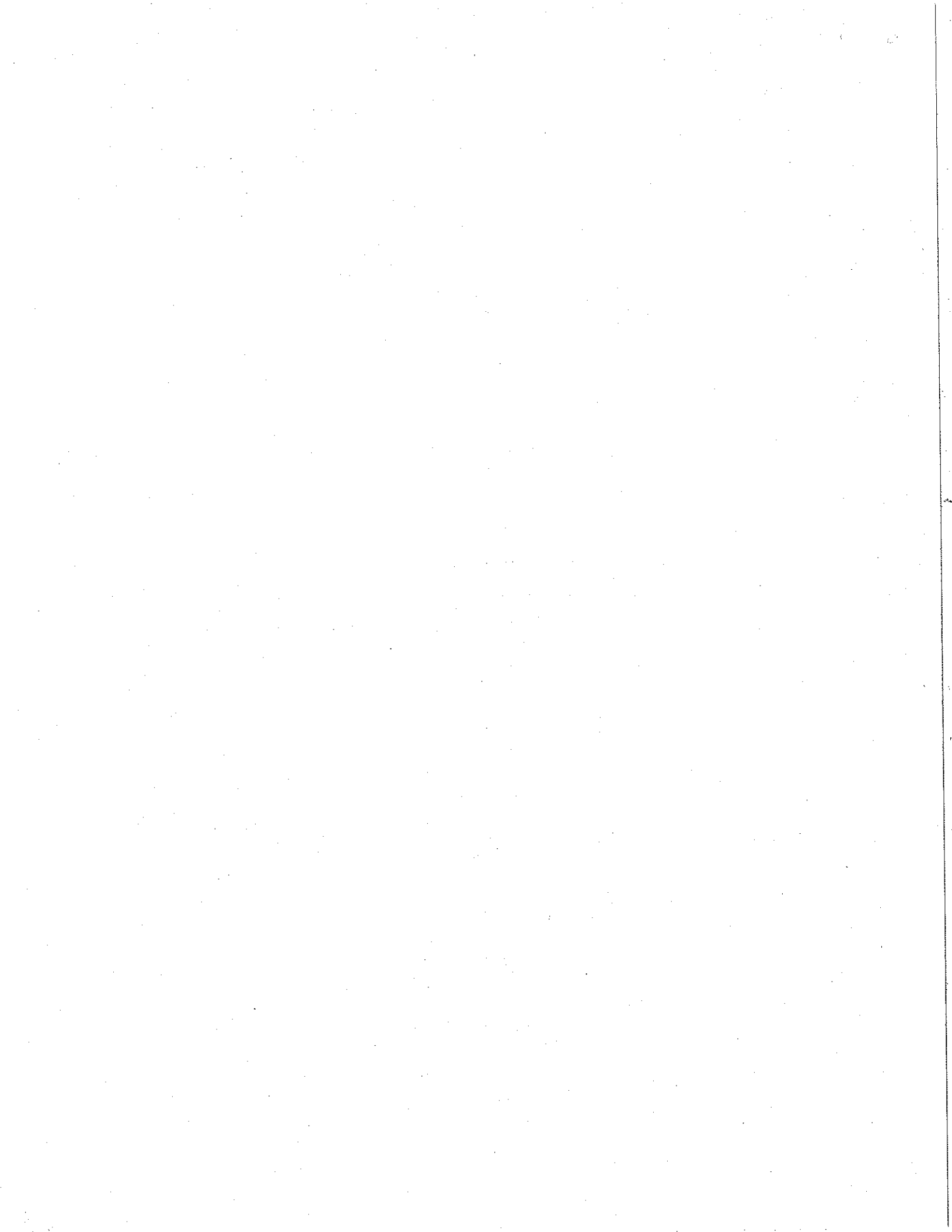
PRISON STUDY

By Susan Hale and Carol Stitt

Assisted by Jerry Douglass, Ann Coyne, and Jane Hays

State of Nebraska

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1. Department of Correctional Services:

Charles Benson, Director
Jerry Douglass, Research Analyst
Laurie Camp, Attorney

2. Nebraska Center for Women:

Lucille Splinter, Superintendent
Darlene Percival, Assistant Superintendent

3. Nebraska State Penitentiary:

Charles Black, Warden
Robert Houston, Housing Administrator
The following unit managers and their teams:
Rich Bohn, Donn Beaver, Mario Peart, Rich Leed and Charles West

4. Lincoln Correctional Center:

William Foster, Superintendent
Dennis Bakewell, Assistant Superintendent
Joan Olson, Secretary
The following unit managers and their teams:
James Pierce, Gordon Clewell, Fred Britten, Roger Anderson,
Don Duncan and Douglas Nutt

Consultants:

Carol Stitt, Director, State Foster Care Review Board
Kathy Moore, Child Saving Institute
Dr. Ann Coyne, Associate Professor
Azul LaLuz
Jane Hays
JoAnn LeBaron
Dale LeBaron
Pat King
Sonia Hart

Data Assistants

Larry Brokaw, Application Analyst
Virginia Clyde, Supervisor of Data Entry

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PRISON STUDY

In Nebraska, many people working in corrections and child welfare had made observations that it appeared a high number of legal offenders spent many of their childhood years in foster care or away from their biological families.

In an attempt to address this issue, the State Foster Care Review Board, in conjunction with the Department of Corrections, conducted a study to see if there was any relationship between being in court-ordered out-of-home placement as a child and institutionalization as an adult.

METHODOLOGY

The data for the study is from surveys filled out by legal offenders incarcerated in three Nebraska adult correctional facilities and from computer information provided by the Nebraska Department of Corrections.

Personal interviews were preferred but, given the time frame, it was apparent that group sessions would have to be conducted. Since it was likely that personnel within the correctional facilities would have to be part of conducting the survey, the survey form had to be straightforward and simple. The survey asked the following question:

"Did you ever live with anyone other than your biological mother and/or father when you were 19 years old or younger? If so, explain who you lived with and indicate if the placement was court-ordered or informal."

A line was available for each age (from 1 to 19) and prisoners were instructed to identify where they lived at each age. Survey forms were printed by the Department of Corrections. The forms were printed with the names and identification numbers of each legal offender in the sample. The words "or father" were omitted. Susan Hale, the evaluator, pointed this out to respondents and staff assisting with the survey.

The evaluator prepared a sample of the survey and a proposal to present to the director of the Department of Corrections for approval. Approval granted, the director forwarded copies of the proposal and survey form to the heads of the various adult corrections facilities, informing them that the evaluator would make arrangements with the individual institutions on the conducting of the survey.

Sample Size

The survey population was confined to three adult corrections facilities: the Nebraska Center for Women (NCW), Lincoln Corrections Center (LCC), and the Nebraska State Penitentiary (NSP). Not included in the sample were legal offenders at the Regional Center or the Diagnostic and Evaluation Center or those on parole or work release.

Because the population at NCW is relatively small, 100% of the population was included in the study. A stratified, systematic sample of 50% with a sampling interval of 2 was pulled on the two remaining facilities. For example, if 18% of legal offenders were committed for robbery, the 18% of the sample on LCC and NSP contained persons committed for robbery.

