

FOSTERED VOICES: NARRATIVES OF U.S. FOSTER CARE

A Dissertation
Submitted to
the Temple University Graduate Board

In Partial Fulfillment
of the Requirements for the Degree
DOCTOR OF PHILOSOPHY

by
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December 2019

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ABSTRACT

Critiques of the U.S. foster care system as “broken” span multiple disciplines, including journalism, social work, sociology, psychology, and legal studies. Foster care “brokenness” is poorly defined in these critiques but generally refers to how policies and practices fail to adequately help and support people involved with the foster care system. These disciplines approach understanding “brokenness” via a single problem (e.g., specific policies, inadequate prevention programs, family and community deficits) or measures of “outcomes” (e.g., the foster-care-to-prison-pipeline, low educational attainment for fostered youth, drug abuse).

This study applied anthropological methods and theories to the problem of the system’s “brokenness.” In particular, I used participant observation, semi-structured interviews, qualitative surveys, and media and historical analyses to examine foster care as a social, political, economic, and hierarchical institution comprised of the subjects of foster care, namely fostered youth, their kin, foster parents, and foster care professionals. I conducted data collection for 46 months and relied on two fieldsites: a geographic expanse of urban and rural South Texas consisting of courts, community meetings, non-profit foster care organizations, foster care training sites, and private homes, and a digital, qualitative survey with respondents across the U.S. The local South Texas fieldsite and digital field together allowed me to collect 101 narratives of foster care.

A holistic anthropological approach revealed that the premise that foster care is “broken” is flawed. The assertion of “brokenness” presumes the primary goal of foster care is to help and support families and children. Exploring what the foster care system

actually does for and to the families, youth, foster parents, and professionals involved with the institution made clear that the system's most basic function is to shape, control and reform its subjects into compliant neoliberal citizens. Media analysis demonstrates how persistent meta-narratives of foster care obscure the production of structural inequalities. A historical review illuminates how foster care has always been primarily a system for managing impoverished people, rather than a system for aiding families or protecting children. Ethnographic data elucidates how well-meaning and kind judges, social workers, and foster parents become unwitting participants in structural violence that subjugates kin and fostered youth and limits their resistance.

This work is dedicated to my parents.
Though there are many words ahead,
none can adequately express my gratitude
for all your sacrifices, and unconditional support and love.

In honor of
My mother, Karen Peaslee.

In memory of
My father, Daniel Peaslee.

ACKNOWLEDGMENTS

I would like to extend my deepest gratitude to my advisor Dr. Mindie Lazarus-Black for your unwavering support, kindness, thoughtfulness, and patience. Your meticulous and considerable revisions and suggestions were indispensable. I would like to express my deepest appreciation to my committee, Dr. Paul Garrett and Dr. Inmaculada Garcia-Sanchez, and to Dr. Caterina Roman. Anticipating your questions and challenges was critical to this work. Thank you for your insightful feedback.

I am indebted to Dr. Jill Fleuriet who has been my champion for more than a decade. Thank you for your mentorship and friendship. There are others, like Jill, who began as teachers and had lifelong impacts. This very special thank you is to you all. Dr. Timothy Brown modeled for me what limitlessness looks like and his encouragement has lasted a lifetime. Karen Mouillesseaux was the first to make me believe that I had a voice. Dr. Sue Aki's joy for anthropology and patience for undergraduate confusion deserves academic sainthood.

Thanks also to the many scholars who have bolstered me along the way: Dr. Harriett Romo, Dr. Ann Eisenberg, Dr. Bill Black, Dr. Jason Yaeger, Dr. Juris Milestone, Dr. Carrie Jo Braden, Dr. Deborah Cunningham, Dr. Beth Erhart, Dr. Raquel Marquez, Dr. Audra Diptee, Dr. Christie Rockwell, Dr. Judy Goode, Dr. Sallie Han, Dr. Rebecca Galemba, and especially Deb Wagner-Moon.

I gratefully acknowledge Sheena Sood and Eryn S. Berger for their faithful edits and recommendations during the writing process. There are simply too many fellow graduate students to thank individually for being academic sounding boards and support.

This thanks is for every meeting, casual conversation, intense kvetching session, and every word of encouragement you shared with me over the years. I hope I have returned the favor, and if not, please do not let the debt remain unreciprocated.

To my children, Jeryd and Rhiannon: You have been both inspiration and fortification. Despite what we have endured together, you remain a source of comfort and motivation and never criticize me for dragging you along on my academic journey. I am prouder of you both than you will ever know, my white-cheeked gibbon and bush baby.

To my husband, partner, and friend, Trinity: words cannot express my love and gratefulness. You have supported me even to the detriment of your own career. Thank you for defending and advocating for me, for your practical provision, and for having faith in me even when I lost faith in myself.

To my dearest friend, Melissa Levy: thank you for your unwavering friendship, and every word of encouragement and love. They are worth more to me than I can ever express. All the family and friends who supported and rallied me: thank you.

To my mother, Karen. Thank you. You germinated and watered my love of learning and have tended to my academic and personal growth through every season of my life. Thank you also to my parents(-in-law), Jack and Julie Greer. Although my father, Dan, did not survive to see me complete this work, he encourages me still.

Most importantly, I thank the many individuals subject to the foster care system. Thank you to the courageous families and children who survive contact with the system and deserve better from us all. Thank you to the professionals and foster parents who strive to make the system better through your compassion and selflessness. As a society, we can and must do better.

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CHAPTER 1

INTRODUCTION

Why Foster Care?

Public and academic discourse agree that the foster care system is “broken.” This dissertation aimed to understand how this system is broken to determine how it could be fixed. Sociology, social work, psychology, legal, and public policy scholars have applied their theoretical and methodological frameworks to various problems and questions within foster care, but these disciplines did not approach foster care as a cultural system or apply anthropological methods and theory. This project applied an anthropological perspective to the whole system of foster care, rather than individual problems within it, to understand how the system worked, if it functioned as designed, and how it was broken. Ideally, a holistic understanding of foster care would lead to specific redresses to “fix” what was “broken” within this system. “Fixes” would benefit the children and families who are subject to foster care, the frustrated workers who decry its brokenness, and the public who pays for and supports this system. I hope the results of this study can help the most marginalized and least empowered state subjects—impoverished children and their families. While society is often critical of adults who rely on welfare, I hoped to discover that Americans would be sympathetic toward children who end up in foster care through no fault of their own. After all, most people believe foster care exists for this very reason: to protect innocent children who cannot protect themselves. Not only is the foster care system a public interest, it also lies at the intersections of American ideologies, hegemony and power, and economy and poverty.

In this chapter, I introduce the rationale for what drove the initial question of this study: namely, how is foster care broken? Next, I address theoretical frameworks and how this project attends to gaps in relevant academic literature reviews. Then, research questions and goals are outlined. I describe the field sites, participants, data collection, and methods for analysis. I subsequently situate my positionality in the field. Chapter summaries follow. I conclude that despite the rhetoric of protecting and helping children and families, foster care is not, and never was, designed for that purpose. The function of the foster care system was historically and is still to manage impoverished people.

As will become clear, a survey of news headlines, sociology, and social work academic journals revealed the ubiquity of “brokenness” in foster care discourse. No one explained how it is broken. Instead, both academics and the public inferred brokenness because the system fails to accomplish (what we all generally believe is) its goal: to protect and help children, and to a lesser degree, aid families. Foster care’s failures are measured in “outcomes” in both popular media and academic publications. Examples of bad outcomes included: children who die or are (further) abused or neglected in their biological homes, foster homes or institutions; children who are not reunified with their parents; children who are not adopted; low educational attainment for children; youth who “age out” of foster care and are more likely to be teen parents, homeless, jobless, addicted, and incarcerated; parents who fail to meet court requirements to regain custody; poor foster parent recruitment and retention; and high levels of social worker turn-over. All of these “outcomes” measuring the system’s “brokenness” began with the assumption that foster care’s primary purpose is to protect and help children and families.

When I asked study participants, and even people not involved with the study who were curious about my work, what they believed the purpose of foster care was, they gave me some version of that explanation. Children, foster parents, and professionals said it was to protect and help children; parents and kin of fostered children said it was to help children and support families. When I asked the same people whether or not they thought foster care did protect and help children and families, they all said "no." They cited that list of adverse outcomes above as proof of failure. When I asked people *how* foster care worked, they instead replied that it did not work. I needed to understand how it did work—because the foster care system does have effects as this list of negative outcomes reveals. Using grounded theory to frame the data collection and fieldwork experience, I did not begin with the assumption that foster care's function was to protect and help children or aid families. Instead, adopting a phenomenological approach allowed the data to demonstrate how foster care functioned through the lived experiences of the children, families, and professionals who were the system's constituents.

Literature Review

Theoretical contributions to this dissertation consist of three overlapping domains: (1) historical (and to a lesser degree cross-cultural) understandings of fosterage; (2) intersectionalities of fosterage, family, and governance; and (3) the anthropology of childhood. I also address specific gaps in the anthropological literatures within each of these three theoretical domains. Here, I discuss these in greater detail.

First, I examined anthropological understandings of fosterage across time and place. Exploring the history of fosterage revealed that modern foster care derived from

European traditions of fosterage and indentured servitude brought with early American colonial immigrants. I discovered that unlike other cross-cultural, non-Western fosterage traditions described by anthropologists (e.g., Parkes 2004; Archambault 2010; Andres 200; Donner 1987; Keesing 1970), from its importation to America, the foster care system was never a means of expressing kinship and social obligations. Historical and modern policies and practices showed that formal fosterage in the U.S. was always and continues to be a response to public fears about indigent children who could become a threat through vagrancy and crime.

Attitudes and beliefs carried forward through time continue to shape behaviors toward families and children subject to foster care. These beliefs about fosterage are visible in historical chronicles and popular media, such as television, news, social media, and films. I learned that popular understandings of foster care reflect traditional beliefs about children and families in foster care, not facts based on statistical reporting or actual policy. In other words, public attitudes about impoverished families reflected historical and cultural biases, not evidence of foster care experiences or statistics.

While anthropologists have attended to fosterage in other countries (e.g., Payne-Price 1981; Notermans 2008; Alber 2003; Isaac and Conrad 1982; Keesing 1970), anthropological studies of U.S. foster care are limited. Hughes (1987) challenged the notion of the “best interest of the child” in child welfare as a violation of cultural rights. Brown and Rieger (2001) examined how child welfare policies are culturally (re)interpreted for Alaska Native children and families in foster care. Swartz (2005) offered an expansive ethnography of a non-profit foster care agency as a proxy for the state. Silver explored the hierarchical and bureaucratic relationships between social

workers and their child welfare clients (2010, 2008). Scherz (2011) revealed the uselessness of actuarial risk-assessment in child welfare. Explorations of differences between representations of fosterage in powerful, affluent countries from those in countries still recovering from colonial interference were wanting. Anthropological studies of fosterage in colonial and post-colonial countries emphasized fostering as a means for impoverished families to flexibly manage kinship and social obligations and economic needs (Payne-Price 1981). Individually, these studies looked at fosterage in colonial and post-colonial settings, rhetoric in child welfare practice, policy impacts, and state power deployed through child welfare. None of these studies, however, offered a holistic, institutional approach to foster care. In contrast to practices in colonial and post-colonial settings developed to support kinship, fostering in Occidental countries has evolved into a state managerial system of impoverished families. This dissertation explores fosterage in the cultural context of U.S. affluence, its public and academic discourses, and the effects of its policies and governance to understand how it functions.

Second, I reviewed literatures that examined the relationships between systems of kinship or family organization and state governance. It was critical to understand how families are governed by the state because the need for fosterage is part of larger kinship and social organization. Traditional anthropological studies of kinship and family organization attended to socialization within kin and familial structures (e.g., Mead 1928; Radcliffe-Brown 1941). Later scholars resituated kinship in discourses of power and reimagined the boundaries of kin beyond biology (e.g., Franklin and McKinnon 2002; Schneider 1980; Schneider 1984; Strathern 1992; Strathern 1995; Peletz 1995).

With few anthropological examples mentioning formal fosterage in relation to family and state governance (e.g., Scherz 2011; Silver 2008; Rodriguez 2016; Leinaweaver 2008), which are often concerned with Indian child welfare exclusively (e.g., Brown and Rieger 2001; Navia, Henderson and First Charger 2018) and outside the U.S., I looked to complementary literatures to make sense of fieldwork data. For example, I knew foster care resembled other systems of welfare. However, unlike other forms of sought-out welfare support, families did not choose to participate in foster care—they were dragged into it. Yet it was initially unclear how punishing these families served the state or society. Eventually, I understood foster care was a means to teach impoverished parents and children how to adopt middle-class norms or to make them examples to other families who also did not embody middle-class norms.

Anthropological contributions to studies of U.S. poverty (e.g., Stack 1974; Morgen, Acker and Weight 2010; Goode 2009; Fairbanks 2009; Goode 2010; Goode and O'Brien 2006; Collins, di Leonardo and Williams 2008) offered further context for data in this study. Models for understanding institutions (Douglas 1986; Ferguson 1990; Fisher 1997) and bureaucracy (Graeber 2015; Shore and Haller 2005; Strathern 2000) demonstrated the power and impact of institutions for disseminating hegemonic ideology (Abu-Lughod 2004; Askew 2002; Boyer 2012; Dornfeld 2002; Habermas 1991; Bourdieu 1977), often through violence (Lazarus-Black 2007; Scott 1990; Galtung 1969; Bourgois 2001; Scheper-Hughes 1992). Participants in my study experienced the impacts of this violence and coercion to change a citizen's *habitus* (Bourdieu 1977) as embodied. Finally, examples of state governance through family (e.g., Foucault 1991; Donzelot 1979)

explained how state power worked through both the institution of foster care and kinship organization.

While anthropologists have more thoroughly explored state power through other welfare systems and intersections of the U.S. state and poverty, specific examples of governance *through* families and in the U.S. were lacking. My study addresses this gap in the literature by looking at governance through the domestic sphere in the U.S. This dissertation explores how fosterage functions in the cultural context of U.S. affluence, its public and academic discourses, and the effects of its policies and governance.

Third, studies of the anthropology of childhood (e.g., Montgomery 2009; Bluebond-Langner and Korbin 2007; Christensen and Prout 2005; Schwartzman 2001; Hirschfeld 2002) and anthropological studies of liminality and becoming (e.g., Van Gennep 1960; Turner 1967; Lesko 1996; Christensen and Prout 2005; Montgomery 2009; Goodwin 1997) usefully situated how the identities and habitus of children and impoverished families were reconstructed by the state. Adult attention to what children become devalues their current personhood and limits their agency. The rights of impoverished parents are stripped away through legal processes and they are subjected to rites of passage to prove their worth and fitness to parent their own children. Foster care is a central site of deconstructing and reconstructing social identities through state power. Foucault (1991) offered the best explanation for how foster care shifted its attention from orphaned and destitute children to changing the habitus of both children and their parents. Finally, theorists of neoliberalism demonstrated how economics motivate the state to compel impoverished families to change their behaviors (Brenner and Theodore 2002;

Harvey 2005; Mudge 2008; Ong 2007; Ortner 2017; Rose 2006). This brings us full-circle, back to theories of poverty in the U.S.

Despite a strong narrative sentimentalizing children (Zelizer 1985), Americans fail to resolutely protect and aid children (that are not their own kin), including those in foster care. I sought to understand the mismatch between the American ideal of protecting and helping children and how the American public generally ignores fostered children, rather than help or protect them. This failure to attend to fostered children's needs loosely complements other patterns of adults silencing children. Silencing sometimes results in violence against children, but always denies their agency and social contributions (e.g. Schildkrout 1978; Chin 2003; García-Sánchez, Orellana and Hopkins 2011; Stephens 1995; Scheper-Hughes and Sargent 1998; Korbin 2003; Bucholtz 2002). I expected to see the collective care for "America's children" actively working to make fostered children's lives better. Instead, examining beliefs in popular media revealed that the general public is most concerned with preventing children from becoming a threat to societal order. I learned foster care only intervenes with children who are perceived as dangerous or children who are perceived as in danger. This intervention aims to turn them (and their families) into more "productive" citizens.

In summary, the literature review revealed three gaps relevant to anthropological understandings of foster care. First, fosterage is underexamined in modern, affluent countries. This study gives a perspective on fosterage among economically disadvantaged families in a modern, affluent, Western country. Second, foster care is an original site to interrogate state governance through families and the domestic sphere. This research adds to limited studies of family governance through a neoliberal and bureaucratized welfare

institution. Third, we lack explanations for the mismatch between the American cultural ideal of protecting children and foster care's failure to do this. To scholars in the anthropology of childhood, this study provides examples of socialization, subjectivity, and resistance in a society that purports to value children but is effectively silencing youth using formal and informal strategies. Addressing these lacunae, this study aims to: 1) reveal how foster care is "broken" in order to help marginalized families and help children subject to it; 2) explain how families are governed through foster care and the impacts of this governance on them in a Western, affluent country; and 3) explain the gap between a cultural ideal and social practice.