A relatively large sample (50%) was pulled because the evaluator took into consideration the likelihood that some would refuse to participate. In addition, the status of some would change between the time the sample was pulled and the survey conducted. Status changes included being discharged or paroled or on work release. The sample size was 695 which included 71 at NCW (the total population), 196 at LCC, and 428 at the NSP.

Preparation for Survey

Memos were prepared for the legal offenders in the population explaining who was conducting the survey and why. The memos were to be distributed prior to the time that the survey was to be conducted. Memos were mailed to NCW for distribution. Upon delivering the memos to LCC and NSP, it was decided that they would be given to the survey population at the time the survey was conducted as opposed to prior to the survey. Speculation was that if the survey population received the memo prior to the survey, the level of cooperation might be affected. With no prior introduction, many would perhaps participate out of curiosity.

Conducting the Survey

Nebraska Center for Women

Susan Hale personally conducted the survey at NCW. Groups of 10 were called to an arranged site. The purpose of the survey and the correct way to complete the forms were explained to each group.

The Nebraska Center for Women was surveyed first because it had the smallest survey population and the evaluator could personally oversee completion of the forms. It also provided an opportunity to see what potential problems existed and what types of questions the respondents had.

Instruction sheets were prepared for staff members at LCC and NSP who would help conduct the survey. Questions posed by the respondents at NCW were incorporated into the instructions.

Lincoln Corrections Center

The evaluator met with the Unit Managers to explain the study and develop a survey method. Thirty-two section managers would survey the selected population on a one-to-one basis.

The appropriate forms were distributed to Unit Managers along with instructions and copies of the explanatory memo prepared for the survey population.

Nebraska State Penitentiary

As with LCC, the evaluator met with the Unit Managers to discuss the project. Unit Managers provided information on housing unit changes and changes in the status of individuals. Survey forms, instruction sheets and explanatory memos were distributed to the Unit Managers.

The staff at NSP chose to follow a survey method previously used in the facility to conduct a survey. The population sample would be split into two groups and Unit Managers would conduct the survey.

Not anticipated was the issuance of pay checks on the morning the survey was to be conducted. As is the norm on payday, the majority of the population chose to go to the store. Consequently, the rate of participation was low. The Unit Managers agreed to keep the remaining survey forms and, with the assistance of Unit Teams, conduct the remainder on a one-to-one basis.

Twenty-two offenders in the NSP sample were housed at the Park Crew Annex in Airpark. The evaluator personally conducted the survey with eight of the offenders. The remaining surveys were left at the facility and a caseworker assisted with the completion of the forms.

Response Rate

Of the 695 male legal offenders in the sample from the NSP and LCC, 414 volunteered to participate in the survey. 31 of the 71 female legal offenders volunteered to participate.

Processing of Data

Data entry sheets were coded with information from the survey sheets. A correctional staff person conducted the analysis.

RESULTS

Data on the prison population was compared to information available on the general population. According to the 1980 census, there were 509,147 children 19 years of age and younger in Nebraska. As of December 31, 1983 4,071 (.8%) of the 509,147 were reported to the Foster Care Review Board to be in out-of-home care in Nebraska.

Age information needed for age comparisons with the prisoners were only available on 2,924 of the 4,071 children reported to be in out-of-home care. The majority (approximately 93%) of children reported to the Foster Care Review Board are in court-ordered out-of-home placements. The comparisons made between the general and prison populations are based on court-ordered out-of-home placements that the prisoners experienced. While all children currently in court-ordered out-of-home placements may not have been reported to the Foster Care Review Board in 1983, even if one doubles or triples that number in order to ensure inclusion of all children in court-ordered out-of-home placements, the percentage of children in the general population 19 years of age and younger who are in out-of-home care (including court-ordered and informal) is much smaller than the percentages of current male and female legal offenders who were in court-ordered out-of-home placement as children.

Knowing that at least 4,071 children are in out-of-home placements (93% court-ordered):

.8% of children in the general population 19 years of age and younger are in out-of-home placements.

Doubling or tripling that figure:

1.6% - 2.4% of children in the general population 19 years of age and younger might be in out-of-home placements.

Comparing children in the general population to those in the prison population:

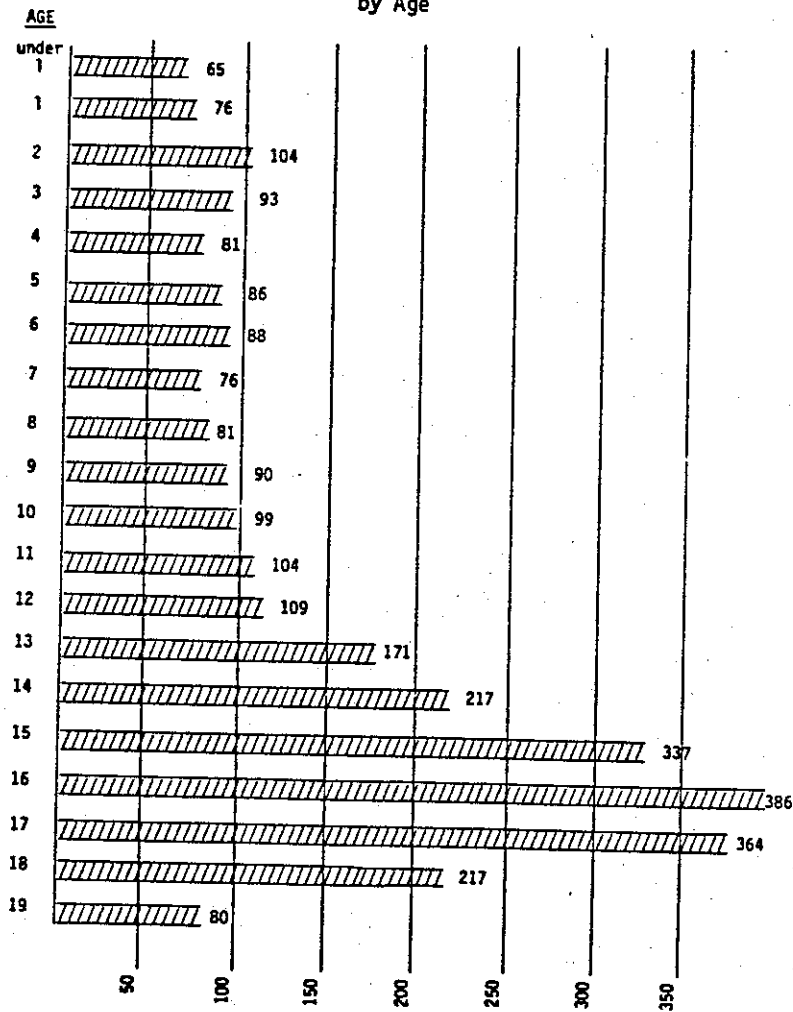
Of the 414 male legal offenders who participated in the study, 30% (126) were in court-ordered out-of-home placement as children.

Of the 31 female legal offenders who participated in the study 32% (10) were in court-ordered out-of-home placements as children.

The data on legal offenders is presented by sex whereas the data on the general population is on the sexes combined.

Following is a chart showing the numbers of children in out-of-home care in Nebraska during 1983 broken down by age. Unlike information on the prison population which begins at age 1, this chart provides information about those under 1. This difference does not significantly effect the comparisons made, however.