To figure out how foster care was "broken," I hypothesized power ran along multiple axes: vertically through hierarchies of state and institutional power and both vertically and horizontally between the subjects of foster care. I also needed to understand what people thought foster care did and observe what it actually did. Setting aside as many of my own "native" cultural assumptions and biases as possible, I applied an etic anthropological lens as if I were observing a cultural "Other." A phenomenological approach sent me into multiple field sites to learn what the constituents of foster care could tell me about how the system worked and how and why it was "broken."

Field Sites, Methods, and Study Participants

Preliminary fieldwork began in September 2012 and continued through April of 2013. For those seven months I built rapport within the South Texas foster care community of professionals, foster care alumni, and to a lesser degree, foster families.

Data collection began in April 2013 and continued through to February 2017, for a total of 46 months. I relied on several different approaches and mixed methods. These included participant observation, semi-structured interviews, qualitative online surveys, media analysis, and an exploration of foster care history and policy. Multiple methodological approaches suited the multi-sited and complex nature of this institution. Data analysis consisted primarily of inductive thematic analysis of interviews and data obtained during participant observation. Additionally repetitive patterns of behaviors, perceptions, beliefs, and experiences emerged from historical and media analysis.

Participant observation and interviews were collected in a region loosely described here as South Texas. In bounded geographic terms, this area is defined as everything in the state south of Austin and extending to the western border and to Houston. San Antonio functions as a sort of regional hub for most of this south-central and southwestern area. Participants lived and worked as far from San Antonio as Brownsville (270 miles), Laredo (160 miles), and Del Rio (160 miles).¹ Such a vast geographic region was critical to protect the identities of participants. Also, youth who are unfortunate enough to get moved around often tend to live all across the state, especially if they moved between institutional facilities, rather than family homes.

Given that the foster care system experiences can vary significantly from one U.S. state to another, why Texas? As I contemplated fieldsites, Texas foster care came under a firestorm of public outrage as a series of news stories about children who died or suffered because Child Protective Services (CPS) left a child with an abusive parent or foster

¹ Texans have an atypical sense of “local” or “not far.” Trips from San Antonio to “the Valley” (along the U.S.-Mexico border along the Rio Grande/Bravo) or Gulf Coast beaches are frequent undertakings and not considered long drives by local standards. My travel from San Antonio to typical fieldsites in smaller cities or rural areas averaged 2.5 hours one-way. The closest site outside of San Antonio was a 40-minute drive.

parent. A respected, moderate Texas newspaper called its state's foster care a "hellscape" (Logan 2017). Texas, then, was ideal to understand what constituted a "broken system."

Although I visited dozens of discrete agencies within the region, most of the participant observation took place within four different agencies. Two of them had national representation, and two were local-level agencies. To protect participants, I say little about the individual agencies. Each agency focused on providing particular services to fostered youth, their kin, or foster parents. One agency helped foster care alumni find resources in education, housing, and employment. Another agency primarily subcontracted cases from the state and managed its own foster parents and fostered children. A third agency particularly helped improve educational outcomes for youth who were still in foster care and those who had aged out. The fourth agency focused on mentorship through difficult times in and after foster care. All of these agencies provided additional services that overlapped with each other.

Significant participant observation also occurred in settings that I visited less frequently but, which, added together involved a substantial amount of time, such as my observations of courts. I participated in events as varied as professional training courses, coat and blanket drives, college readiness events, toy drives, holiday parties, career fairs, job workshops, aging-out seminars, and youth leadership conferences. I traveled to conferences, meetings, and training all over the region hosted by agencies, the state of Texas, or large national groups like CASA National Program or The Annie E. Casey Foundation.²

² CASA is the formal name of the organization derived from its acronym for Court-Appointed Special Advocates and Guardians ad Litem. The Annie E. Casey Foundation, or simply Casey, is a national organization helping disadvantaged youth. Foster care programming is one aspect of what they do.

By the "subjects of foster care" I refer to four general groups who are each subject to the beliefs, power, policies, and practices of the foster care system and governance that occurs through it. Each has different levels of power and agency, and I talk about them in horizontal relationship to each other because individuals from these groups have regular interpersonal interactions. However, there is also certainly hierarchical power at work between them. These four groups made up of individual actors emerged with divergent needs, goals, and interests: (1) professionals, such as social workers, judges, lawyers, and volunteers working within foster care; (2) foster parents (not generally seeking to adopt a child from foster care) and "fost-adopt" parents (those specifically fostering with the aim to adopt); (3) the biological families or kin of children in foster care; and (4) fostered children, youth, and alumni. These four groups encompass most of the individuals who interact with foster care.³ Their needs and desires often conflict. Their beliefs about each other reveal a great deal about the functions of foster care. It became apparent during the early phases of study design that I could only achieve a holistic understanding of the inner workings of the foster care system through the perspectives of these various institutional actors. Next, I detail the characteristics of each group of participants in this study, beginning with professionals who work in foster care.

I refer to the individuals comprising the first group of foster care subjects as "professionals." Foster care professionals act in a variety of roles representing the state, but also in their own interests and goals. As such, I will discuss each—judges, lawyers,

³ Police officers, external non-social worker mental health professionals or private therapists, school officials, and clergy are examples of professionals who have less extensive interactions with individuals involved with foster care.

agency administrators, social workers, policymakers, and youth advocates and volunteers—separately.

Judges are categorical outliers among professionals because of their unique power. About a dozen judges were serving in the Child Protection courts in counties I visited most often. Judges interpreted the goals of this study differently, and that shaped their interactions and participation. One judge insisted that as a public figure, he would only participate on-the-record and another, "Judge Pope," allowed an interview with a pseudonym. Most judges ignored study queries, likely over concerns about being recognized. For this reason, my discussion of courtrooms is vague. I conducted about ten hours of on-the-record participant observation inside four open courtrooms in different counties. Another approximate 20 hours were spent in public areas outside courtrooms. One court was considered innovative and progressive, and another traditional and conservative. Judges, by far, are the most powerful figures in the foster care process. They are least confined by bureaucratic checks and balances. In various ways, all the other professionals are organizing their work around the judges' power and decisions.

No lawyer agreed to an interview. Several scheduled interviews and later excused themselves. One did a partial phone interview, then decided to withdraw consent to participate. However, about a dozen lawyers consented to participant observations in courtroom and training settings. In conversation, lawyers often characterized Child Protective Services (CPS) as their courtroom nemesis. The common complaint was something like, "CPS leaves kids where they shouldn't and takes them when they are already in good homes." This generally applied to "good," or good-enough, kin homes and to foster homes. Similarly, therapists were reluctant to participate. Both of these

groups rightly claim confusing loyalties and shared concerns about overreaching and oversharing what might be considered confidential information, even from old cases. They suggested I look at public records to support participant observation data.

Agency administrators in non-governmental organizations (NGOs) and administrators in government subcontractor agencies were some of the most insightful professional interviews because they had typically worked in a variety of child welfare positions. People in leadership positions seemed more excited and less fearful to share with me. Likely, this was because they were less structurally vulnerable. Organizational administrators are only moderately represented in participant observation data because they more often sent liaisons to represent them in the meetings I typically attended.⁴

Social workers are a complicated category of professional because they work in such a variety of contexts. Although social workers can be administrators and bureaucrats, I use the term to indicate those whose work most directly with families and children. Social workers can work outside foster care (e.g., in schools, community centers, hospitals). The social workers who participated in this study worked in a variety of private sector agencies and NGOs who work specifically with foster care populations (e.g. families, foster families, training other professionals, youth), but also schools and child protective services (CPS).⁵ These social workers did a variety of work in those

⁴ For example, I took notes at community meetings for regional foster care stakeholders and at meetings for agencies attempting to win a grant for foster care programming. I was included at daily, weekly, and monthly staff meetings at the four main agencies with whom I worked. At these meetings, staff often took advantage of with my familiarity with foster care research or ability to find research to aid their goals. Sometimes I attended staff training. Agencies occasionally asked me to answer phones or make clients comfortable when they were under-staffed, as well. I often shared in community meals and milestones or holiday celebrations at the four main agencies.

⁵ Different states use different terminology for administering child protection. I use Children Protective Services (CPS) as an umbrella term for these agencies. For example, the Department of Family and Protective Services (DFPS), Department or Division of Children and Families Services (DCFS) are all equivalent names for the same department in different states.

different spaces. Some were *case investigators*, who research alleged cases of abuse or neglect and remove children from their families. Some were *caseworkers*, who are assigned cases (that is, children) and meet with foster families, kin, and youth to determine if children are in safe placements. Caseworkers, ideally, act as advocates for the children in their caseloads. Some social workers conduct training, such as parenting classes, CPR and First Aid, how to find jobs or get into college, and tutoring services. Several social workers I interviewed worked in foster care placement agencies (sub-contractors for the state) or that helped aging-out youth get access to educational and transitional assistance like housing. Social workers may also be caregivers or counselors in institutional settings like Residential Treatment Centers (RTCs) or group homes. Perspectives from mental health professionals in this study were all social workers. Participating social workers, despite variable work contexts, held consistent beliefs about their work and the other participants in the system based on differential experiences. I spent significantly more time among social workers than other types of professionals, both in interviews and during participant observation. They are the foundation of the system, doing the brunt of work emotionally and physically. I spent between ten and twenty hours a week within those four different agencies (mentioned above) for more than two and a half years. Most weeks I spent two or three days in one location and then the remainder of the week at a different location. A typical week consisted of 30 to 50 hours of participant observation and interviews at one of the four agencies or various courts, plus travel.⁶ Large events and conferences were usually on weekends. For example, I attended several regional, state, and national conferences sponsored by the

⁶ I spent another 10 or more hours per week maintaining the website, corresponding with digital participants, and going over survey data, discussed later in this chapter.

state, NGOs, or private organizations networking professionals or offering training to professionals and keeping their licensing continuing education units (CEUs) current. Conferences often had a theme like education, health care, mental health, or working with foster families or fostered youth, and were fundamentally focused on novel approaches, best practices, problem-solving foster care issues (e.g., appropriating funding, knowing at-risk factors like homelessness or sex trafficking), or sharing resources (e.g., grant writing support, connecting youth or families with resources). Some events were strictly for social workers in the field of child welfare while others brought together volunteers, teachers, experienced foster parents, professionals, and legislators.

Professionals also posed research challenges. Building rapport in the field was particularly challenging. At times, people thought I was an auditor or another outsider there to make somebody's job harder. At other times, I was perceived as a potential threat to job security. Only time assuaged their suspicions and, often, some employees remained simply off-limits because of their suspicion that participation could put their jobs at risk. This was especially true of government-employed (CPS) caseworkers. Because their perspectives were so critical, I interviewed instead prior state caseworkers. Locating past employees was laborious and time intensive. The impossibly busy schedules of professionals meant they canceled and rescheduled often. Many more canceled without rescheduling. This may also have been partly due to their seemingly endless confusion about who I was, where I was from, and why I was there. Many could not understand how what they knew could be of value and declined to participate on those grounds. Many thought that my primary need was for them to point me to foster families and youth to interview and that they were not potential participants. While professionals were often

accommodating and very well networked, they also required me to reassert my positionality as researcher the most often to remind them, foster parents, kin, and alumni that I was not a social worker or part of their organization myself.

Of course, policymakers are a kind of professional too—only a few are mentioned in this study and strictly as they appeared in settings in their professional capacity, such as their participation in public speaking engagements. Professors or instructors of social work are also professionals who were outside the scope of this study. Their perspectives can be found to a degree though in my analysis of social worker educational materials.

I also encountered many volunteer paraprofessionals like Guardians ad Litem (GALs) or Court-Appointed Special Advocates (CASAs). These volunteers primarily advocate for fostered youth. Volunteers were most often working or retired schoolteachers, lawyers, therapists, law enforcement, and clergy. Like social workers, these volunteers receive regular, state-mandated training, tend to come from the same socioeconomic class, and have similar education levels as other professionals. Volunteers function as state experts in ways similar to other foster care professionals. As Susan Brin Hyatt (2001) argued, citizen-volunteers increasingly maintain the public sphere while simultaneously legitimizing the state under neoliberal policies.

Professionals have the most agency to act upon other groups, but not all professionals have the same amount of power. As I have noted, judges have considerable freedom and power. But caseworkers and investigators tend to be highly constrained by precise and inflexible policies and standards. Because professionals work with families and youth in so many different ways, it is at times difficult to identify how they could share cultural beliefs and practices. Nonetheless, patterns emerged.

The second group of foster care subjects are foster parents. Foster parents are quasi-professionals in that they are agents of the state, but also are not technically employees. Legally speaking, foster parents are volunteers who receive a reimbursement for the costs of caring for children who are wards of the state. Foster parents imagine themselves as rescuing indigent children, generally. Foster parents can be placed in three rough categories. The first and largest category that revealed itself consisted of working-class families who were looking for ways to subsidize stay-at-home parenting of their biological children. These families tended toward thrift and the homemakers, usually mom, but sometimes dad, were gifted at stretching dollars. The second category of foster parents was middle-, upper-middle or even, occasionally, affluent. They characterized their choice to foster as one of salvation or civic responsibility. For religious parents, as many foster parents were, there is a deeper meaning as well in that they aimed to both rescue the children and meet religious ideals of charitability. Charitability is a thread of discourse for both working class and more affluent foster families. The third category of foster parent, which can be working- or middle-class, consisted of individuals hoping to adopt fostered children. These *fost-adopt* parents were the most varied group. In addition to more socioeconomic diversity, they were also more likely than non-adoptive foster families to be single parents or same-sex parents. Among *fost-adopt* parents, salvation discourse may describe not only rescuing children, but also a sense that the parents were rescued by the children, making kin through family completion. All foster parents tended to imagine themselves at cross-purposes with both the state's workers and with their fostered children's kin.

Foster parents were often present at events and organizations where I conducted participant observation and eager to talk to me in those settings, but difficult to schedule for interviews. These included social events like picnics that brought foster families together so they could support one another. There were workshops and trainings for disciplinary strategies for teens “from hard places” or who were “acting out” and helping youth navigate college applications and funding. However, foster parents were often concerned about trying to do an interview with children underfoot, so to speak. Foster parent schedules were as demanding as professionals and more than many non-foster parents because of the additional rounds of appointments they are required to keep on behalf of their fostered children. This too was likely a factor in the fewer-than-anticipated foster parent participants. They were also skeptical about protecting their fostered children, legal ramifications of being involved with the study, and having fostered or adopted children overhear interviews. As a result, only one foster parent kept her scheduled interview. Therefore, most of the data with foster parents come from participant observation and from the online survey, described later in this chapter.

Foster parents are constrained in the ways they are legally able to parent. They are heavily surveilled by the state. They are often the face of the state in interactions with kin and fostered children that lead to foster parents being resented. Foster parents’ choices tend to be constrained to following the rules. Failure to comply with any bureaucratic oversight typically has swift and severe consequences. Foster parents have significant responsibilities but limited agency.

The third group of foster care subjects were family members of children who enter foster care. I use the term “kin” for the blood relatives and fictive families of

children who were in foster care, typically biological parents or grandparents who were formal or informal caregivers. Kin, sometimes called biological families in the academic literature and in foster care lingo, reported to me that being referred to as the biological, or bio, family is offensive. A blogger who dedicated her time to helping kin fight for their children made a friendly note on an email exchange. “FYI,” she wrote, “regarding your website—the term ‘bio family’ is a term used by foster parents and is considered derogatory to the people I serve. Parents prefer to be called the ‘family’ or ‘natural family.’” I immediately changed the language on my website. However, continually referring to “natural family” and “foster family” could be confusing for readers, and also excludes important fictive kin like stepparents or close friends. I chose an anthropological term to cover the broadest meaning. Most kin participants were working-class, or impoverished, and White. As I will show, more often than not, their children entered foster care because of neglect resulting from poverty, rather than abuse. A couple of kin participants in my study were, however, either middle-class or professionals in terms of cultural capital (Bourdieu 1977); they were not financially well-off.

I anticipated during study design that building rapport and even meeting kin, in person, would be unlikely. As I explain later in this section, I developed a qualitative survey with national distribution to gather experiences from this important group. Forty of these in-depth surveys met study inclusion criteria. While there are no local fieldsite interviews with kin, I was surprised at how often kin attended events with foster care alumni. After leaving foster care, most fostered youth seek relationships with kin (though not necessarily their parents) from whom they were separated. Older siblings who were like parents, for examples, attended many functions. The types of occasion that kin

attended were usually oriented toward helping youth navigate adulthood (e.g., workshops for college preparation, health care rights and access, parenting classes) or were celebrations of family, such as holiday parties, graduation parties and baby showers held by a fostering agency for a former or current fostered youth. Therefore, kin feature more in my participant observation than I initially hoped.