TABLE 2
Number of Children in Care
by Age



Total - 2,924

Comparisons of Court-Ordered Out-of-Home
Placements at Age Three

.018% of 3-year old children in Nebraska were reported to be in court-ordered out-of-home placements in 1983. Even if only one-half have actually been reported, the percentage of three year olds in care is less than .036%.

1.0% of current male legal offenders were in court-ordered out-of-home placements at the age of three.

3.2% of current female legal offenders were in court-ordered out-of-home placements at the age of three.

Comparisons of Court-Ordered Out-of-Home
Placements at Age Nine

.018% of 9-year old children in Nebraska were reported to be in court-ordered out-of-home placements in 1983. Even if only one-half have actually been reported, the percentage of nine year olds in care is less than .036%.

2.9% of current male legal offenders were in court-ordered out-of-home care at the age of nine.

No current female legal offenders reported having been in court-ordered out-of-home placements at the age of nine.

Comparisons of Court-Ordered Out-of-Home
Placements at Age Fifteen

.066% of 15-year old children in Nebraska were reported to be in court-ordered out-of-home placements in 1983. Even if only one-half have actually been reported, the percentage of 15 year olds in care is less than .132%.

18.4% of current male legal offenders were in court-ordered out-of-home placements at the age of 15.

19.4% of current female legal offenders were in court-ordered out-of-home placements at the age of 15.

Table 1
 Legal Offenders and General Population
 Living in Court-Ordered Out-of-Home Placements
 By Age

Age	Percent of Male <u>Legal Offenders</u>	Percent of Female <u>Legal Offenders</u>	Percent of Total Population in <u>Placement in 1983</u>
1	0.2	0.0	.015
2	0.2	3.2	.020
3	1.0	3.2	.018
4	1.0	0.0	.016
5	1.4	0.0	.017
6	1.7	0.0	.017
7	1.9	0.0	.015
8	2.4	0.0	.016
9	2.9	0.0	.018
10	4.3	3.2	.019
11	6.0	0.0	.020
12	8.0	3.2	.021
13	13.3	12.9	.034
14	13.3	9.7	.043
15	18.4	19.4	.066
16	16.2	16.1	.076
17	12.3	3.2	.071
18	5.8	3.2	.043
19	2.2	0.0	.016

Court-ordered placement includes: foster home, group home, child-caring institution, jail, youth development center, psychiatric facility, and inpatient drug and alcohol facility.

At each age, the percentage of male legal offenders who were in court-ordered out-of-home placements that year was higher than the percentage of children in the general population who are currently in court-ordered out-of-home placements. At each age that female offenders were in court-ordered out-of-home placements the rates, again, were higher when compared to the general population.

Graph 1
Percentage of Current Legal Offenders Who Were
Living in Court-Ordered Out-of-Home Placement As Children
By Age

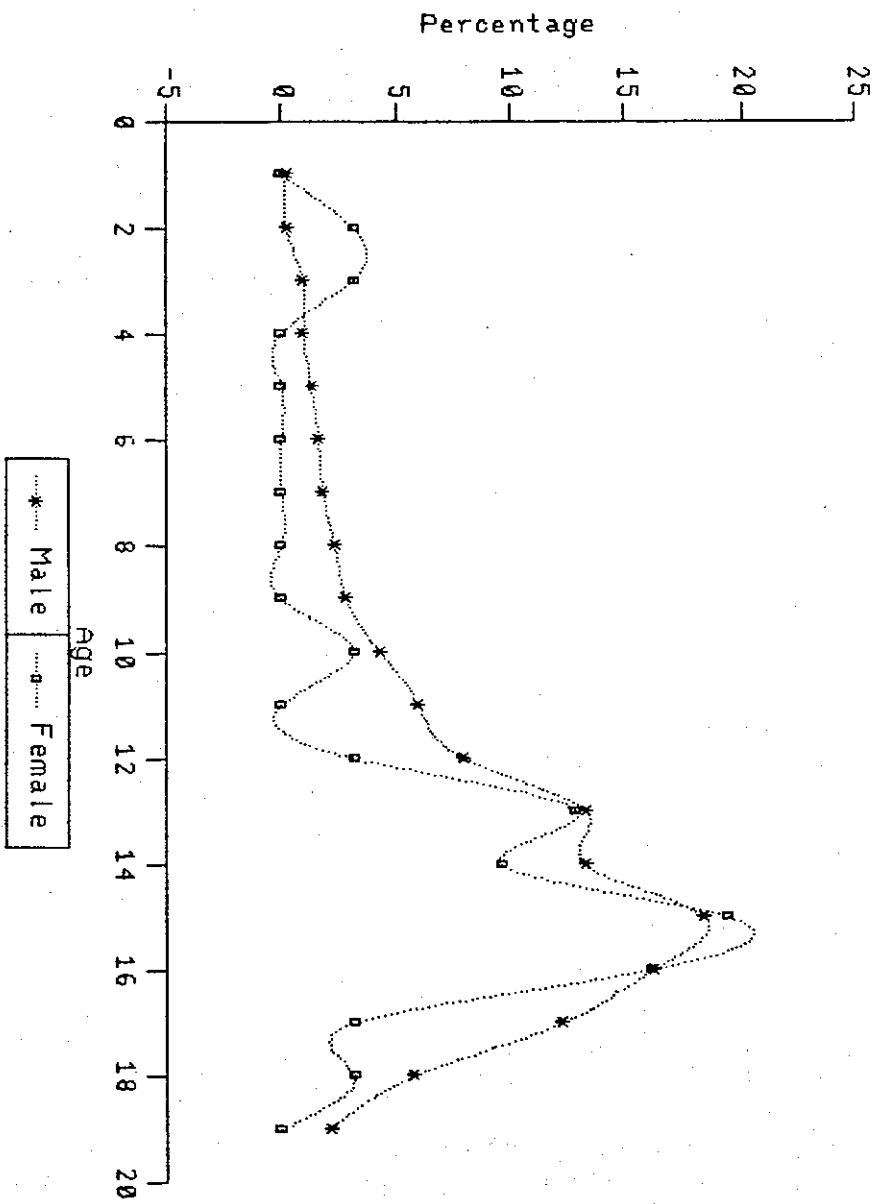


TABLE 2

Legal Offenders Living with
Biological Mother and/or Father as Children

Age	Males	Percent of Male Legal Offenders	Females	Percent of Female Legal Offenders
1	402	97.1	30	96.8
2	401	96.9	29	93.5
3	395	95.4	29	93.5
4	390	94.2	30	96.8
5	384	92.8	30	96.8
6	386	93.2	30	96.8
7	388	93.7	28	90.3
8	381	92.0	28	90.3
9	377	91.1	27	87.1
10	374	90.3	27	87.1
11	366	88.4	28	90.3
12	355	85.7	28	90.3
13	333	80.4	23	74.2
14	318	76.8	22	71.0
15	286	69.1	19	61.3
16	272	65.7	16	51.6
17	233	56.3	10	32.3
18	199	48.1	8	25.8
19	177	42.8	7	22.6

There is a steady decline from year to year in the number of current legal offenders who lived with their biological mother and/or father. The most dramatic declines occur at ages 13 and 15 for males and ages 13 and 16 for females.