As word spread about the research website, a pattern with the kin who participated online emerged clearly and quickly. Kin were outraged at how they had been treated by "the system" and how their children had been treated. Although their children entered foster care for a variety of reasons, all were in some way connected to poverty. Very few kin strayed from a common set of experiences: judges deaf to their input, caseworkers out-to-get-them who plant or ignore evidence to disadvantage kin, and persistent allegations of systemic corruption. I suspect that the kinds of websites and blogs that shared information about my research site were geared toward kin who already believed they had been cheated by the system. While the data collected may be biased toward those who had particularly negative experiences, it does not negate the validity of their narratives. Indeed, it suggests that these voices especially wanted hearing.

Unsurprisingly, then, most kin had minimal agency. In Chapter 2, I demonstrate how stereotypes about impoverished families actively work against kin. These stereotypes are reified through public and media repetition. I elaborate in Chapter 3 how the premise of foster care is that the state knows best and, using the legal justification of *parens patriae*, exercises its authority to challenge the behaviors of parents.

The fourth, and final group of foster care subjects are the children and youth who are fostered. All study participants were over age 18 and consented to study participation.

However, alumni often discussed experiences as minors, and adults talked about children previously in foster care. *Alumni* are individuals who were formerly in foster care that either "aged out" or were reunified with kin, who were still legally in foster care but also consenting adults, or who were adopted out of foster care. Across multiple local field sites, I conducted semi-structured interviews and participant observation with a core group of 17 fostered alumni. These participant observation core alumni were White, Black, and Hispanic (mostly of Mexican descent), in roughly equal numbers, and slightly more females than males. Of all foster care alumni who participated in interviews, the online qualitative survey, and participant observation, roughly half of the alumni were White, and the ratio of females to males was about 2:1. Most alumni came from working-class or poorer families. Participant observations also included countless additional foster care alumni across additional one-time events sponsored by organizations in addition to the four main agencies described previously. For example, I met alumni and conducted participant observation at various public volunteer activities, and through agencies in foster care work. I helped out at college preparation events and chaperoned college tours and sporting events, such as a group trip to a professional basketball game. I made hamburgers at foster family mixers and picnics and then shared meals with the families. I was a volunteer college and G.E.D. tutor. I helped aged-out youth edit or draft resumes and college application essays. I attended empowerment and women's safety/domestic abuse seminars. I did arts and crafts with youth or played cards with them in while they waited for appointments with social workers. Events outside the four main agencies I primarily worked with were varied but tended to be either informational or social in nature. Regardless of how formal or informal the events were, agencies sponsoring the

events aimed to ensure that youth had chances to learn new skills and information, interact socially with other fostered youth, and relax or have fun.

At these varied events, I verified participation through an opting-in process for participant observation, and interviews as well. I explained who I was, why I was there and obtained consent before including any observations in field notes. To ensure youth never felt pressured by professionals to participate, I reconfirmed alumni understood that participation was voluntary. I offered just to make small talk if they did not want to participate so that no one knew who did or did not participate. Those conversations were not data and were never included in field notes or other data.

I refer to youth, children and alumni in this study as *fostered* rather than “foster children.” To invoke “foster kids” is to reduce individuals to a population reified by essentialized traits. Those traits include being poor, being a child of color, being emotionally unstable and “damaged” and being criminal and dangerous. “Fostered children” on the other hand, refers to minors who were in foster care and makes no claim of a unified identity or experience. I confine the use of “foster kids” or “foster children” to quote other sources or to conjure the reified image of damaged or dangerous children.

As a researcher, a particular challenge to my relationship with fostered youth developed early. To be useful and build rapport, I began doing small favors: offering rides, lending my cellphone, mailing packages, passing along used baby items, and sometimes buying lunch. I was quickly warned off all these behaviors by both professionals and alumni.

The professionals warned me about the burdens of emotional and financial over-involvement. “Nikky,” one social worker admonished, “you have to quit taking the kids

to lunch. They'll bleed you dry. You're a student! And once word gets around, you'll be stuck with not only alumni but their families too." I insisted I could refuse if I wanted to, but that I did not mind if they were taking advantage of me. The social worker shook his head at me. "You'll be sorry." A passing female co-worker added, "He's right!"

Alumni had slightly different concerns. "Miss, can I speak with you, private?" A young woman I had previously interviewed pulled me into an unused office and slid the door almost completely shut. "I know you're a nice lady, but you gotta know that giving people rides and stuff isn't right. That boy you helped last week. He sells drugs. If he was carrying when you gave him a ride, you're an accomplice to deal." I tried to interject, but she cut me off. "Miss, I'm telling you, it isn't safe. It's not just him. Like that girl out there, you know she carries [a gun] all the time? In her bag. We get mixed up in some shit. We don't mean to drag people down, but we do. You know we bad."

Within a few weeks, I let them convince me. I saw suspicious behavior where there was probably no harm. Instead of offering rides and going to lunch, I helped alumni write college applications, study for continuing education or G.E.D. exams, or watched their babies while they met with agency professionals. The barrier of suspicion that professionals and youth put between us was frustrating. Note, for example, the above use of "Miss." Youth often lumped me in with professionals working at the various agencies. I was continually asserting my identity as a third-party researcher. Both professionals and youth often perceived me as belonging to the groups of professionals.

As I will demonstrate in Chapters 4 and 5, of all the groups of foster care subjects, the agency of fostered youth is most constrained. As minors, they have few legal and social rights. Many foster care policies and practices are targeted at controlling youth behavior,

monitoring and surveilling them, and auditing their “outcomes.” Youth consistently lamented voicelessness—everyone talked about them, but adults rarely solicited their opinions. When the youth complained about problems and inequities, adults ignored them. All of the other groups—kin, foster parents, and professionals—hold power over youth. Despite the range of circumstances that lead youth to end up in foster care, they all lacked agency.

In addition to in-depth semi-structured interviews and participant observation, textual and media analysis provided additional information about how professionals and the public conceptualize foster care. I examined professional and government documents and media designed for internal foster care use for concepts and themes. These texts included: recruitment pamphlets and media, training documents and videos, practices and procedures, professional standards and social work texts and training, at every level of foster care work. These texts are evidence of how professionals and participants in the system are socialized and enculturated to think about their work and about each other. In part, they explain patterns of beliefs revealed in and across professionals’ speech acts.

I also analyzed popular media to understand how public perceptions of foster care and its participants are shaped. These texts included: news stories, magazine articles, books, websites, television shows and films, and social media. Media type and the intended audience influenced emergent themes. For the layperson lacking firsthand or even secondhand experiences with foster care, popular media shapes the way they think about foster care more than any other source.

The history and policies of foster care ground public and professional understandings and structure the system. These were examined for their impacts, past,

and present, on actors from each of the perspectives represented in foster care. Local, state and national policies impact individuals' everyday lives. Public perceptions and beliefs shape those policies at every level. Resistance to policies exacts a heavy price on most subjects of foster care. Fostered youth have recently begun to find success at speaking back to the government through networks of alumni. Additionally, it is worth noting that "institutions" includes the many contractors, subcontractors and non-governmental organizations (NGOs) that work with the states and national government.

Foster care research is notoriously difficult because youth are continuously on the move. Professional and foster parent turn-over is also rapid and widespread. Adoptive parents tend to stop fostering as soon as they have adopted. This made participants hard to locate. To supplement the local field project and increase study reliability, I sought a way to collect narratives from other contexts. A *qualitative*, online survey offered a somewhat novel approach, in anthropology at least, to this conundrum. I developed surveys for this method and designed the website to collect the data. By advertising online, networking bloggers and other digital content providers, the word was soon out, and internet traffic to the website (www.MyFosterCareStory.com) commenced. Most months nearly one hundred people visited the site. Usually, somewhere between five- and ten-percent of those, per month, began a survey. The website collected qualitative surveys for 43 months, from April of 2013 through November 2016. The website is still maintained. The stories of some participants, who opted-in to have their stories de-identified and published, are available on MyFosterCareStory.com.

During digital data collection, individuals who navigated to the website could click a link that took them to a survey site. A few demographic questions were followed

by several open-ended qualitative questions that paralleled questions asked in local interviews. Respondents could type as little or as much as they liked. There were obvious disadvantages: I could not ask follow-up questions, they sometimes misunderstood the meaning of a question and did not answer it as asked, and sometimes they chose to skip questions, or answered them incompletely or incomprehensibly. They were asked to opt-in to have their stories shared, with details and names altered, on the website. The website was highly useful for gathering kin stories. Kin, as I suspected, were difficult to locate for local interviews. Not only was the national website successful for gathering the narratives of the hardest-to-locate participants, it also significantly supplemented my interviews and participant observation for alumni and foster parents (see Table 1).

Table 1. Qualitative Narratives Collected by Source

	<u>Local In-Depth Interviews</u>	<u>Digital Qualitative Interviews</u>	<u>Total</u>
Alumni:	17	26	43
Professionals:	7	0	7
Foster Parents:	1	10	11
Kin:	0	40	40

A potential limitation of the national qualitative survey was that it is possible kin who most sought to participate were disgruntled with their experiences at a higher rate than kin who interacted with the system more generally. If the data is skewed, the kin participants still offered a range of experiences with both differences and commonalities in the ways they were marginalized or mistreated by the system. Low website participation by professionals was not problematic because local participation for professionals was better than expected. Foster parents and alumni were attracted to the

website. Many more digital qualitative surveys than anticipated were gathered for all groups, except professionals, as a result.

The region of South Texas presented itself as a “local field site” that includes several sites (agencies, events, and families) within it. Texas foster care, however, is not representative of foster care in all U.S. states. Since Texas policies, practices, and populations differ from other states one must assume that experiences will vary across states. Importantly, South Texas has an uncommonly high Hispanic/Latino and primarily Mexican American population that should alert us to potential differences from areas that have higher populations of Whites or Blacks, Native American/Native Alaskan children and other ethnic or racial groups. Moreover, my data is not evenly distributed between urban and rural areas. Several large towns and small cities are represented within the data, alongside large cities and some rural data. The national survey website offers one means of trying to overcome some of the local biases and to look for broader culture-of-foster-care experiences.

In short, this study encompassed nearly four years of multi-sited fieldwork. I collected 76 online qualitative surveys. In South Texas, I conducted participant observation in a variety of settings and semi-structured interviews with 25 participants, mostly fostered youth. Finally, I reviewed professional texts, training manuals, popular media, and the history of fostering and related policies and practices in the United States.

Research Positionality, Lessons, and Burdens

Anthropologists seek to embed themselves within a society or cultural phenomena to translate the beliefs of a group to people outside that group. Next, in the tradition of

making my positionality clear during fieldwork, I discuss three situations that had significant impact on this fieldwork.

First, as mentioned above, I had to regularly remind professionals and foster care alumni that I was an independent researcher. This meant continually asserting myself as a third-party to professionals and reminding youth I did not represent any agency involved with the foster care system. Making my role clear on the website was even more difficult. A significant and unforeseen development of using the website to collect additional data was that some individuals reached out to me asking me to help them personally.

Kin and foster families from all over the country sought legal advice or wanted me to participate in their court cases, advocating on their behalf. Alumni and underage youth in foster care begged for information and support. Several young people reached out to me via email telling me they were suicidal or in danger. I gave them whatever resources were at my disposal—patching them into suicide hotline chats or giving them local and national numbers to call for help. In contrast, this kind of thing never happened at the local fieldsite, perhaps because participants were already connected to resources. One of the most peculiar incidents was a young man reaching out to me from Africa. He begged me to adopt him and his brother to bring them to the U.S. I will never know if the young man was sincere or if it was an internet scam, but I explained I was unable to help and gave him a long list of resources he could pursue.

I was prepared for individuals seeking mental health support. However, I was unprepared for the extent of appeals seeking legal advice in different states or someone pleading with me to adopt them personally. I did my best to pair them with appropriate resources—such as legal counsel in their state and organizations for asylum seekers.

Going into the field, I had imagined myself as outside the realm of foster care influence and assumed others would see me the same way. Instead, they primarily saw me as an insider with unique access to knowledge and power. It was humbling and challenging to handle these situations. I managed them by being as helpful and as diplomatic as possible. These experiences demonstrated to me how the political is personal. Study participants refused to let me merely make observations and ask questions. They demanded I take an active role.

These heartbreaking interactions led me to seek specific opportunities to directly “give back” to the foster care community supporting this research. One of these pursuits to show my gratitude led to the second event, becoming a respite care provider. Initially, I joined several committees and volunteer organizations all over South Texas. For example, I made care packages, monitored children tumbling in inflatable bouncy houses, wrote grant proposals, took photos, took attendance, and so much more. I wanted to both be useful and feel useful. Eventually, I was invited to become a respite care provider.⁷ Respite care providers are over-qualified babysitters. Because foster parenting is a 24-hour/7 days a week job, fosterers sometimes find themselves in situations where they need someone to watch their fostered children. They cannot go into any daycare facility or stay with the foster parents' family unless those family members are trained respite care providers. Seeing the desperate need of foster parents to get out of the house without the kids, for a date night, for foster parents' training, or when there is a family emergency, I decided this would be a meaningful way I could "give back." Somewhat unexpectedly, the training process also yielded valuable data about how foster parents are socialized

⁷ Respite care is further described in Chapter 4 and my experiences are detailed in Chapter 5.

into being both employees and extraordinary kinds of caregivers. It also provided a great deal of data from foster families and professionals.

I spent months and hundreds of dollars altering my home to pass inspection and becoming a trained respite care provider. I was eager to begin and put my name out there as often as I could—reminding foster families that I was available to help in any situation and through what agency. What I did not at first realize was that my caregiving had to be brokered through the agency. Finally, I was matched with different parents needing respite care. Each time I matched with foster parents, they canceled on me. One couple desperately wanted a night out without the kids. We traded information, then they never booked me. Then a single foster mom had to go out of town for a work trip. On two different occasions she tried to book me, but I happened to be unavailable both weekends she needed respite care. Another couple insisted they would call, but never did. And so it went for months. In less than a year, my training expired and required renewals. Having helped no one and never earning a dollar as a respite care provider, I could not justify renewing my certifications without having given respite care to a single child!

My attempts to support the communities and individuals who participated in this study, directly and indirectly, were continually thwarted. What does this say about the foster care system? That it is so bureaucratically mangled that even well-intentioned, well-positioned, and well-qualified people may be unsuccessful at being of any use? In the end, I was forced to recognize that my role limited opportunities for me to express helpful gratitude. This experience also ultimately drew my attention to the disorder, power, and discrimination inherent in foster care bureaucracy—a critical realization.

Finally, I want to bring attention to the third situation, which was really a series of events with cumulative effects on me as a researcher. I spent a lot of time with foster care alumni and social workers—often exceeding a 40-hour work week for at least two of nearly four years of data collection. I heard and witnessed a lot of terrible things. I was inadequately prepared for the emotional labor that I would have to do to cope with atrocities that were sometimes even casually shared with me by participants. I anticipated hearing stories of abuse, neglect, and trauma. What I could not presciently prepare for was the accumulated toll caused by regular immersion in interviews and participant observation. I struggled with extreme feelings of helplessness, depression, and anger. These led to behaviors like distraction, avoidance, nightmares, and isolation. Eventually, a friend recognized that I was being affected by indirect exposure to trauma, a disorder that first responders and crime scene workers sometimes undergo, called secondary trauma. At the time, this was an extraordinarily isolating experience.

However, I was not the only researcher who had gone through something similar.

Anthropologist Emma Louise Backe explored this on her blog:

We never discussed the emotional or physical challenges of fieldwork—it was always framed as this transformative, clarifying experience during which the theory we worked so assiduously to grasp could finally be applied. It was understood that *every* anthropologist inherently falls in love with their site, integrates into their chosen community, and concludes their fieldwork with a sense of kinship and satisfaction at the rich ethnographic data and knowledge they have been able to accumulate. This silence surrounding the very real personal challenges of fieldwork can, however, be detrimental to a student's first foray into fieldwork. (2015)

Anthropologists increasingly query the unanticipated effects of fieldwork trauma (e.g., Beckett 2019; Backe 2015; Pollard 2009).

I was wrong to imagine myself neutrally in my role as a fieldworker. A special journal issue dedicated to child welfare work explained how vulnerable child welfare workers are:

Child welfare professionals at all levels of the system are not technical automatons who operate on a task-centered, emotionally neutral automatic pilot. To the contrary, child welfare practice, life in child welfare organizations, and leadership, management, and supervision are inherently, indeed richly, emotional. Put another way, all such roles, including the interactions they entail, the work practices they structure, and the organizational impacts they have, involve emotional labor. (Caringi, Lawson and Devlin 2012, 1)

As these authors indicated, the work I was doing was richly emotional and gravely burdensome. I sought help, but time was the only catharsis for the emotional burden I experienced in working with the alumni, professionals, and families. My experiences speak to the importance and impact of compelling narratives.