Percentage of Legal Offenders
Not Living with Biological Mother and/or
Father at Various Ages

At age three, 4.6% of the males and 6.5% of the females did not live with their biological mother and/or father.

At age nine, 8.9% of the males and 12.9% of the females did not live with their biological mother and/or father.

At age 13, 19.6% of the males and 25.8% of the females did not live with their biological mother and/or father.

At age 16, 34.3% of the males and 48.4% of the females did not live with their biological mother and/or father.

Comparisons cannot be made to the general population in court-ordered out-of-home placements because legal offenders who left their parents did not necessarily go into court-ordered out-of-home placements. They may have lived independently, with relatives, with peers or families of peers, joined the Armed Services, or run away.

GRAPH 2

Percentage of Legal Offenders Living with Biological Parents as Children by Age

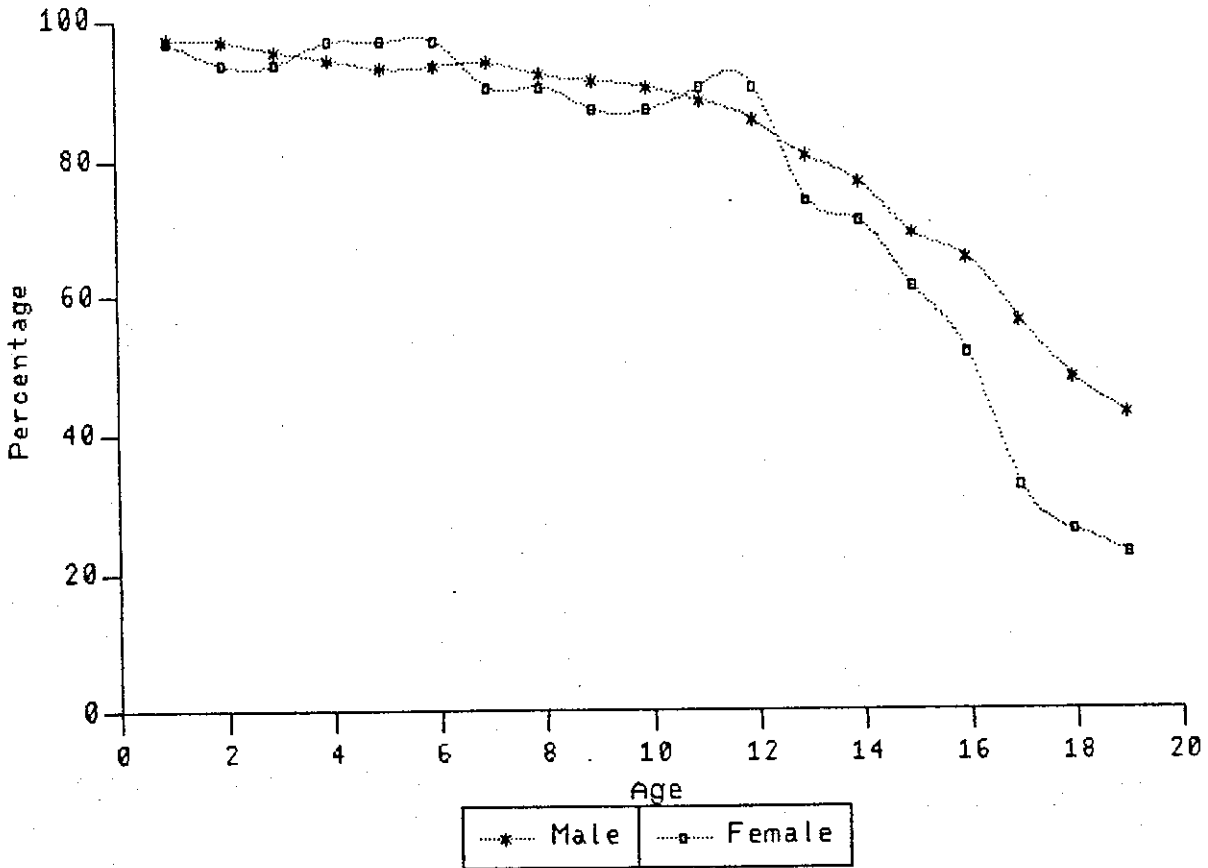


TABLE 3

Age at which Current Legal Offenders
First Entered Court-Ordered Out-of-Home Placement

Age	Males	Percent of Male Legal Offenders	Female	Percent of Female Legal Offenders
1	1	0.2	0	0.0
2	0	0.0	1	3.2
3	3	0.7	0	0.0
4	1	0.2	0	0.0
5	3	0.7	0	0.0
6	4	1.0	0	0.0
7	3	0.7	0	0.0
8	3	0.7	0	0.0
9	4	1.0	0	0.0
10	7	1.7	1	3.2
11	10	2.4	0	0.0
12	15	3.6	1	3.2
13	19	4.6	2	6.5
14	10	2.4	2	6.5
15	19	4.6	2	6.5
16	10	2.4	1	3.2
17	10	2.4	0	0.0
18	2	0.5	0	0.0
19	2	0.5	0	0.0
	<u>126</u>	<u>30.3%</u>	<u>10</u>	<u>32.3%</u>

While a significant number of current legal offenders were in court-ordered out-of-home care before age 10 (5.3% of the males and 3.2% of the females were already in court-ordered out-of-home placement before age 10 compared to .16% of the general population who were under 10 and in care in 1983), the greatest changes occur in the pre-teen (11 and 12) and teenage years.

Most of the male legal offenders first entered a court-ordered out-of-home placement at ages 13 and 15. The largest number of female legal offenders entered their first court-ordered out-of-home placement at the ages of 13, 14, and 15.

It is assumed that children enter court-ordered out-of-home placements up to approximately age 11 due to the families' inability to parent, because of abusive or neglectful situations, or medical problems. After age 12, children enter court-ordered out-of-home placement for the above reasons plus the child's own actions.

GRAPH 3

Percentage of Current Legal Offenders
First Entering Court-Ordered Out-of-Home Placement
By Age