These three situations—personal appeals from study participants to actively aid them in significant ways, my failed attempt to actively participate by becoming a respite care provider, and the secondary trauma I experienced as a researcher—are not aspects of anthropological fieldwork for which I was adequately prepared. Indeed because anthropological fieldwork is so varied, it would be difficult to anticipate all the ways we are personally affected by our work. I draw attention to these situations because each shaped my interactions with study participants. Sometimes those experiences caused me to temporarily withdraw in fear or self-protection, but more often they led me to respond with compassion and empathy. My study participants refused to allow me to pretend I was objectively apart from them and the foster care system. They required me to make this work personal. As a result, this research is both more insightful and compelling than

it would have been if I had ignored their personal appeals and accepted their ability to shape, in part, my positionality in the field.

Synopsis of Forthcoming Chapters

Chapter 2, *Foster Care, Media, and Mythologies* explains popular (mis)understandings about foster care and families and children involved with the system. Most of what the public (thinks it) knows about foster care is derived from media consumption—news, television, films, and social media. Meta-narratives of foster care as a helping institution obscure how the system produces structural inequalities. Tenets of neoliberal governance, such as the trope of individual responsibility, draw attention away from economically-motivated policies and acts within welfare systems. Anthropology of media theorists illuminated how media is reliant on stereotypes to tell compelling stories. I demonstrate how stereotypes collide with neoliberal governance to oppress marginalized families.

Chapter 3, *History, Policies, and Practices of the U.S. Foster Care System* chronicles the history of fosterage from its European roots through several recent influential policies. Beliefs about family, poverty, and bureaucracy have particularly and profoundly shaped American foster care. Foster care is a bureaucratic system. The term bureaucracy itself is the combination of French, meaning “office” and Greek, meaning “power and domination” (Aksan and Celik 2011). The everyday lives of people involved with foster care are *dominated* by this bureaucratic system and *controlled* through it. Complementing bureaucratization and professionalization paradigm shifts in governance,

foster care shifted from a system primarily attending to destitute children and became a means of turning impoverished parents into better models of American hegemonic ideals.

Chapter 4, *The Subjects of Foster Care: Power and Tension* details how the constituent groups of foster care understand and explain their own agency, and how they understand and explain the power of others within foster care. Professionals and foster parents go into their work with good intentions and aim to protect and help children and families. They are frustrated and even sometimes suffer because their ideals cannot be fulfilled in a system not designed to do those things. Despite their good intentions, professionals and foster parents are complicit in the subjugation of impoverished children and families.

Chapter 5, *Rites and Resistance in U.S. Foster Care*, examines how the subjects of foster care experience and embody rituals to create new habitus and identities. It explores notions of institutional discipline, resistance, and trauma. While the subjects can, and sometimes do, resist, the consequences of resistance can be very high for those with the least power—children and their kin.

Chapter 6 concludes by challenging hegemonic ideology found in U.S. foster care. The central argument of this dissertation is that, despite popular rhetoric, foster care is not "broken;" its purpose is not actually to protect children.

Conclusion

This research contributes to broader anthropological knowledge in three ways, each informed by the literature reviews of fosterage, family and state governance, and the anthropology of childhood. First, it offers a multi-sited analysis of fosterage in the U.S.

through its history, policies, public beliefs and attitudes, and bureaucratic administration. Second, foster care is an underexplored area of neoliberal welfare policy revealing state governance through families in the U.S. Third, this research explains how American society can claim to cherish children generally while failing to act on behalf of fostered children or their families effectively or diligently. Further, this research demonstrates how foster care fails to help children and families because it is not designed for this task.

This dissertation explores U.S. ideology and governance through the bureaucratic institution of foster care. My research questions attended to: (1) how U.S. foster care is “broken” and what could constitute “fixing” it; (2) how modern governance of an affluent, Western nation-state impacts the lives of its governed subjects; and (3) understanding the mismatch between how American discourse claims to value its children equally but in actuality there are groups of children, like fostered children, who most Americans know little about and do nothing to protect or aid.

I contextualize my analysis within the history of fosterage and the development of foster care as a bureaucratic system and analyze how specific policies intersect with discourses about poverty, race, and U.S. culture and ideology. As a multi-sited project that looked across a system, at the hierarchies within, and its position in U.S. society, I relied on several methodologies for data collection: participant observation and semi-structured interviews at local fieldsites in South Texas and a national, online qualitative survey. I conducted textual analysis of popular media and of foster care policies, procedures, and practices directed at the subjects of foster care. The data and participants in this research will demonstrate how my initial questions about the brokenness of foster care were wrong. A system cannot do what it was never designed to do.

CHAPTER 2:

FOSTER CARE, MEDIA, AND MYTHOLOGIES

Introduction

Throughout this dissertation I maintain that the central purpose of the foster care system is to realign the attitudes and behaviors of “the poor” with middle-class ideals. It is a provocative argument because most of us believe foster care exists to help abused children. The meta-narrative of foster care as oriented toward helping and protecting children disguises how this system is also an apparatus of governance that produces structural inequalities. Scholars have uncovered how neoliberalism operates in other social systems of welfare and care such as schools and medicine (e.g., Tronto 2017; Allison and Piot 2014; Rylko-Bauer and Farmer 2002; Stewart 2016; Kaufman and Fjord 2011). While the lay public is generally aware of the presence of government in institutions like schools, medicine, and foster care, the economic forces within systems-of-care are less visible and harder to recognize.

Neoliberalism is a theoretical framework of modern governance. It is a “set of institutions consisting of various ideas, social and economic policies, and ways of organizing political and economic activity” (Campbell and Pederson 2001, 5).

Neoliberalism retreats from social welfare programs because its foundation is an unbridled free market. David Harvey argued that neoliberalism is:

...hegemonic as a mode of discourse. It has pervasive effects on ways of thought to the point where it has become incorporated into the common-sense way many of us interpret, live in, and understand the world. (2005, 3)

I use the work of neoliberal theorists to show how the state obscures practices of oppressive governance through other systems that advertise themselves as providing aid and protection, like foster care.

The narratives of neoliberalism, like individual responsibility, are never far from critiques of the impoverished people who collide with these systems.⁸ Adding to these scholars are those who write on the anthropology of media. Their analysis of the ways meta-narratives act on media consumers helps me to explain the preponderance of misinformation about foster care. Careful observation of consistent meta-narratives about foster care reveals that the public—who has very little direct contact with foster care—generally believes what media says and does not typically challenge media narratives. While others have argued before that social welfare programs maintain social inequalities through structural violence, I go one step further to posit that foster care is primarily designed as a system of indoctrination, of inculcating a middle-class *habitus* (Bourdieu 1977) on impoverished and working-class families—not primarily a system of care. The anthropology of media attests to how media contribute to shaming marginalized families and persuading the public that discipline of impoverished parents is natural. By examining these neoliberal narratives at work through the media and exposing their inaccuracies, I chip away at hegemonic discourses that are instrumental in the process of oppressing marginalized families.

To archive the frequency of these essentialized narratives, I collected hundreds of media representations of foster care from 2013 to 2017. Data for this chapter were

⁸ Personal responsibility is one characteristic of neoliberalism that is of special interest in this chapter. Other characteristics of neoliberalism, like privatization and cutting welfare budgets or programming, are also visible in foster care.

catalogued from my personal media consumption, from media that friends and family shared with me, and from media databases (e.g., IMDB, wikis). This catalog illuminated consistent themes that were duplicated by the participants in this research. The circulation of these themes between the public and media stabilize them and elevate them into myths. I demonstrate that these narratives are largely misconceptions and how they reveal what society believes about those who are caught up in the foster care system.

To begin, I present an archetype of foster care and its participants. Next, I describe generally misleading stereotypes found in media. Then, I debunk specific myths using government data, social science, and my own research. Next, I show how the theoretical framework of neoliberalism disguises foster care as an apparatus for (re)fashioning people into cooperative subjects. Finally, I rely on work from the anthropology of media to articulate how media is a market-driven tool for disseminating myths about foster care. Through constant repetition of stereotypes, media and the public together participate in perpetuating structural inequalities against marginalized families.

Let's start with the (false) assumption that "foster care is broken." It is a meta-narrative used by the public and those within the system alike to sum up all the ineffectual policies, ruined lives, and past failures in a grand narrative. Subsumed within this statement are misrepresentations of families and children as deviant and of social workers and foster parents as incompetent and corrupt. These stereotypes found in both fictional and non-fictional media are recycled between media and the public. The resulting tautology maintains and perpetuates these myths.

I show that belief in a broken system is misguided because it obscures how foster care works as it is meant to. Myths shame families and lay the foundation for the

realignment of their values, attitudes, and beliefs. Blaming families distracts from the role of broader socioeconomic and political contributions to poverty. Powerful but incomplete reductionisms and falsehoods animate meta-narratives about the foster care system and its subjects. Repetition of these narratives reifies them into myths. Deconstructing these myths illuminates my overall thesis that the primary function of the foster care system is to discipline marginalized families into compliant realignment with sociocultural norms.

The Media Archetype: Individual Mythologies Converge

The questions people first asked about my research first hinted at the extensive misconceptions about foster care. Many people wondered at my interest: “Isn’t it for only very, very poor people?” “How many orphans are there in the U.S. anyway?” or “Why don’t you just study homeless children since foster care is just for homeless kids?” It was soon clear that most people had significant misunderstandings about foster care. I asked where they gathered information. People told me their “knowledge” derived from books, films, television shows, the internet, social media, blogs, videos, and news stories. So, I turned to media representations to understand how the public (thinks it) knows foster care; then I tested the accuracy of those representations against my data, data from other researchers, and government data. Remarkably, fiction and non-fiction narratives overlap and duplicate the same inaccuracies. The public is not as knowledgeable as it thinks.

The film *White Oleander* (Donoghue 2002) stands out as an archetype of the stereotypes of youth, kin, foster families, and professionals in the foster care system. It also reproduces stereotypes about race and poverty. I selected this film primarily because of how completely it coalesces so many foster care myths. Additionally, it is a non-

independent film with an all-star cast including Michelle Pfeiffer, Renee Zellweger and Robin Wright about being *in* foster care from the perspective of a fostered child.⁹

“No matter how much she’s damaged me, no matter how flawed she is, I know my mother loves me,” says Astrid, the main character, in the closing dialogue. Astrid’s delinquent, free-spirited, and hypersexualized mother is imprisoned for murdering her boyfriend when Astrid is about 15-years-old. A social worker arrives and permits Astrid fifteen minutes to pack. Her first foster home is a “white trash” stereotype: an ex-stripper-turned-Jesus-freak who fosters for the money and who eventually shoots Astrid. Her second placement, also stereotypical, is a group home. Astrid, who is white, recovers from the gunshot wound, only to be beaten by non-white girls because, they say, she is pretty and blonde. Her third placement is a bourgeois foster parent stereotype: a sweet and pathetic third-rate actress who hopes fostering will end her loneliness. When the husband declares it isn’t “working out,” the actress/foster mother kills herself—exiling Astrid to the group home again. Her fourth home is an exploitative fosterage stereotype: an Eastern European immigrant makes her foster-daughters dumpster dive for items to sell in her flea market stall. Astrid's escape from the manipulations of her mother, from the dysfunctions of her foster parents, and her singular and absent social worker, end the film on a triumphant note; she is strong, resilient, and independent. She is a survivor.

White Oleander synthesized multiple stereotypes. The film depicts Astrid’s mother as deviant, her childhood ruined, and her placements are all either evil or tragic. The social worker is incompetent and uncaring. Racial and ethnic stereotypes abound.

⁹ Several other popular films focused on the experiences of adults around a fostered child, such as *The Blind Side* (Hancock 2009), *Losing Isaiah* (Margolis and Foner 1995), *Martian Child* (Bass and Tolins 2007), and *Antwone Fisher* (A. Fisher 2003).

Until the final moments of the film, Astrid is portrayed as only as a victim. Then, she is inexplicably transformed into a resilient survivor. It is a powerful and emotional film. All of these tropes taken together seemingly create an authentic experience of the foster care system and its subjects. This film's essentialized narratives illustrate how media characterizations of individuals involved with foster care replace representational imaginings of what can happen in foster care or what those *other* people are like. It is not actually a definitive story of foster care; it is a story of American *beliefs* about foster care.

The Mythologies about Foster Care Represented in Media

This section explores the most commonly repeated myths in discourse about foster care. Myths about families—expressed as deviance—justify their involvement with foster care, blame them, and attempt to shame them into changing their attitudes and behaviors. The myth that the system itself is broken—expressed as corruption or incompetence—scapegoats individuals to distract from how the system does not actually invest in families or children. Together these myths maintain and perpetuate the (false) belief that foster care system aims to rescue children and help families.

Myths about "Poor Families" and Deviance in Media

Many people believe deviant behavior is learned within families and passed from one generation to the next. This belief is evoked in the public's version of "culture of poverty" made famous by Oscar Lewis and Oliver La Farge (1959) and Lewis (1966). It described a social "underclass" that inherited deviant behaviors resulting from poverty. By fatalistically embracing belief in the "culture of poverty," society can shrug at the

unsurprising tribulations of fostered children as victims of their environment and blame parents for any deviant behavior. Associating marginalized families with a “culture of poverty” rationalizes intervention into the domestic sphere. Implications of sociocultural and biological inheritance analogize poverty to disease that requires expert interventions. Foster care acts as a delivery system for one cure for poverty. The treatment is, first, to convince families that they are diseased and then, second, change them into (still impoverished) versions of the middle-class by training them in new values, attitudes, and behaviors that replicate middle-class norms. The first part of the treatment—convincing families they embody their poverty—begins by shaming them.

Two particular kinds of deviance shame marginalized families. The first is deviance as “abnormality,” the most pervasive symptom of poverty. In an interview by *The New Yorker*, one social worker declared something I frequently heard from professionals, “Poor families are broken families!” (Lepore 2016). The standard is middle-class-ness. Homes of impoverished families may be “abnormally” cold or hot, dirty, in dangerous locations, or even judged aesthetically unappealing. Society further marginalizes families across axes of difference like single-parenthood, same-sex parenthood, and especially race. For example, in the film *The Blind Side* (Hancock 2009), a white middle-class family “rescued” young, black Michael Oher. This film promoted belief in the “culture of poverty” by portraying Oher’s homelessness as the inevitable outcome of (only) his parents’ poverty and criminality.

Criminality is the second type of deviance. Criminal deviance is signaled by violence, addiction, and incarceration. When the news reported, for example, that parental incarceration unfairly leads to immediate termination of parental rights (Dewan

2018), it also implied that all parents whose rights were terminated were also criminals. Criminality is reified as an innate characteristic of impoverished families. Although the "culture of poverty" ideology was rejected by scholars (Glennister 2002; Hyatt 2001; Williams 1992), it is kept alive in the imagination of many Americans.

For example, Jamiqua, one particularly mature 20-year-old foster care alumni described to me matter-of-factly how assumptions about her family followed her:

A lot of people think that foster kids are bad [...] 'cause of the lifestyles they probably come from. They probably think that all our parents are alcoholics, drug addicts, just things like that. So they think automatically, foster kids are bad. They're bad to be around, don't be around them. [...] I'm not like that. [...] But when I say I'm in foster care, they're like, "Oh, wow!" And then I don't like the questions that they ask, "Oh, so, was your mom a drug addict or...?"

Jamiqua demonstrated how the public broadly stereotypes fostered children and their kin. Stories of parents who overcome systemic poverty or addiction are uncommon but heroic narratives. Exceptional media representations of kin overcoming deviance are also important because they intimate to kin that accepting the cure for the "culture of poverty"—that is changing their attitudes and behaviors—will win back their children. It also comfortingly tells the public that the system works. Media depictions of "poor families" involved with foster care are imagery of abnormality and criminality. I attend to the inaccuracies behind these myths later in this chapter.

Myths about "Foster Kids" and Deviance in Media

In the same way families are reconstructed into "poor families" with stereotypical traits, children and youth in foster care are reconstructed as "foster kids." Fostered

children are also characterized as deviant by labeling them abnormal and criminal. Stephanie, for instance, described to me her preparation for foster-adopting:

All the training I got, it talked about the issues with kids in foster care, the type of kids you could end up with, which were all horror stories. [...] I don't expect a rosy, a rosy picture, but don't give me these kids that are strung out on every drug and hurting their parents and running away and having to be held down. [...] But all of—most of—the training was towards how to deal with children who've been in foster care, the issues that they generally have...

Stephanie talks about “foster kids” as strung out, drug-dependent, abusive, and ungrateful. These were common characterizations participants in my research used to describe children in foster care that turn children in foster care into “foster kids.”

Media examples further reveal the tropes of abnormal childhoods for “foster kids.” For example, Melissa McCarthy’s comedic portrayal of fictional character Michelle Darnell highlights the cliché of “broken” fostered children. This film, *The Boss* (Falcone 2016), opens with a montage of Darnell repeatedly dumped on the curb of her Catholic charity group home by a series of frustrated parents representing failed adoptions. In this way, people believe that “foster kids” act out their trauma—another abnormality. Similarly, superheroes and villains often have traumatic origin stories as orphaned, abused, or abandoned. Consider these examples: Superman, Batman, Spiderman, and several X-Men characters—Rogue, Cyclops, Petra, Bedlam, and The Orphan (Lee 1963). Comic book characters traumatized in foster care or orphanages experience redemption that real fostered children experience much less frequently.

Non-fictional examples include a news report that Child Protective Services (CPS) leaves “children more damaged when they exit foster care than when they entered” (Logan 2017). A magazine article argued that foster care “damages” psychological and

social development, and “causes serious emotional damage” (Roberts 2002). In spite of good intentions, reinforcing “abnormality” contributes to “othering” people involved with foster care. The expression “a product of foster care” links children to the idea that they are damaged by both their kin and being in foster care.

“Foster kids” do not escape characterizations of criminal deviance either. Regular viewers of crime fiction know that “foster care” is shorthand for “criminal.” Here are a few shows depicting foster care alumni as criminal deviants and serial killers: *Blacklist* (Bokenkamp 2013); *NCIS: Los Angeles* (Bellisario 2015); *Castle* (Marlowe 2009); *Criminal Minds* (Davis 2007); *State of Affairs* (A. Hawley 2014); and *CSI Miami* (Donahue, Mendelsohn and Anthony 2002). Here, foster care is a proxy for “probably a criminal” and is also used synonymously with “juvenile detention” in many crime shows.

News outlets also superficially explain the connections between foster care and crime. Consider these examples: NPR reported “children who’ve been abused are more likely to become violent criminals” (Montagne 2010) and that aged-out males were more likely to be convicted of a crime (Fessler 2010); Teen Vogue described the foster-care-to-prison-pipeline (Anspach 2018); and *The New York Times* reported how running away criminalizes fostered youth (Watkins 2018). Though they all sought to inform the public about injustices, they also shallowly mix crime and foster care in the minds of the public.

Exceptions to media representations of fostered-youth-as-deviant underscore that only the best-behaved fostered children have happy endings. A classic exception is the story of *Annie* (Gray 1924) who was rescued by a millionaire during the Great Depression. In a tv episode of *Forever* (Miller 2015), a waitress raised in foster care discovered that she is an actual princess. In the film *August Rush* (Castle 2007), a modern

take on Dickens' *Oliver Twist* (1839), a musical prodigy escaped orphanage-like residential living and Faginesque street urchins. All three of these examples are complete with dreamy family reunifications. These are unrealistically hopeful stories.

Media representations of abnormal and criminal “foster kids” serve as evidence of parental fault, blame youth for their situations, and encourage fostered youth to behave and not reproduce the “culture of poverty” from which they came. I will discuss the misconceptions about fostered youth found in media representations later in this chapter.

Myths about Incompetent Social Workers and Foster Parents in Media

I explore in later chapters how social workers and foster parents begin with good intentions but become complicit by repeating and not refuting myths and by participating in disciplining marginalized families and their children. I will demonstrate in Chapter 4 that social workers and foster parents do not generally scheme against impoverished families and children. However, they accept as true that changing the attitudes and behaviors of “poor families” and “foster kids” is the way to rescue them. Here, I demonstrate how media portrayals of incompetence preserve the integrity of the system as a whole by making social workers and foster caregivers scapegoats.

Headlines capturing incompetency within the foster care system abound. In the docufiction *Failure to Protect* (Goodman 2003) a foster parent and former social worker tortured and killed her foster-adopt child. The *Dallas Morning News* headlined “CPS workers didn’t check on endangered kids but filed records showing they did” (McSwane 2016). The article featured a candid photo of a girl about six-years-old in a princess costume with a blackened eye sticking her tongue out. This girl was beaten to death. The

article reported that 12 caseworkers were accused of falsifying documents to make it look like they followed-up on youth and families. In ten cases, workers had not responded within the 72-hour timeline. Examples of similar headlines are plentiful.¹⁰ Media coverage often ignores the structural issues responsible, such as the need for more and experienced caseworkers, funding, more and experienced foster parents.

Foster parents are subject to policies and laws but are also state agents with power over children and kin. In both the reality show *Last Comic Standing* (Hurwitz 2003) and other stand-up routines, comedian Monroe Martin used his history in foster care as a source of material. He described foster parents that couldn't handle him, like a 72-year old woman who liked her "gin with her Jesus." Martin's comedy focused blame on a lackluster foster parent instead of the system that did not protect him from her.

Monroe Martin's example of a foster parent would quickly be condemned by the professionals and foster parents I knew. They would agree with Martin that she is part of the problem. Although I will explore this in much greater depth in Chapter 5, foster parents are trained extensively by the state to model middle-class parenting paradigms. These lessons are inculcated through mandated annual courses to maintain the license to foster parent. Kinship caregivers (who are relative foster parents) are problematically and often lumped in with impoverished kin as the cause of societal ills passed on generationally. Kinship caregivers are incentivized to also participate in foster parent trainings. Through training, the state facilitates working-class foster parents and also instructs their departure from non-middle-class norms. Therefore, not all foster parents exemplify mainstream norms, but the state endeavors to change those who do not.

¹⁰ E.g., Lang and Cronkite News (2016) "Report: Backlog of Arizona Department of Child Safety abuse cases leads to deaths."; Logan (2017) "Saving children from the system meant to protect them."

Blaming social workers and foster parents as incompetent rests the responsibility of the whole foster system on the shoulders of a few people. Foster caregivers or professionals who commit crimes through their work should be punished. However, media blames individuals for systemic failures—too few caseworkers to do proper follow-up, too few foster parents to meet the needs of children, caseloads that are too high and affect everyone, insufficient financial resources for everyone, and sometimes too little training or too little experience for social workers and foster parents. Questioning, instead, how incompetent individuals were given so much responsibility redirects the blame back onto the system accountable for funding, training, and oversight.

Myths about the Corrupted System in Media

One can find the trope of the corrupted caregiver in narratives as old as *Oliver Twist* (Dickens 1839) and *Annie* (Gray 1924). As a government agency, the foster care system is described as corrupt when a particular scapegoat is unavailable. For example, public commentary following an online *KTAR News* story, “Report: Backlog of Arizona Department of Child Safety abuse cases leads to deaths” (Lang 2016), echoed what I heard from almost all kin and some foster parents. One reader, Arlin Troutt responded to the story: “This isn’t incompetence; it is corruption.” Another, Don Smith, commented, “Can’t all sides agree that not one more death will happen because of an inept Department and a criminally negligent State government?” Lawrence Espinoza added, “The people of Arizona can no longer deny the problem that caseworkers consistently fabricate evidence to make cases. End the horror. Prosecute DCS [Department of Child Services] perjury.” These commentators did not question their own responsibility as

taxpayers who defunded Arizona DCS (Ortega 2017). This kind of finger pointing acknowledges foster care is “broken,” but also presumes its purpose is to protect children. Accusations of corruption are distractions from the discipline of marginalized families.

State corruption is often depicted through social workers as symbols of state violence (Valentine 2002). For instance, in an episode of the animated satire, *Family Guy* (MacFarlane 2005) an evil social worker, Agent Jessup, tells the bungling dad, Peter, “I’m here to take your kids away because you’re mentally unfit to take care of them.” The episode is rife with misconceptions about how easy it is for CPS to steal children, about how foster parenting works, and makes social workers into omnipotent state operatives. The all-powerful “Agent” Jessup tells Peter in court, “You’ve inspired me to distrust all mentally-challenged parents.” The judge thanks Agent Jessup for his comically misleading remarks. Most media coverage of foster care is neither as aware of its use of stereotypes or as transparent in its critiques as this episode of *Family Guy*.

Exceptions to the narratives of incompetency and corruption distract the public from efforts to realign marginalized families and children too. Representations of foster parents and professionals who overcome systemic obstacles suggest that anyone dedicated enough can make a difference. This is problematic because, as I demonstrate in Chapter 4, the power of professionals and foster parents to create systemic change is limited. Exceptional professionals are rule-bending heroes who go above and beyond the call of duty to “make a difference.” In the previously mentioned episode of *Family Guy* (MacFarlane 2005) even Peter received a “state-appointed inspirational social worker” called Verne, who is the exceptional counterpart to Agent Jessup. Problematically, if exceptional professionals go to these extremes, then the reverse hints that professionals

who do their jobs as prescribed are deficient. These stories mistakenly promote the idea that social workers are responsible for the success or failure of the system.

There are also heroicized versions of exceptional foster parents. There are countless feel-good news stories about angelic foster parents, usually elders, that fostered dozens or even hundreds of kids. These stories encourage the public to become foster parents or advocate for children.

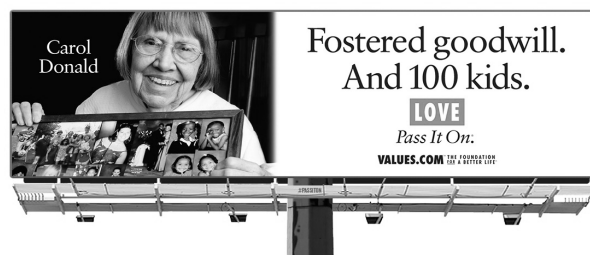


Illustration 1. Fostered Goodwill Billboard. Image downloaded from: <https://www.passiton.com/inspirational-sayings-billboards/30-love>

In summary, when media point to individual incompetence or systemic corruption two problems result. First, the media does not typically acknowledge institutional constraints on social workers and foster parents. Second, when the media attends only to the failures of the foster care system to protect children, the primary goal of changing the attitudes and behaviors of marginalized families is obfuscated.

Media Representations of Brokenness

The myths about “poor families,” “foster kids,” incompetent social workers, and systemic corruption lend legitimacy to the façade of foster care as aid to indigent families and disguise how the system disciplines families for not meeting mainstream expectations. The most widely accepted and pernicious myth that distracts the public and subjects of foster care alike is the blanket excuse that “the system is broken.” A 2016 *PBS*

Newshour headline asked, “Can an Innovative Pittsburgh Program Help Repair the Broken Lives of Foster Kids?” (Brown 2016). In the *Texas Tribune*, an attorney asserted that foster care is “an undeniably broken system” (Walters 2016). Both fictional and non-fictional portrayals use brokenness ubiquitously.

A new foster mom, Liz Block (2016), offered another example from personal experience on her blog: “Every option in foster care feels broken—full of heartache these boys did nothing to deserve, full of questions for their hearts to sort through forever.” A foster mother I interviewed remarked with exasperation, “My friend [who was herself fostered] told me once that all foster kids are broken. This comes from a foster kid.” For her, the brokenness of the system was the brokenness of families. In a stream of consciousness, she added, “The system’s broken—you gotta remove the kids and get them into a loving, safe environment so that those parents can truly do what they need to do: Grow up, focus on yourself, become the best you can be.” These foster moms illustrated that the overarching dogma of foster care is the fundamental belief in its brokenness. Moreover, they cast blame on the failures of kin and not on the state’s inability to parent or protect children it takes into its custody.

Brokenness expresses the essentialized beliefs together: its families and youth are deviant, criminal, and damaged, and the system is corrupt. I provided both fictional and non-fictional examples of these myths at work. Next, I will interrupt these stereotypes with quantitative and qualitative data and the everyday experiences of the people who were my interlocutors both online and in South Texas.

Debunking Media Myths

What are the truths about foster care? The U.S. Department of Health and Human Services (DHHS), the Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), and the Children's Bureau release an annual Child Maltreatment report (Children's Bureau 2019). This report uses data collected for the National Child Abuse and Neglect Data System (NCANDS) via the National Data Archive on Child Abuse and Neglect (NDACAN). It measures foster care performance to inform federal and state policies. Below, I use the 2017 NCANDS report (Children's Bureau 2019), other statistical reports, relevant studies, and my data to deconstruct, debunk, and destabilize ten of the most common media-perpetuated stereotypes. While aspects of myths may be true, dramatic oversimplifications are problematically misleading partial-truths and sometimes completely false. These myths function to blame marginalized families and children instead of helping them as foster care alleges to do.

Myth #1: "Kids End Up in Foster Care Because They Were Abused."

Most children in foster care were not abused. NCANDS classified 75 percent of all substantiated reports as neglect (Children's Bureau 2019). "Neglect" broadly and ineptly describes conditions as diverse as insufficient food or clothing, a dirty or unsafe home, homelessness, parental substance use, and generally poor conditions. Lori, who spent 14 years in foster care, told me the reason Wisconsin gave for her foster care entry was her single mother's disability. "I should have never been removed," she said. "She never did anything wrong and she was discriminated against for being poor and disabled." Most kin insisted that foster care should be reserved only for abused children—not for families like

them. For example, Marcia, a broken-hearted grandmother from Oklahoma, said the system should “care for children who have truly been abused by their caretakers.”

Poverty, not abuse, is the primary cause of family separations.

To clarify, in 2017, 18 percent of children and youth entered foster care due to physical abuse and nine percent for sexual abuse (Children's Bureau 2019). The U.S. Department of Health and Human Services (NDACAN) archive shows that since 2009, the rate of neglect has consistently hovered around 78 percent and ranged from a low of 71.1 percent to a high of 79.5 percent in 2013 (Archive of Child Maltreatment Reports 2019). This data reveals that most families reported to CPS are not abusing their children. Economic constraints prevent kin from giving their children middle-class lifestyles. Their hardship is reconstructed as neglect and then inaccurately elided with abuse. Kin are misrepresented as abusers to justify the interference of the state.

Myth #2: “Kin Are Criminals.”

Contrary to the popular misconception that most kin are criminals, in 2017, just seven percent of children entered foster care due to parental incarceration (AFCARS Report No. 25 2018, 2). I offer two explanations for exaggerated presumptions of parental criminality. First, the media perpetuated the assumption that in order for the state to violate parental rights that they must commit crimes against their children. This is not true. In most cases, parental neglect is not criminal; it is a matter of financial hardship.

Moreover, the public and media sometimes wrongly assume that parental rights can only be terminated if kin committed a crime. Parents whose rights were terminated were rarely charged with a crime (Children's Bureau 2019). Candra Bullock (2003)

argued that low-income parents' constitutional rights are violated by the broad and ambiguous definition of "neglect" at state and federal levels. Bullock advocated that:

the legislature [should] define more narrowly the terms 'child abuse' and 'child neglect' and that the legal system provide counsel to indigent parents who have been accused of child neglect [because] removing low-income children from their families on the basis of poverty and then failing to provide legal counsel to these same indigent parents contradicts the established constitutional principle of the fundamental right of a parent to raise his or her own child. (1027)

This quote indicates the vulnerability of kin to discriminatory legal practices. The presumption of criminality eases state interference into the domestic sphere.

The second reason parental criminality may be exaggerated by the public and media is that both overestimate the occurrence of abuse. Debunking the myth that kin are violent abusers, however, interrupts notions of criminality. In short, the public and media underestimate the role of poverty in child-removals. For example, a single mother in her forties, Ann explained to me she was disabled at work. She got by with her three children for four months but then fell behind on rent. She had filed immediately for social services help, but the process took longer than her eviction. Thirteen years after her children were removed, her pain remained tangible: "I know some children are truly in danger and need to be removed. Mine weren't in danger, not abused or neglected. My biggest crime was that I was a struggling low-income mother trying her best to do it independently."

Poverty is not a crime but being poor draws families into the foster care system.

Kin are stereotyped as criminals because the public and media wrongly presume kin have committed a crime that leads to child-removal and because poverty is stereotypically associated with criminality. Kin are misrepresented as criminals to justify

their involvement with foster care and to attempt their realignment with mainstream norms.

Myth # 3: "Kin Are Addicts."

Parents of fostered children are also stereotyped as drug addicts or alcoholics. Studies often focus on the topic of co-occurring substance abuse and child maltreatment (e.g., Child Welfare Information Gateway 2014; Aarons, et al. 2008; Young, Boles and Otero 2007; Rubenstein n.d.; Dube, et al. 2003). Individual states report (alleged) substance abuse risk factors deviating from less than two percent to an incredible 66 percent (Children's Bureau 2019, 49-50). State-to-state inconsistencies raise concerns about methods and conclusions. Additionally, many studies misleadingly conflate verified substance abuse and suspicion of substance use or abuse. These rarely mentioned inaccuracies perpetuate stereotypes that bring marginalized families under CPS authority.