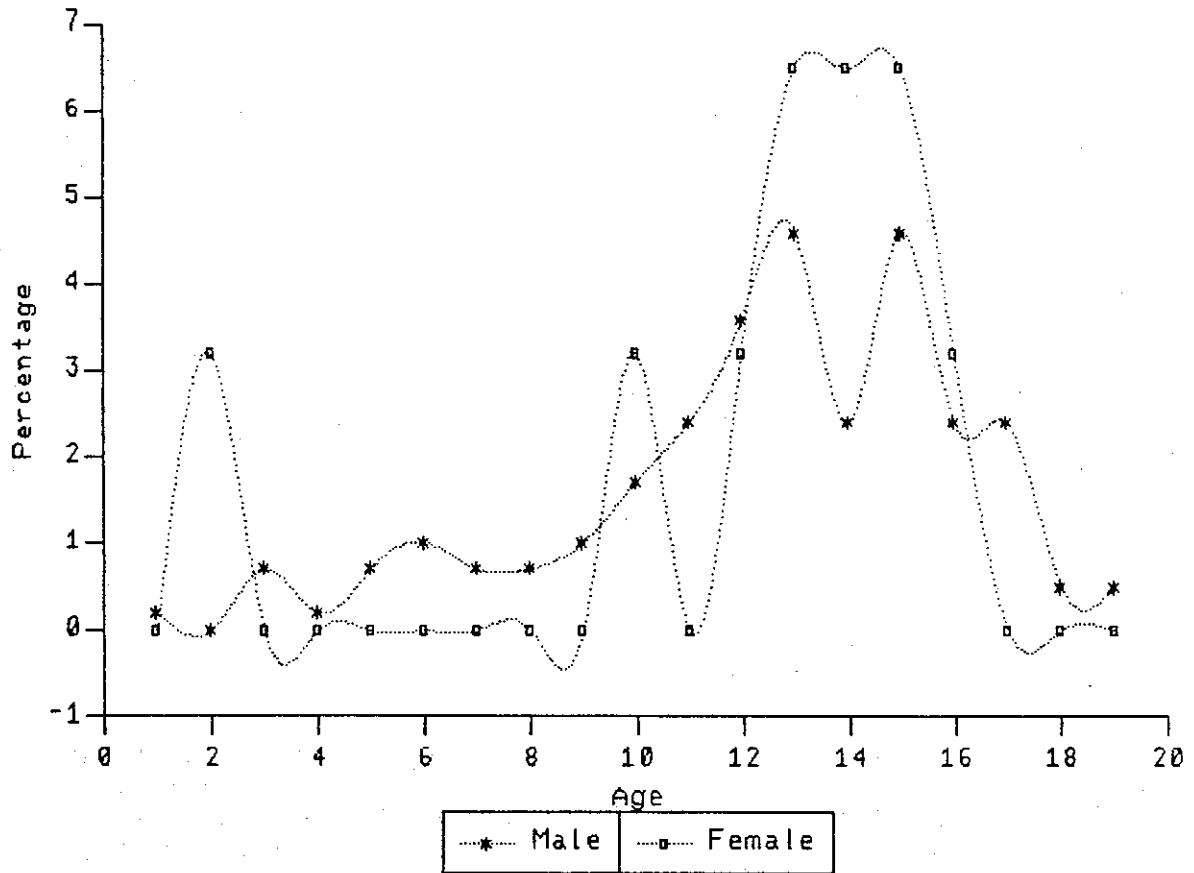


TABLE 4

Years in Court-Ordered
Out-of-Home Placements

Years	Males	Percent of Male Legal Offenders	Females	Percent of Female Legal Offenders
1	34	8.2	2	6.5
2	18	4.3	4	12.9
3	22	5.3	3	9.7
4	16	3.9	0	0.0
5	8	1.9	1	3.2
6	8	1.9	0	0.0
7	9	2.2	0	0.0
8	4	1.0	0	0.0
9	1	0.2	0	0.0
10	2	0.5	0	0.0
11	1	0.2	0	0.0
12	1	0.2	0	0.0
13	0	0.0	0	0.0
14	1	0.2	0	0.0
15	0	0.0	0	0.0
16	1	0.2	0	0.0
17	0	0.0	0	0.0
18	0	0.0	0	0.0
19	0	0.0	0	0.0
	<u>126</u>	<u>30.2</u>	<u>10</u>	<u>32.3</u>

Of the 126 male legal offenders who were in court-ordered out-of-home placements, 74 (59%) spent 3 or more years in out-of-home care.

Of the 10 female legal offenders who were in court-ordered out-of-home placements, 4 (40%) were in out-of-home care for 3 years or more.

As discussed on page 59 of the Foster Care Review Board Annual Report, (Implications of Percentage of Life Spent in Foster Care), the amount of time a child spends in court-ordered out-of-home placements can have serious implications effecting the development of a child.

GRAPH 4
Percentage Distribution of Years
In Court-Ordered Out-of-Home Placement

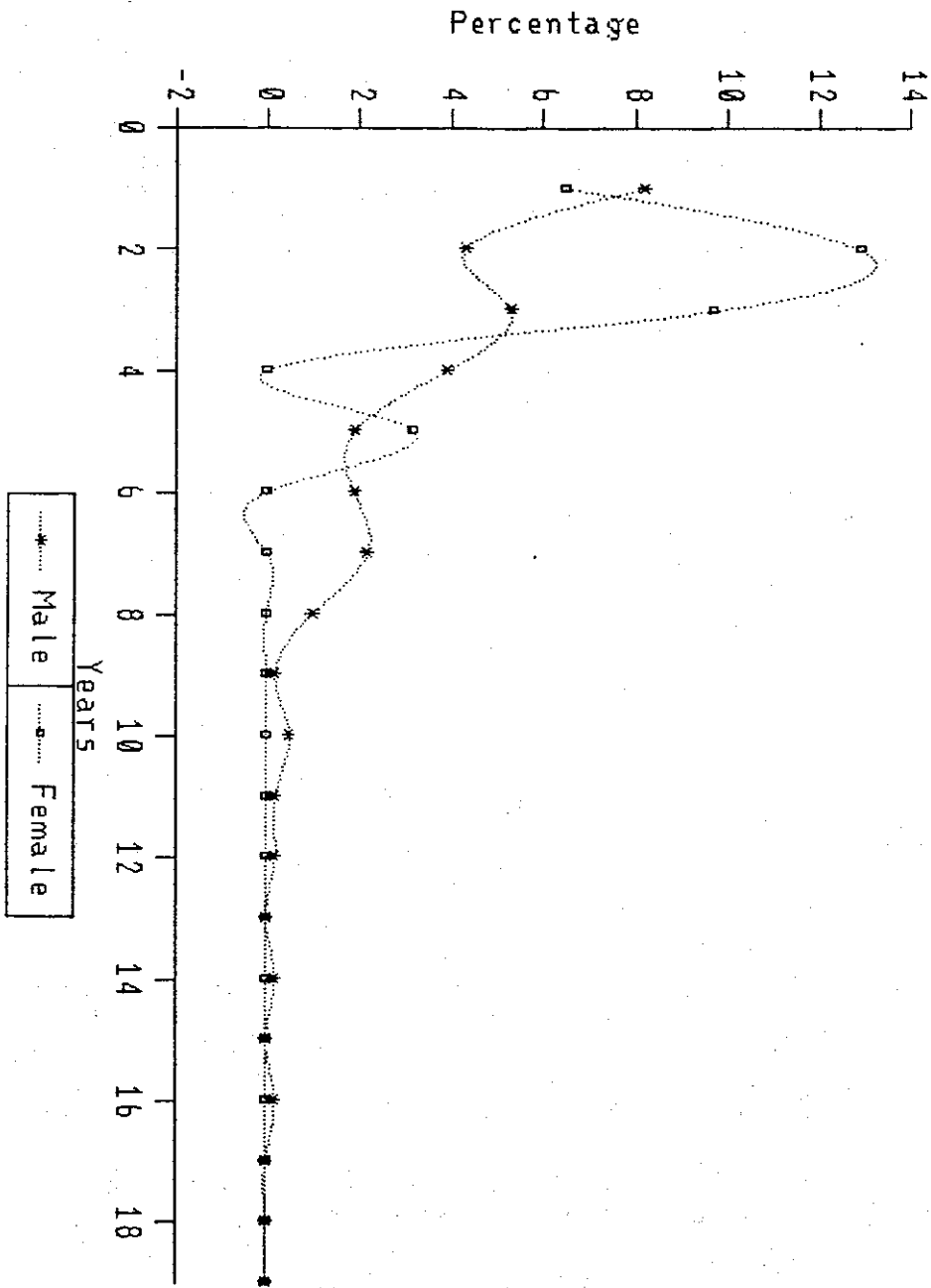


Table 5

Total Moves Among Current Prisoners
Who Had Court-Ordered Out-of-Home Placements
As Children