Specifically, substance "abuse risk factors" and verified substance abuse are indistinct in reports and research. A "risk factor" is not the same as verified or diagnosed substance abuse. "Risk factors" are based on investigator perceptions (DePanfilis 2018, 103-105). Observations can be significantly biased against parents (Berger 2010). Finding a drug lab or dangerously intoxicated parents is not the same as a back-porch trash can full of empty beer bottles or using legal amounts of marijuana. All of these are labeled "abuse risk factors" so that use and abuse elide in both reports and literature citing the reports. Only 10 percent of the parents in a study by Brook et al. fell into a high-risk category for substance abuse, while more than 75 percent fell into a low-risk category that would not justify child-removal (2014, 254). They concluded that "not all substance-using parents are created equally" (254). Substance use and substance abuse

are not the same. Substance use and abuse do not necessarily impair parenting. The abridgment of use with abuse creates bias and misconceptions that collide with culture of poverty stereotypes to unfairly characterize the behavior of marginalized parents.

Investigators, however, are trained to recognize evidence of alcohol or drugs as harm or probable danger (DePanfilis 2018; Berger et al. 2010). Caseworkers told Angel, an 18-year-old fostered alumni I interviewed, that his mother's addiction led to his foster care entry. Years later, he learned a different version of events:

She wasn't on any drugs. [...] They say that she didn't pass the drug test but she never really took the drug test 'cause she was never able to make it [...]. She was riding the bus at that time; she didn't have her own car. [...] So that's part of the reason why she got her rights terminated in the first place. [...] And it doesn't just affect with the parent. It affects with us too, the kids who get taken away from their parents. [...] I mean, it's part of the reason why I had anger issues. [...] I wish I could go back in time and know all this now and I could tell the people, CPS specifically, "Why did you tell me this? [...] You made me think that my mom was a complete addict when she didn't even take the drug test? How do you know she's an addict? Did she take the drug test? No. She failed to comply.

Actions based on presumptions of substance abuse impacted Angel's whole life.

In short, media portrayals of strung-out mothers and abusive drunken fathers are exaggerations. Parental substance abuse is one reason children may end up in foster care, but its frequency is overstated by the conflation of suspicion of use and abuse with proven substance abuse that caused a child harm. Allegations of substance use were sufficient to remove Angel from home and combined with the missed drug test, enough to keep him in foster care permanently. Stereotypes about kin addiction justify disruption into the domestic sphere and prepare marginalized families for realignment or discipline.

Myth #4: “Fostered Youth Are Damaged by Their Kin.”

The public and media presume that children are removed from their homes because remaining with their parents will damage them physically, developmentally, or emotionally. However, I have already demonstrated that most children enter foster care because of poverty. The state relies on testimony from CPS investigators to establish that the home environment was not in the child’s “best interest.” In fact, though, there is a gap in research that proves foster care actually helps. To the contrary, research indicates that when non-abused children remain at home they have better adult outcomes than peers who entered foster care (Doyle 2007; Dunn, Culhane and Taussig 2010; Folman 1998). In other words, we have no measure of foster care improving children’s lives, but we do have measures of foster care as detrimental to children. This signifies that parents are not dangerous; poverty is dangerous. Poverty causes physical, developmental, and emotional problems (Brooks-Gunn and Duncan 1997; Comeau and Boyle 2018; Hughes 2018). The elision of “poor parents as damaging” with poverty as damaging further perpetuates blaming and shaming impoverished families for their circumstances and denies the role of broader sociocultural or economic factors that led to or compounded their situations.

Research (cited above) that revealed fostered children are sometimes “damaged” by foster care is troubling. The six percent of youth who remain in foster care for extended periods of time (AFCARS Report No. 25 2018) become associated with higher rates of low educational attainment, homelessness, substance use and abuse, mental and physical health problems, teen parenthood, public assistance, arrest and conviction (Courtney, et al. 2011; Pecora, et al. 2005; Burley and Halpern 2001). While six percent

is not statistically significant, this number represents the lives of more than 16,000 young people who annually leave foster care disadvantaged. I asked Christina, a social worker who helped youth transition from foster care to independence, to describe the purpose of the foster care system. She said, "To raise a child or a youth." I responded, "How well do you think it does what you just said?" She replied unhesitatingly: "Maybe like 20 percent [...] because when I think of 'raising' that means they are able to function in society, and I don't think that more than half of [fostered youth] can probably function in society." Christina's take on foster care concedes two points I have argued.

First, foster care does not care for youth as people widely believe it should. It is inappropriate to blame foster care alumni for "poor adult outcomes" when the problem is that an unstable system is a poor long-term substitute for committed human caregiving. Research has shown that removing children from their families is often bad for them (Dunn, Culhane and Taussig 2010; Doyle 2007). Other research has shown that being in foster care can cause new problems (Doyle 2007; Scannapieco, Smith and Blakeney-Strong 2016). The second point Christina conceded is that foster care aims to instruct youth in becoming functional members of middle-class society through reeducation and realignment of their values, attitudes, and behaviors too.

Myth #5: "Fostered Youth Are All Criminals."

At a glance, it can appear that foster care and criminality are linked. I found, however, several studies that identify fostered youth with higher rates of criminality problematic. For example, one study determined that 25 percent of all U.S. prisoners were in foster care at some point (Doyle 2007). Popular media cited the study as if foster

care causes incarceration rather than pointing out what may be a simple correlation. Other reports fail to account for destitution as a motivation for criminal behavior. For instance, a retired U.S. Army Ranger, Kevin, said it was the guidance of a caring and consistent mentor that ended his bad behavior like shoplifting food. Other alumni admitted to me criminal behavior such as underage drinking, minor drug possession, and shoplifting that led to their being sent to group homes, juvenile detention, or jail. Non-fostered peers who indulge in similar behaviors typically receive lighter punishments with fewer lasting disadvantages (Wexler 2018). To discover if foster care *causes* criminality and to account for selection bias, comparisons need to be made with children from similar socioeconomic and educational backgrounds, not the general populace.

Only two U.S.-based studies have accounted for selection bias and used peer and socioeconomic comparisons (Lindquist and Santavirta 2014). One correlated foster care with criminal justice entry (Doyle 2008); the other did not (Berger 2010). Several explanations for the differences are possible. One explanation is the reason for foster care entry. For example, a youth placed in foster care due to delinquency will likely continue delinquent behavior; but a youth entering due to neglect may be no more likely than any other teen. Other explanations for links to criminality include: less education, employability, income, and higher rates of homelessness. Another possibility is criminalizing them because they are state wards for things such as running away from home, loitering, and underage drinking that create a foster-care-to-juvenile-delinquency-court-to-prison pipeline (Anspach 2018; Watkins 2018; Lepore 2016). Jamiqua told me that what made her foster mother special was that she treated Jamiqua the way that most parents would treat their (biological) children, and did not criminalize her for making

bad, but typical, teen decisions. There are many reasons fostered youth may be linked with criminality, but several explanations reveal an unfair bias.

To summarize, reports linking youth to criminality are unreliable. However, youth in foster care for extended periods of time may be at-risk for criminal involvement, especially if sent to detention centers for non-criminal behaviors. *If* foster care produces criminality it is not accidental; it is because helping fostered youth is not the primary purpose of foster care. Representations of fostered youth as criminals blame them for their circumstances and support the myth that they are prone to turn out badly because they cannot help following in the footsteps of their kin.

Myth #6: "Fostered Youth Are All Addicts."

The relationship between fostered youth and drug use is complicated. Fostered youth have more diagnoses of trauma, mental and physical illness, and learning disabilities than the general population. The Casey Foundation (2005) published diagnoses of post-traumatic stress disorder (PTSD), panic disorder, anxiety, and drug dependence were measurably higher (see Figure 1). For example, 21.5 percent of fostered youth reported a PTSD diagnosis. As a point of comparison, PTSD rates among active-duty war veterans between 2004 and 2008 ranged from nine to 16.6 percent (Litz and Schlenger 2009). Misdiagnosis and overmedication are significant problems, however. Fostered children are prescribed psychotropic medications at a rate four times higher than the general population, receive psychotropic drugs unapproved for children, and often do not receive accompanying mental health services (Edelman 2015). Foster parents and professionals that I spoke with validated these concerns. One frustrated foster parent told me sotto voce

about the interminable documentation for her two fostered *toddlers*, “I just bullshitted all that [paperwork]. [...] Because when we first got the kids, they were on five drugs. Each child was on five different drugs every day.” Misdiagnosis, questionable polypharmacy and overmedication are shortcuts to controlling behavior rather than comprehensive treatment (Drake 2018; Wilson 2016; Brenner, et al. 2014).

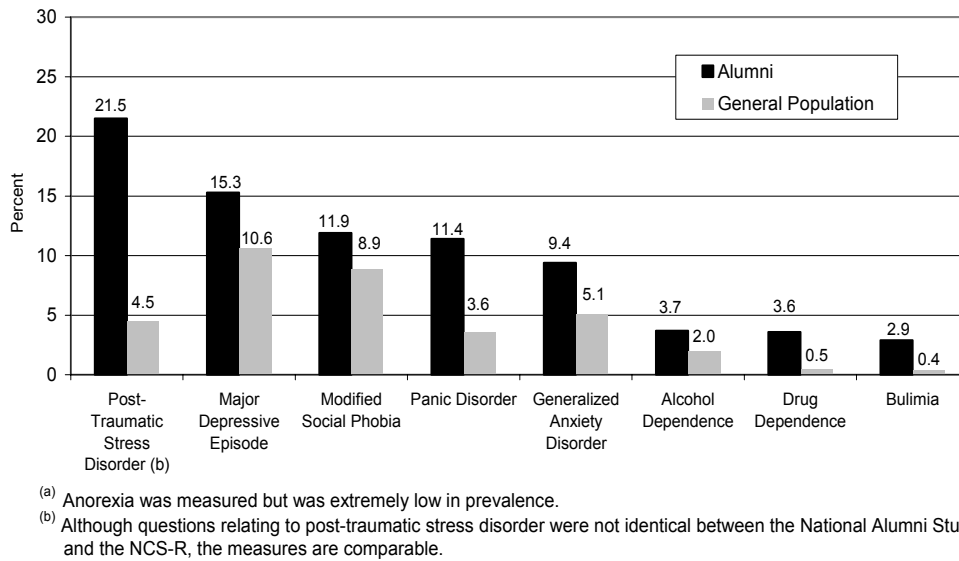


Figure 1. Mental Health Diagnoses Comparing Foster Care Alumni to U.S. General Population, Casey Foundation (2005)

Braciszewski and Stout (2012) reviewed the literature of substance abuse that compare fostered youth with general population peers. They found comparable rates of alcohol and marijuana use but higher rates of drugs like opiates and amphetamines. They concluded, “Given the struggles faced by individuals aging out of care, such findings are not surprising” (2343). At 18-years-old, Angel defined his maturity through sobriety, saying, “Anywhere and anywhere they can do drugs. [...] I’m not gonna lie. I used to do drugs and been clean for about six months now. I’ve got my own apartment; I got my girlfriend; I got my driver’s license.” His double emphasis on “anywhere” conveyed easy

access to substances in foster care institutions. For Jamiqua, the catalyst for rebellion was the restriction of foster care. She said that if she could have been involved in activities “I would have been so [...] busy doing things where I wouldn’t even be thinking about drugs, or skipping school, or anything like that.” Angel’s and Jamiqua’s stories of substance use are comparable to their non-fostered peers. They experimented for fun or curiosity, and they used substances as symbols of rebellion or coming-of-age.

In summary, research and participants in my study suggest fostered youth are (over)prescribed medications at significantly higher rates than their peers. They may not receive appropriate mental health services and oversight in connection to much higher rates of mental health disorders like PTSD and anxiety. Again, if fostered youth are prone to substance abuse, it is a sign that the foster care system has not been an adequate substitute caregiver. Representations of fostered youth as addicts perpetuate the public myth of the “culture of poverty” and blame youth for the shortcomings of the system.

Myth #7: “Most Child Maltreatment Is Perpetrated by Minorities and Teen Parents.”

Representations of typical abusers as racial or ethnic minorities or inexperienced teen parents further perpetuate the myth of the culture of poverty. Most perpetrators and child-victims are White (Children's Bureau 2019). Nevertheless, American Indian or Alaskan Native, Pacific Islander, African American, and Hispanic children are over-represented in foster care. Foster care professionals agree that racial disproportionality results from the combination of professional bias and poverty that can lead to perceptions of and real neglect (Child Welfare Information Gateway 2011).

It is also a myth that teen parents are typical perpetrators. Stereotypes about immaturity and immorality rationalize ill-conceived ideas about perpetrators. Forty-two percent of perpetrators are adults aged 25-34—not inexperienced teen parents who comprise only two percent of perpetrators (Children's Bureau 2019, 66). Moreover, 78 percent are biological parents, not a boyfriend, unrelated partner or stepparent (67-68). One of the 39 kin engaged in my study was under age 20 when their children entered foster care, 28 identified as White or Caucasian, and all were alleged cases against biological parents. These facts are a significant departure from stereotypes about people of color and foster care. The preponderance of inaccurate ideas about people who maltreat children and child-victims is consistent with perpetuating stereotypes that conveniently support who the public thinks would be involved with CPS.

Myth #8: "Foster Parents Are 'In It for the Money.'"

The misconception that foster parenting is a get-rich-quick scheme is one of the most pernicious myths participants in my study mentioned. Three kin participants used that precise phrase "in it for the money" and most referred to it generally. Another study found that of 812 respondents "43 percent specifically indicated that 'some parents [are] in it for the money, [and] don't care about kids,'" (Grimm and Darwall 2005, 4). A fan of *Criminal Minds* (Davis 2007) left a critical review titled "demonizing us yet again" and described foster parents media depictions:

I'm so sick of the demonization of foster parents. You can be sure that if a foster parent is in a show, they will turn out to be bad and only in it for the money. The vast majority of foster parents do it for love and get nothing in return. [...]The pay is ridiculously low and doesn't begin to cover what it costs to raise a child. I do it because I love them just as if they were my own flesh and blood. Just for once I would like to see a show that actually

acknowledges the difficult job that [most] of us do with love. [2008, [www.imdb.com/ title/tt1110970/ reviews?ref_=tt_urv](http://www.imdb.com/title/tt1110970/reviews?ref_=tt_urv)]

This review highlights the conflicting roles foster parents have as state subjects and state agents, their lack of systemic support, and the difficulties of being a foster parent. The demonization of foster parents as either bad or “in it for the money” is spot on. These are indeed the predominant themes associated with both foster parents and social workers in television, film, and news. Foster parents are not paid enough to be in it for the money.

Allowances to foster parents for the needs of their wards is regulated. According to the U.S. Department of Agriculture in 2015, the average cost of raising a child in a middle-class family was \$12,980 per year or \$35.56 per day (Lino 2017). Daily rates for caring for foster children vary but most states average \$20/day or less for a child with basic needs (DeVooght, Child Trends and Blazey 2013, 9-18). Foster parents frequently spend out of pocket on fostered children even when there is no expectation of adoption. Foster parents would have to *strategically* neglect children to profit monetarily.

Representations of foster caregivers as money-driven are time-tested accusations against them as symbolic proxies of the state. Foster caregivers have little power to make systemic changes and the state uses them as a vanguard to absorb criticism. Foster parents nonetheless participate in antagonizing kin and children by repeating stereotypes about kin and the children in their care. Greedy foster parent stereotypes distract kin from the source of their problems and give the public a group to blame when the system fails in its surface goal of helping families and protecting children.

Myth #9: "Foster Parents and Institutional Staff Are Abusive."

Despite titillating headlines, 0.3 percent of maltreatment was perpetrated by a foster caregiver (Children's Bureau 2019, 76). NCANDS reported that friends and neighbors posed a significantly higher threat at just one percent of all reported maltreatment perpetrators (76). The overwhelming majority of foster caregivers—both in home and group settings—are not maltreating their wards.

However, a significant proportion of my kin and foster care alumni participants alleged abuse by a foster caregiver. In my study, 14 of 39 (36 percent) kin alleged a foster caregiver maltreated their child. Fifteen of 42 (also 36 percent) alumni alleged in-care maltreatment. I account for this disproportionality in the following ways: (1) some reports of in-care maltreatment might be (inexcusably) ignored for a variety of reasons (i.e., no place else to send the child, believed child lied, insufficient evidence, lacked time or resources to follow-up allegation properly); (2) people may have been more likely to participate in my study because they experienced foster caregiver maltreatment; and (3) some participants in this study were involved with foster care prior to policy changes designed to stymie foster caregiver maltreatment. Nonetheless, participants convinced me that maltreatment by foster care providers is higher than reported, although still not statistically high. Allegations, particularly by fostered children, should be taken seriously.

While my treatment of this stereotype is conflicted, I assert that even if maltreatment occurring in foster care is higher than reported, this does not detract from an overwhelming majority of foster caregivers who are dedicated to the well-being of the children and youth in their care. Orphanages and group homes of the Dickensian type no longer exist in the U.S. Providing adequate background checks, proper training, and

improved oversight would ensure foster caregivers do not abuse children.

Representations of the abusive foster caregiver type focus attention on individual scapegoats instead of how the system disciplines marginalized families.