<u>Moves</u>	<u>Males</u>	<u>Percent of Male Respondents</u>	<u>Females</u>	<u>Percent of Male Respondents</u>
1	18	4.3	4	12.9
2	22	5.3	3	9.7
3	16	3.9	0	0.0
4	8	1.9	1	3.2
5	8	1.9	0	0.0
6	9	2.1	0	0.0
7	4	1.0	0	0.0
8	1	0.2	0	0.0
9	2	0.5	0	0.0
10	1	0.2	0	0.0
11	1	0.2	0	0.0
12	0	0.0	0	0.0
13	1	0.2	0	0.0
14	0	0.0	0	0.0
15	1	0.2	0	0.0
Total				
Respondents	414	100.0	31	100.0

52 (41%) of the 126 current male legal offenders who were in court-ordered out-of-home placement were moved three or more times.

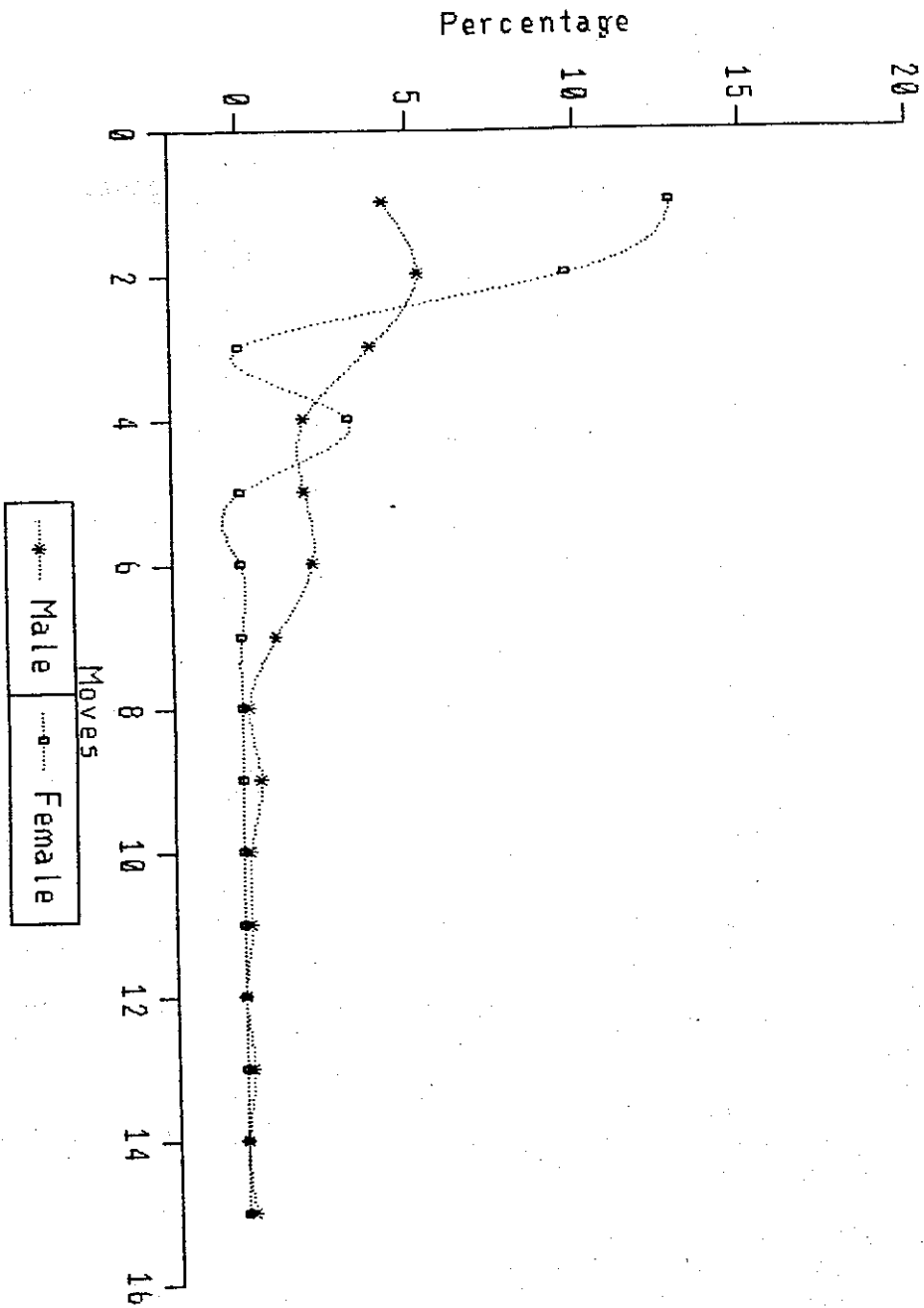
1 (10%) of the 10 current female legal offenders who was in court-ordered out-of-home placement was moved four times.

Overall, the male legal offenders in court-ordered out-of-home placement were moved more often than the female legal offenders who were in court-ordered out-of-home placement.

16 males were moved 3 times;
9 males were moved 6 times;
Individual males were moved 10, 11, 13 and 15 times.

As discussed on page 56 of the Foster Care Review Board Annual Report (Implications of Total Placements per Child) continued disruption of a child's life can be disastrous.

Graph 5
Percentage Distribution of Total Number of Moves
Among Current Offenders Who Had Court-Ordered
Placements As Children



Those respondents who were in court-ordered out-of-home placements as children were arrested at a younger age than the respondents who were not in court-ordered out-of-home placements.

42.7% of male legal offenders who were ever in court-ordered out-of-home placements as children were arrested by age 14.

17.4% of male legal offenders who were never in court-ordered out-of-home placements as children were arrested by age 14.

33.3% of female legal offenders who were in court-ordered out-of-home placements as children were arrested by age 14.

14.3% of female legal offenders who were never in court-ordered out-of-home placements as children were arrested by age 14.

The majority of respondents who were in court-ordered out-of-home placements as children, were in those placements prior to their first arrest.

Of the 126 male legal offenders who were in court-ordered out-of-home placements:

- 90 were in placement prior to their first arrest;
- 19 entered a placement after their first arrest;
- 8 entered placement the same year of their first arrest;
- 9 unknown.

Of the 10 female legal offenders who were in court-ordered out-of-home placement as children:

10 were in placement prior to their first arrest.