Myth #10: "The System Is Corrupt, or Professionals Are Incompetent."

The public indicts professionals as symbols of the foster care system. Accusations point to corruption (if money is involved) or incompetency (if child safety is involved). Corrupt and blameworthy individuals need to be held accountable. However, blanket accusations fail to consider the limitations of funding and inexperience, and the difficulty of the job. CPS professionals work with these inherently contradictory goals daily: (1) preserve families, but also protect children by separating families; (2) give children better care than their parents, but do it inexpensively; (3) do your job well, but without proper tools or care; and (4) keep children safe in foster care, but also get children out of foster care as quickly as possible. Exploring each contradiction illuminates how the design of foster care thwarts well-intentioned professionals from helping families.

First, professionals generally believe the primary objective of CPS is to preserve families (Doyle 2007), including those who participated in my research. Yet they must also protect children. Removal is the strategically safer choice because long-term detrimental effects on children are not immediately evident and it reduces the risk the social worker will be blamed, punished, and have to live with the guilt of a mistake.

Judge Pope, a lively character and family court judge, explained the position they are in:

CPS is [...] so risk-averse. They're so afraid of making a mistake, of a kid dying; they're afraid the media will criticize them for a breach in protocol, for a breach in process, that they have killed the process, they've created an inefficiency by overburdening the worker with policy and paperwork.

Ultimate culpability is an abuser's, not a CPS worker who is not omniscient. CPS workers are the scapegoats regardless of which decision they make in their contradictory roles as family preservationists and family disruptors.

Second, structural, political, and economic decisions inhibit what CPS can do (Annie E. Casey Foundation 2015; Lepore 2016). When taxpayers question “overspending” on social programs like foster care, it reduces resources to implement best practices—particularly prevention of child-removals. Moreover, the costs of family separation over time are significantly higher than investing in family preservation through social welfare programs (Westat, Inc., Chapin Hall Center for Children, James Bell Associates 2002; Doyle 2007). Logically then, if the state were primarily interested in helping families and saving money, it would focus on preservation through social welfare. This is further evidence that the primary function of the system is to realign marginalized families, not aid them.

Third, CPS workers do not receive the support they need to do their jobs well. They work in high-stress, emotionally-taxing, suboptimal work environments that lead to high turnover and a perpetually inexperienced workforce (Caringi, Lawson and Devlin 2012; DePanfilis 2018). Caseworkers frequently have several times the recommended number of children to monitor (Casey Family Programs 2017; Caringi, Lawson and Devlin 2012; Children's Bureau 2019). Dawn, a nurse when the state of Maine terminated her parental rights, commented on the impact overextended caseworkers had on her family, “Burnout, knowledge, it’s not just a job. It’s someone’s life. [...] [T]he worker needs to take the time to know her families, but it’s impossible with their caseloads.” It is irrational to expect CPS workers to perform their best under poor working conditions.

Fourth, CPS is expected to get children out of foster care as quickly as possible. This applies pressure to reunify or place children hastily. Children are at increased risk when caseworkers fail to follow-up with children or attend kin or foster caregiver home-visits. Perfect surveillance is unrealistic, but errors makes front page news to blame CPS workers for a system not designed to act in children's best.

If the public expects CPS to do better, it needs to do better for CPS. For example, one study showed that a trifecta of better trained and paid caseworkers with lower caseloads, fostered youth who got more mental health counseling, tutoring, and summer camps, and foster parents that received more financial support and training dramatically improved the outcomes for all parties (Trudeau 2010). No one I spoke with during my fieldwork had heard of this study. Systemic failures are not evidence of professional corruption and incompetence; they are evidence of poor institutional infrastructure.

Neoliberalism in the Domestic Sphere

By deconstructing the most pervasive myths, I demonstrated that foster care stereotypes are not generally substantiated by data or by the experiences of participants in my study. Early in the chapter, I showed how the repetition of these stereotypes creates a perception of orthodoxy. Here, I explain the links between neoliberalism and media.

Neoliberalism, as a hegemonic framework for political and economic activity that has flourished since the post-war era, reveres the free market as the solution to political and social problems. David Harvey (2005, 3) notes the hiddenness of neoliberalism at work. How does it do this? Neoliberalism works through *embedded* "market-oriented restructuring projects at a broad range of geographical scales" (Brenner and Theodore

2002, 349). One of these scales is the family. Borrowing from Foucault, Nikolas Rose (1996) described how what once was private is now political. The state developed *apparatuses* “concerned with the management of the individual and social body as a vital national resource, and the management of ‘problems of living’, made up of techniques of advice and guidance, medics, clinics, guides and counsellors” (1996, 37). These apparatuses are visible at the intersections of the private and the public—like families and foster care. Neoliberalism ignores broader market forces that can cause poverty and blames individuals who use social welfare for their impoverishment (Dolson 2015, 137). Market-oriented values define which subjects are worthy of full citizenship rights and entitlements and what subjects must do or be to become fully rearticulated citizens again (Ong 2007) and which subjects are otherwise “disposable” (Goode and O'Brien 2006, 171). So, media representations exemplify good and bad citizenship. Market-oriented values are largely invisible in these media representations. Together, media representations and market values work to discipline families through the apparatus of the foster care system.

Foster care uses apparatuses of (re)education (e.g., therapy, rehabilitation, parenting classes) to turn subjects into good citizens embodying the appropriate values, attitudes, and behaviors. When the system fails to satisfactorily realign the parents, it takes their children. From the perspective of neoliberal governance, child-removal has three advantages: it punishes parents for failure to comply; it is a threat to other parents that they may lose their children if they fail to comply; and the system now has an opportunity to remake their children into ideal subjects by inculcating as many societal norms as possible before they reach legal adulthood.

There are two further indicators that the primary function of foster care is not to help children. First, children who fail to cooperate are exposed to the full *penalties* (Foucault 1995) of state institutions such as juvenile detention. Second, children who exit foster care without embodying middle-class norms are labeled failures with “bad outcomes.” Outcomes-based rhetoric divulges the state’s fixation on the future—future productivity, future citizens, future economies. Meanwhile, youth and their kin must attend to the “every day here and now [...] struggle to survive” (Allison and Piot 2014, 4). When the system succeeds, citizens are rearticulated into more productive subjects (Ong 2007). When the system fails to remake subjects, it communicates that the failure was caused by the incorrigibility of deviant subjects. Next, I describe the importance of neoliberalism as a theoretical framework. Then, I demonstrate how the public and media, anchored in neoliberal values, are complicit in the realignment of marginalized families through repetition of foster care myths.

Neoliberalism is a critical framework to this study because it explains within foster care, first, the market-oriented policies; second, the impacts of neoliberal ideologies on everyday lives; and third, the intersections of bureaucratic governance, capitalism, and the relationships between the institution and between its subjects.¹¹

First, neoliberalism reveres free-market solutions foremost as effective and efficient governance. In the case of defunding welfare programming in favor of free-market options or charitable stopgaps, it does not seem to work. Defunding may not even save money where bureaucracy inflates to fill the place of failed policy, for example. Defunding foster care specifically certainly lacks logic to fulfilling the goal of making

¹¹ Thanks to Inma Garcia-Sanchez for engaging questions that made me think critically about neoliberalism as a key concept.

children's lives better as well. Indeed, critiques of "broken" foster care increase as neoliberal policies and practices expand.

Privatization, another market-oriented tenet of neoliberalism, lacks promise to fixing foster care as well. Consider the Texas foster care "redesign," hailed as the panacea to the crises that initially drew me to Texas. The Redesign began in 2011-2012, with real implementation beginning in 2012-2013. This "fix" relies heavily on privatization, market competition, and aims to cut costs by holding private contractors "accountable for outcomes" and use a flat rate system to care for children via placements that "incentivizes [contractors] to decrease service need" (Texas Department of Family and Protective Services 2012, 8). The Redesign requires regional private agencies to compete for state contracts to control foster care placements and services in their region. The Texas Redesign is biased toward free-market competition and privatization but lacks evidence these approaches will lead to promised child well-being, permanency outcomes, and long-term cost effectiveness, its stated aims. Bureaucracy within the state and agencies are similarly organized. The central difference between private (non- or for-profit) agencies I observed was that when private agencies acted as a buffer between foster parents and the state, foster parents stayed contented longer. However, if contractors take over the state's role, that buffer disappears.

I am arguing that a shift toward neoliberal free-market and privatization is not supported by evidence of effectiveness or efficiency in foster care. Effective policies would keep families together and makes children's lives better. Efficient policies would do this cost-effectively. Bringing children into foster care for extended periods of time is illogical and inefficient when they could be well and whole in the care of their kin with

some assistance. The state should only remove children in cases of abuse or willful neglect and use other social services frameworks to address poverty as the root cause of “neglectful” living conditions. In other words, competition-driven privatization and cutting funding are not the only means of efficiency, nor should they necessarily be the focus if the primary goal is to protect and help children.¹²

Second, neoliberalism at work in foster care reveals a value system that structurally discriminates against impoverished and working-class families. While the “culture of poverty” mythos is useful for comprehending earlier patterns of negative discourse about impoverished families, it was just one step toward justifying state intervention into the domestic sphere. It was the Progressive Era reforms complemented by professionalization and bureaucratization of social work that integrated governance and moralizing “the poor.” Overlapping in time with and proceeding from these developments, opposition to socialism in the wake of World War I birthed nascent neoliberalism as an ideology of protectionism for private property and business (Ganti 2014, 91). Neoliberalism’s interests are inherently those of the bourgeois and affluent and do not account for the needs of the proletariat or impoverished. In short, it started as an ideology to protect the interests of one class at the expense of another; and, as an ideology there is nothing to suggest it is a superior mechanism for caring for all citizens. Good and bad citizenship, and perhaps even personhood, are also defined by relationships to the economy under neoliberalism. Bad citizens are characterized by their use of or reliance on social services—such as kin and fostered youth who age out with “poor adult outcomes.” Good citizens are defined as those who accept poor or no compensation for

¹² For additional examples of problematic neoliberal tenets at work, see discussions of audits, (p, 113) risk assessments (p. 169-171) and surveillance throughout Chapter 5.

tireless and/or dangerous work—such as social workers, foster parents, CASA volunteers and Guardians ad Litem, and even teachers or police.¹³ Moreover, in foster care, there is conflict between conservative family-oriented values and conservative fiscal goals that cut social services funding. Cutting welfare budgets may not save money in the long-run and results in breaking up families. In summary, the values of neoliberalism are visible in foster care and are troublingly paradoxical.

Finally, foster care is at the intersection of an institution and its agents, a site of neoliberal practice shaped by both neoliberal policies and ideology (Ganti 2014, 94). It is a locus of governance via bureaucratic apparatuses, beliefs in practice, and actor-subjects who maintain and resist it. Neoliberalism is an apt analytical framework for foster care because it does those three things: (1) accounts for policies that emphasize neoliberal economically-oriented ideals; (2) is a moralizing ideology that promotes the interests of the bourgeois and affluent without regard for or at the expense of the proletariat and impoverished; and (3) reveals the intersectionality of capitalism and governance through relationships between an institution and its subjects, as well as between the constituent members of the institution itself. The state and its agents purport, and perhaps believe, that neoliberal ideology and policies make the state stronger. However, if state strength is measured in the economic, personal, or family well-being of its subjects, then foster care as a case study suggests neoliberalism makes the state weaker.

¹³ See Muehlebach (2011) for complementary argument about citizenship and social services.

Anthropology of Media

The anthropology of media substantiates three arguments I make in relation to foster care: (1) media is a tool of persuasion; (2) the public generally accepts the authority of media; and (3) the media and public repeat the same stereotypes until they are reified into naturalized myths. In these respects, both the public and media participate in empowering the neoliberal discipline of the subjects of foster care.

Media is persuasive, in part, because it validates our already existing beliefs. The allure of entertainment is derived from an appeal to the media consumer's values and emotions. Hortense Powdermaker offered the first ethnography of media and argued that media persuasion began in 1940s Hollywood:

Columnists and radio commentators influence political opinions. Movies manipulate emotions and values. [...] [M]ovies and other mass communications emphasize and reinforce models for human relations through their portrayal by glamorous stars, and show life, truly or falsely, beyond the average individual's experiences. (2002,162)

Powdermaker illuminated the power of media as one technology among others (i.e., schools, medical institutions, psychotherapy) for communicating social values and ideals. Ouellette and Hay (2008) exposed how reality television communicated neoliberal ideology that shaped consumers' values by emphasizing personal responsibility and self-improvement as the self-discipline of a good citizen (Foucault 1991). Media producers appeal to values and emotions through recognizably predictable tropes that, in this case, sensationalize fostering experiences. Foster care becomes shorthand for a specific kind of childhood as the product of a certain kind of parenting in media. Media producers create content, both fictional and non-fictional, about foster care, and that content influences public thinking, just as it did in the Golden Age of Hollywood.

Second, the public accept the authority of media. Although demand can influence what gets produced, “media producers apply a host of strategies (e.g., stereotyping, essentializing, reductionism, naturalization, binary oppositions, erasure, fantasy, fetishism, disavowal) that predispose and guide audiences towards readings favoring existing power structures” (Askew 2002, 5). As a result, the narrative is largely one-sided: the powerbrokers, the bourgeoisie, have the microphones and cameras; the “victims” of fostering—poverty-stricken parents and children—are silenced. The public accepts the credibility and authority of media narratives as realistic reflections of foster care. Media producers though are predisposed to the same culture-of-poverty biases to which the public is susceptible. Media producers increasingly exercise their power to shape public opinion and perceptions—sometimes unwittingly, as their focus is on profit.

Media, even stories publicizing problems in foster care, is first and foremost capitalist production. Therefore, it is primarily concerned with profit-making by creating popular entertainment with broad appeal (Dornfeld 2002) and “managing consensus [of opinion] and promoting consumer culture” (McCarthy 1991, xii). As media producers become increasingly bourgeois and consumers increasingly proletariat (Habermas 1991(1962)), most audiences unquestioningly consume an increasingly bourgeois, hegemonic, sensationalized narrative of “the foster care system.” All the essentialized references taken together are powerfully reifying myths.

Third, media and the public are recycling existing narratives that already seem true because of their ubiquity. Dominic Boyer offered the concept of *social mediation* as the transactional “movement of images, discourse, persons and things” to describe how media-as-communication cannot be separated from broader social and political processes

and knowing (2012, 383). However, media and the public are not strictly in a two-way conversation—both are also continually adapting, adopting, reflecting and incorporating notions of self, other, and nation into this already socio-political-economic discourse (Abu-Lughod 2004). Foster care subjects are partly to blame for feeding these stereotypes to the media. However, media producers have the power of interpreting firsthand narratives for broader distribution (Askew 2002). The continual repetition of essentialized themes in media significantly contributes to the materialization of these stereotypes into an assembled narrative.

Could more nuanced and accurate media portrayals of foster care offer the potential for social or political transformation (Schiller 2018)? There are a few examples of television shows such as *The Fosters* (Bredeweg 2013) and films like *Instant Family* (Anders and Morris 2018) that offer somewhat more faithful representations of foster care experiences. Unfortunately, real transformation is doubtful as long as kin and often fostered youth are depicted as abnormal and criminal deviants.

In summary, media is a powerful tool for communicating “good” neoliberal citizenship. The public generally accepts the authority of media, which is full of compelling stories that support what people think they already know about the “underclass” involved with foster care. A consensual tautology results—media (re)creating myths about foster care and the public affirming what they already believe. Under neoliberalism invoking “culture of poverty” myths is a strategic refusal of authentic help to marginalized families.

Conclusion

In this chapter, I dispelled myths about the people involved with foster care to demonstrate how stereotypes about deviant abnormality, criminality, incompetence, and corruption become meta-narratives of brokenness. The pervasiveness of the narratives naturalized them. The myths shame and blame marginalized families for their poverty to camouflage free-market inequities. Social workers and foster caregivers are scapegoats to distract from the social, political, and economic structures and institutional design that discriminate against families. Neoliberalism values the free market more than contributing to the welfare of citizens (Tronto 2017; Mudge 2008). Discourses of care may disguise market-forces in systems like medicine and welfare (Keshavjee 2014; Rylko-Bauer and Farmer 2002). In the context of American media, neoliberal ideology promotes self-discipline and personal responsibility (Ouellette and Hay 2008; Rouse, Jackson, Jr. and Frederick 2016, 196). This pervasive ideology blames individuals while denying broader market forces that contribute to impoverishment (Greenbaum 2015; Goode 2010; Dolson 2015, 135; Strauss 2018). This process is discretely subsumed in the everyday bureaucracy of foster care. I also introduced an argument I carry forward: Despite rhetoric to the contrary, foster care is not an example of failed policy and practice. It does what it is designed to do: govern its citizens, not rescue them. However, neoliberalism cannot account for all the energy expended on remaking citizens into compliant subjects. The next chapter demonstrates that fosterage was historically linked with managing its impoverished subjects going back to the Age of Enlightenment and how it continues through modern bureaucratization.