Table 6

Age at First Arrest
by Placement as Children

	Percentage in Court-Ordered Out-of-Home Placement As Children		Percentage Not in Court-Ordered Out-of-Home Placement As Children	
	<u>Males</u>	<u>Females</u>	<u>Males</u>	<u>Females</u>
14 or Under	42.7	33.3	17.4	14.3
15	20.0	0.0	8.9	4.8
16	16.4	0.0	17.8	0.0
17	8.2	0.0	13.4	23.8
18	6.4	22.2	12.1	14.3
19-20	4.5	11.1	11.7	14.3
21-24	1.8	11.1	8.1	14.3
25-29	0.0	11.1	4.0	4.8
30 or Over	0.0	11.1	6.5	9.5

Percentages may not sum to
exactly 100 due to rounding.

Graph 6
 Age at First Arrest by
 Placement as Children

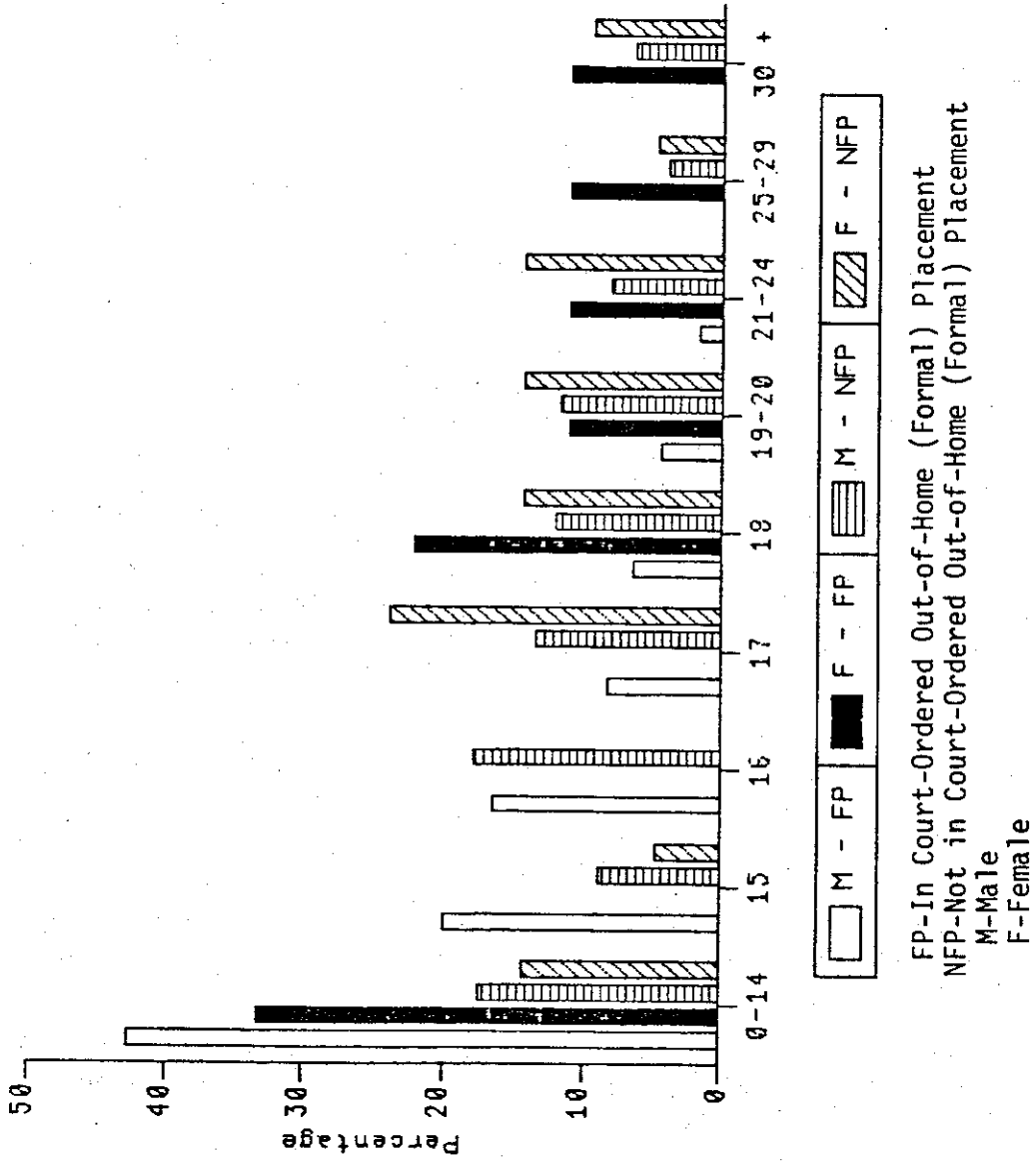


Table 7

Age at Admission to Nebraska Penal Institution
by Placement as Children

	Percentage in Court-Ordered Out-of-Home Placement As Children		Percentage Not in Court-Ordered Out-of-Home Placement As Children	
	<u>Males</u>	<u>Females</u>	<u>Males</u>	<u>Females</u>
Under 21	34.9	50.0	17.0	14.3
21-24	31.7	20.0	24.3	23.8
25-29	19.0	10.0	24.0	14.3
30-39	8.7	20.0	22.6	33.3
40-49	5.6	10.0	8.01	14.3
50 and over	0.0	0.0	4.2	0.0

Percentages may not sum to exactly 100 due to rounding.

These respondents who were in court-ordered out-of-home placements were admitted to their current adult corrections facility at a younger age than the respondents who were not in court-ordered out-of-home placements.

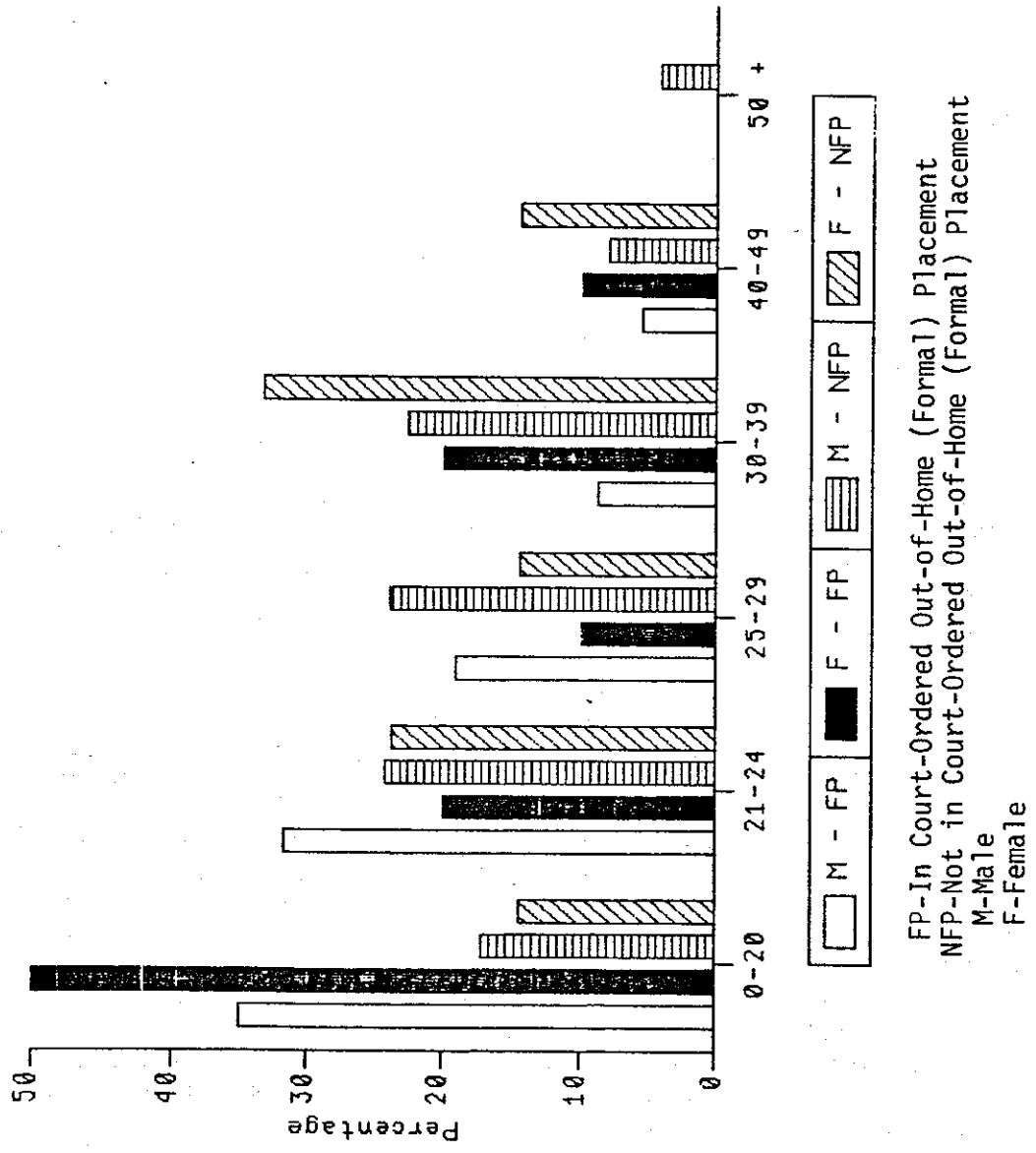
34.9% of the current male legal offenders who were in court-ordered out-of-home placements as children were admitted to the Nebraska State Penitentiary (NSP) or Lincoln Correctional Center (LCC) by age 20.

17.0% of the current male legal offenders who were never in court-ordered out-of-home placements as children were admitted to NSP or LCC by age 20.

50% of current female legal offenders who were in court-ordered out-of-home placements as children were admitted to the Nebraska Center for Women (NCW) by age 20.

14.3% of current female legal offenders who were in court-ordered out-of-home placements as children were admitted to NCW by age 20.

Graph 7
 Age at Admission to Nebraska Penal Institution
 by Placement as Children



FP-In Court-Ordered Out-of-Home (Formal) Placement
 NFP-Not in Court-Ordered Out-of-Home (Formal) Placement
 M-Male
 F-Female

DISCUSSION

One of the most significant results of this study is the vast difference between the percentage of the prison population who were in court-ordered out-of-home placements as children as compared to the percentage of children in the general population who are currently in court-ordered out-of-home placements. At this time somewhere between .8% and 2.4% of Nebraska children 19 years of age and younger in the general population are in out-of-home placements (based on reports to the Foster Care Review Board and assumptions about the number of children on whom information has not been reported). This compares to the 30% of male and 32% of female legal offenders who were, as children, in court-ordered out-of-home placements.

A high percentage of legal offenders (59% of the males and 40% of the females) spent three or more years in court-ordered out-of-home placements. Legal offenders also reported multiple moves ranging from 1 to 15 moves among the males and 1 to 4 moves among the females.

A child who is separated from his/her family feels a sense of loss. Even if removed from abusive and/or neglectful parents for his/her own safety, a child's sense of loss upon separation often leads to depression and grief similar to that suffered upon the death of a loved one. The depression, grief, and uncertainty of the future can impair cognitive, emotional, moral and social development. If the family does not rehabilitate so a child can be safely returned to the home within 18 months, he/she is likely to spend many years in out-of-home care. Exacerbating the problems resulting from separation from the family and the number of years a child may be in care, is that fact that children in court-ordered out-of-home care are often moved from place to place. The lack of permanency and opportunity to form an attachment with one committed adult effects the development of a child, can lead to anxiety and resentment and result in disruptive or delinquent behavior.

Disruptive and delinquent behavior commonly leads to involvement with legal authorities. Legal offenders who were in court-ordered out-of-home placements as children were arrested at a younger age than those legal offenders who were never in such placements. Of the males who were in court-ordered out-of-home placements as children, 42.7% were arrested by the time they were 14 years old. Of the males who were not in court-ordered out-of-home placements as children, 17.4% were arrested by the age of 14. This is a difference of 25.3%. Among female legal offenders, 33.3% of those who were in court-ordered out-of-home placements were arrested by the age of 14 as compared to 14.3% of females who were not in court-ordered out-of-home placements for a difference of 19.0%. The data indicates that, as children legal offenders who were in court-ordered out-of-home placements were exhibiting behaviors (be they criminal or status offenses) that were more likely to bring them in contact with the criminal system at an earlier age than those who were not in court-ordered out-of-home placements.

A significant finding is that those legal offenders who were in court-ordered out-of-home placements as children were in court-ordered placements prior to their first arrest. 90 of the 126 males and 100% of the 10 females who were in court-ordered out-of-home placements as children were in care prior to their first arrest.

These findings raise the possibility that the initial and continual disruption of a child's life and failure to allow for bonding and attachment to a committed adult may lead to anti-social behavior, criminal activity and eventual incarceration.

It is important to treat these results with caution. Prisons in the U.S. are disproportionately filled with members of the lower socio-economic classes. The kinds of crime committed by members at the lower end of the stratification ladder tend to be crimes that the police and the courts prosecute, as opposed to white collar crimes which often go undetected and are committed largely by middle and upper socio-economic groups.

The poor, having fewer resources with which to defend themselves, are more likely to be incarcerated than white collar criminals who are like to be dealt with in civil rather than in criminal courts.

Thus, the difference between the prison population and general population may not be as great if the percentage of legal offenders who were in court-ordered out-of-home placements were compared with the percentage of children in the general population currently living in poverty who were in out-of-home care in 1983.

CONCLUSION

The Foster Care Review Board is concerned about the data in the prison study. From birth to death all human beings have a need for intimacy and enduring commitment, and these needs are usually fulfilled by the family. The need for an attachment to one caring adult is especially critical for children. When a child has to be separated from the family in order to ensure his/her physical, emotional and/or mental health, the needs for intimacy and commitment must still be met.

The Foster Care Review Board advocates provision of adequate resources to allow for early aggressive intervention into families with the intention of keeping the family intact. If it is necessary to remove a child from his/her home, the child must be placed appropriately. If the family does not rehabilitate (within 18 months) the system must make plans to establish permanency for the child.

The system which has been created to protect children is compounding the trauma of separation if it does not provide appropriate services and a plan for permanent placement. If the problems experienced by children in court-ordered out-of-home placements lead to behaviors that result in being incarcerated as an adult, implications are far-reaching. In that case, it is not only the suffering of children that must be dealt with, but the effects on society as a whole.