CHAPTER 3

HISTORY, POLICIES, AND PRACTICES OF THE U.S. FOSTER CARE SYSTEM

Introduction

Tracing foster care policies and practices through time reveals how society has always been and continues to be fundamentally concerned with managing people in poverty. For the public, it started with a question: “What do we do about those children?” This chapter follows changing answers to that question and how those answers naturalized inequalities for working and poor families over time. From the colonial era to the Industrial Revolution, discourse about luckless orphans merged with worries about gangs of idle, vagrant children. Progressive Era professionalization and growing sentimentalization of children (Zelizer 1985) prepared the way for the bureaucratization of Child Welfare as we know it today. Policies and practices remain influenced by past notions and changing socio-cultural beliefs about families, children, and poverty. Though policies and practices are increasingly sophisticated and sometimes help children and families, policies and practices—past and present—are fundamentally a discrete system of disciplining impoverished families without actually helping them out of poverty. In this chapter, I argue that, despite adaptations to changing sociocultural values and ideologies, policies and practices reveal how American society has managed marginalized families through forms of structural violence (Galtung 1969).

I begin by introducing similarities and differences between my observations of the foster care system and David Graeber’s (2015) conceptualization of bureaucracy. Next, I chronicle, from colonial migration to modernity, foster care policies and practices to

demonstrate a consistent focus on managing poverty rather than on aiding impoverished people. Then, I explore three modern foster care policy examples to illustrate how they create and normalize structural inequalities. Participants in my study speak to inequalities, power and violence at work within foster care through these three policy examples: legal treatment of kin in court, concurrent planning (in which the state theoretically works toward kin reunification but also places fostered children with adoptive parents), and race-related policies. This chapter concludes with theoretical understandings of the forms of violence and institutionalized inequalities at work through foster care as a modern bureaucratic system.

Foster care exemplifies several points David Graeber (2015) makes about bureaucracy. For example, Graeber generally argued that bureaucracies seem to do one thing while actually doing something else entirely. It is one of my central theses that foster care's purpose seems to be aiding children and families while it actually subjects them. Many of the technocratic tools of bureaucracy are visible in foster care, like transparency, audits, and surveillance. Also, many of the foster care policies analyzed in this chapter are proofs of Graeber's Iron Law of Liberalism, which states that any attempt to reduce bureaucracy will ultimately result in bureaucratic expansion (2015, 9). Perhaps the most interesting contribution foster care makes as an example of Graeber's bureaucratization is how this system exposes the power and violence a bureaucracy can have on the least empowered people in a society.

Most of Graeber's examples about the power of bureaucracy come from his own experiences, either as an activist or navigating what he calls bureaucratic "stupidity." His examples are compelling and sympathetic, but, as they are autoethnographic, Graeber's

own privilege is somewhat taken for granted. So examples of bureaucratic impacts on people with much less influence than Graeber are incidentally limited. Graeber's exploration of how the power of subordinates is restricted is expressed through his notion of "interpretive labor," the idea that it is always the burden of the subordinate to do the work of understanding how social relations work (2015, 68-72). Kin and children involved with foster care have the least power and do the most interpretative labor. However, the more vulnerable the individual, the more intense the effects of bureaucratic power. For example, Graeber's personal frustrations over red-tape would have been additionally fraught if he had been a woman of color. Impoverished families drawn into foster care also cross multiple axes of discrimination, such as being people of color, being single parents, sometimes having language barriers, and being at a disadvantage in terms of education and social class. They demonstrate how the stakes are more than frustrating or "stupid." In fact, I argue it is *because* these families do not embody the social class of the bureaucrats and judges that they are subjected to state power and punishment through foster care. The effects of the power on impoverished families are more similar to James Scott's (1990) subordinates or Antonio Gramsci's (1971) subalterns because they live in defensive response to the intrusions of power manifest through foster care.¹⁴ Participants in my study could not risk overtly calling courtroom hassle "stupid," as Graeber does. Moreover, for kin and children, foster care bureaucracy is *more than* an inconvenience. It is structural violence.

While Graeber's (2015) take on bureaucracy validated many bureaucratic phenomena I observed during my fieldwork, there was another expansion, beyond this

¹⁴ For an excellent discussion of Gramsci's use of "subaltern," see Crehan (Subaltern Culture 2002).

elaboration on the intensity of power more vulnerable people experience, of Graeber's general discussion of bureaucracies and foster care worth mentioning at the outset. Graeber links the power behind bureaucracies to literal threats of violence. This threat of physical violence is apparent in family court with its attendant weapon-toting, order-maintaining officers. However, there is also a subtler violence at work in foster care. Parents are coerced into cooperation by threats levelled at their children—like the plot of an action thriller film where the gun is pointed at a child instead of his parent to obtain the parent's compliance. This is why many participants in my study used the language of kidnapping. I call this implicit violence.

Consistent with theories of bureaucratization and neoliberalism, scholars have also observed the importance of audits and measuring outcomes (Strathern 2000; Shore and Wright 2000). I demonstrate how audits and outcomes combined with rhetoric of acting in the “best interest” of children emphasize future adult productivity and devalue children's lives in the here and now. Anthropology of childhood scholars have richly developed notions of adult preoccupation with children's “becoming” instead of their current personhood (e.g., Bluebond-Langner and Korbin 2007; Hirschfeld 2002). Heather Montgomery called this the anthropological question of “whether children are human becomings or human beings” (2009, 4). Constructing children as human becomings actively represses their agency. Finally, I explore forms of violence—structural (Galtung 1969), symbolic (Bourdieu 1977), everyday (Bourgois 2001; Scheper-Hughes 1992), and what I call implied violence—that are executed through expanding bureaucratization.

As a bureaucratic system, foster care is made up of policies, practices, and people. Here, I use *policies* to describe formal regulations that require compliance; and *practices*

to describe both formal and informal consistent behaviors based on beliefs. People are subject to policies and practices. The power of policies and practices on individuals or populations is dependent on how much agency they have. Unsurprisingly, impoverished families on the margins of society have little comparative agency. In the following section, I outline how American fosterage adapted from a social system of managing impoverished or orphaned children to a bureaucracy for managing whole families.

The Origins of Beliefs about U.S. Foster Care

Specific cases, laws, and concepts reflect beliefs and practices concerning poverty that European settlers brought with them to America. Benjamin Eaton, for example, is accredited as the first officially fostered child in America. When Benjamin's father died indebted in 1636, his widow resorted to apprenticing out her seven-year-old son for the next 14 years (Rymph 2017). Changing notions of childhood eventually ended practices of apprenticeship and indentured servitude. However, the Eatons demonstrate the pattern that we still see today: poverty separates parents and children.

A pivotal legal concept, called *parens patriae*, also migrated from England to America in the 17th century. Homer Clark (1998) affirmed that the origins of this Latin phrase meaning "country as parent" are "usually explained as having derived from the Crown's prerogative [...] to protect those of the Crown's subjects who were unable to protect themselves" (in Garner 1999, 786). Today, *parens patriae* refers to "the right of government to take care of minors and others who cannot legally take care of themselves. The use of this power to deprive a person of freedom has been limited by laws and court decisions" (Oran 2000). In other words, *parens patriae* describes who has the legal *right*

to do things to a child or for a child, not who has a duty or specific responsibilities *to* a child. For example, a 1919 California case used *parens patriae* to order that a child was “under [the state’s] guardianship and subject to its supervisory control.”¹⁵ In child welfare cases, *parens patriae* is invoked to justify state interference when biological parent(s) allegedly fail to protect children. Sankaran (2009) chronicled how:

...the *parens patriae* mindset emerged as the dominant rationale behind state intervention to protect children. Before this [...] parents had near-absolute power over their children, and, often, child abuse and neglect were ignored by the state (59). [...] The state’s authority superseded the rights of any individual to the child, including his or her parents, and all state intervention was characterized as taken to protect the child, not to punish the parent. (60-61)

Parens patriae, then, signifies the empowerment of the state to seize guardianship when parents are determined unfit. The legal concept of “fitness” established which parents are worthy of retaining their parental rights and which “unfit” parents experience legal intervention under *parens patriae* (Sankaran 2009, 67-68). What began as an expression of duty to citizens is now a justification of power that supersedes parental rights.

Emerging from 18th century English law, the “best interest” of the child became the legal standard for deciding what to do with children once their parents were declared unfit (Carbone 2014). “The best interest” is an unclearly defined guiding principle that varies with each child and family. The courts have the power to determine the “best interest;” caseworkers enforce their understandings of “best interest;” and foster parents are entrusted to execute the “best interest” on behalf of children. Today, when the court decides parents are unfit, it may lead to the “termination of parental rights” (TPR). Children are then wards of the state, and usually made available for adoption.

¹⁵ Anthony v. Tarpley, 45 Cal. App. 72, 79, 187 P.779, 782 (1919)

In 1851, the first adoption legislation passed and set the tone for all future child welfare law. An Act to Provide for the Adoption of Children in Massachusetts mandated: 1) adoptions must be in the best interests of the child; 2) that adoptive parents be judged fit; and 3) that birthparents rescind legal claims and ties. The state normalized the violation of parental Constitutional rights by claiming the power to judge parental fitness, using the justification of *parens patriae*, and severing the legal ties between children and parents. Since being an unfit parent is often the result of poverty, and poverty creates conditions of neglect, as one legal scholar noted, “Neglect defined as raising a child in an environment which is ‘injurious or dangerous’ may create a hazard for parents without means. Unhappily, the environment of the poor is often injurious or dangerous” (Paulsen 1966, 699). The trouble here is that poverty itself is “unfit” by middle-class standards.

Ahead of exposés revealing severe urban poverty and Progressive Era reforms concerned with child protection and *sentimentalization* (Zelizer 1985), in the early 19th century, Reverend Charles Loring Brace observed impoverished conditions in New York City and devised a plan. Brace founded the Free Foster Home Movement, which is colloquially called the Orphan Train Movement. Brace rounded up children mostly from the notoriously destitute and heavily immigrant Five Points neighborhood. He relocated them to rural homes around the U.S. These relocations—or rather *dislocations* (Giddens 1990) shifted the discomfort and imagined risks of poverty across unprecedented distances via railroad development. Most often, the seized children were indentured to shorthanded farming families, although specific circumstances varied widely (Birk 2015). Journal entries and life histories displayed at the National Orphan Train Museum and Research Center Complex in Concordia, Kansas, also show that many children were

gratefully adopted as loving family members. However, there was no investigation or oversight of prospective foster families, and indentureship and hardship were the norm (Birk 2015). Parents placed children with Brace or were coerced into relinquishing their children. During the 1854-1929 period in which the so-called Orphan Trains ran, Brace had no legal right to do his work. Although about half of the children were not orphans at all, Brace “thought it necessary to break up families in order to rescue children” (Kahan 2006, 55). All children departed at each train stop and were arranged on the train platforms. Being “put up” on platforms became synonymous with being “put up” for adoption. Brace’s characterizations of impoverished children as delinquent lingers in the narrative of foster care today. Poverty remains the justification for dislocating children and still often relies on language of “rescue.”

In 1874, also in New York, the scandal of Mary Ellen Wilson-McCormack made national headlines. Her case is generally considered the legal precedent that gave teeth to *parens patriae* intervention. Mary Ellen was orphaned and then adopted. Then, Mary Ellen’s adoptive mother abused and beat her. *The New York Times* reported that neighbors complained to the city agency overseeing orphanages and jails. The investigator that agency sent, Etta Angell Wheeler, was thwarted by a lack of specific legal precedent. She appealed to Henry Bergh, the founder of the American Society for the Prevention of Cruelty to Animals. With Bergh’s influence, a judge prosecuted the adoptive mother for assault and battery, the state took custody and—lacking anywhere else to send her—relocated Mary Ellen to a punitive home for delinquents. Eventually, Etta Wheeler and her sister raised Mary Ellen (Markel 2009). Mary Ellen’s fate resonates today. Children in custody of the state are still institutionalized when no place else can be

found. The language of *rescue* and *salvation* also persist. Mary Ellen's case is consequential to the history of foster care because—through media and public outcry—it established the authority of *parens patriae* to reach into the domestic sphere.

Several events that shaped modern foster care closed out the 19th century. In 1889, Ellen Starr and Jane Addams co-founded Hull House in Chicago, renowned for its work with poverty-stricken families. In 1893, South Dakota inaugurated subsidies to Children's Home Society workers—shifting social work from civic-minded volunteerism to paid professional work. Then in 1899, the first juvenile court was established in Illinois. These innovations connected poverty to formalized child-rescue. In other words, poverty was the central tenet carried forward into the modern foster care system.

The 20th century commenced with the inauguration of the Children's Bureau, the federal agency still responsible for child welfare, foster care and adoption. The Social Security Act of 1935¹⁶ allotted funds to each state for "dependent children" defined as "deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with" a biological or step-relative (Section 406, Title IV). Ideas of poverty and fitness mixed to facilitate state access into the domestic sphere. By the end of first half of the 20th century, the links between impoverished families and fosterage were anchored in the public's imagination: Foster care was increasingly less for orphans and more for indigent children with unfit parents, and all were rescued by the state, and by extension, society.

¹⁶ Social Security Act of 1935, § P.L. 74-271 (1935).

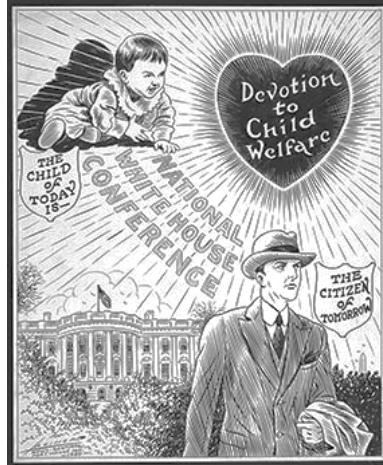


Illustration 2. National White House Conference.
Image emphasizing the child of today is the citizen of tomorrow from materials distributed to delegates at the Third White House Conference on Children, 1930. From Hoover Institution Archives: White House Conference on Child Health and Protection Records, Box 145.

Foster Care Policies and Laws Since the Late 20th Century

Some of the most critical social philosophies, practices, and policies to shape foster care began in the second half of the 20th century and reflect cultural, economic and political ideologies in the U.S. today. The quintessential transformation of late 20th century foster care was increased bureaucratization that used technocratic approaches to manage marginalized families and children. The shift was catalyzed by the professionalization of social work, growth of juvenile and family courts, the development of the public education system, and proliferation of psychology. These technocratic approaches and their attendant experts rationalize and naturalize:

...intervention, which follows the contours of the “less-favored” classes. Within these social strata, they focus on [...] the pathology of children in its dual form: children in danger—those whose upbringing and education leaves something to be desired, and dangerous children, or delinquent minors. (Donzelot 1979, 96)

As Jacques Donzelot indicated, children became the focal point of intervention into the domestic sphere. Here we begin to see increasing bureaucratization shaping modern foster care through policies and practices.

One of the most momentous shifts facilitating the bureaucratization of foster care came from psychology. A report in the *Journal of the American Medical Association* called “The Battered Child Syndrome” (Kempe, et al. 1962) led to a national child abuse prevention movement. The resulting Child Abuse Prevention and Treatment Act of 1972¹⁷ (CAPTA) required medical professionals, educators, law enforcement, and child care workers to report suspected maltreatment within 48 hours of discovery (Barnett, et al. 2005, 186). Campaigns grew public awareness and increased reporting swelled the population of children in foster care. Insufficient numbers of foster parents caused more children to be placed in institutionalized care. Renaming abuse a “syndrome” applied the full force of medical authority to a social problem and created a moral panic. The public and legislators responded with increased power to intervene in the domestic sphere.

Through the 1970s and 1980s, state interference into the domestic sphere was increasingly normalized. In 1977, the Administration on Children, Youth, and Families (ACYF) was established to research, audit, and oversee family-oriented social services programs. The power of the courts as intermediaries between the state and families was reinforced.¹⁸ Para-professional and volunteer agencies gained access into the lives of fostered children and their families.¹⁹ Complementing the civil rights movements, laws,

¹⁷ Child Abuse Prevention and Treatment Act of 1972, § P.L. 93-247 (1972).

¹⁸ E.g., *Smith v. OFFER*, 431 U.S. 816, 97 S. Ct. 2094, 53 L. Ed. 2d 14. (U.S. June 13, 1977) named foster parents as contractual agents of the state and limited their power over kin of fostered children.

¹⁹ E.g., The Guardian ad Litem (GAL) and later the Court-Appointed Special Advocate (CASA) programs

like The Indian Child Welfare Act (ICWA) of 1978,²⁰ curbed race-based family interventions. However, the standard of poverty-based interference remained. Because institutionalized racism links people of color to higher rates of poverty, children of color remain disproportionately represented in foster care (Children's Bureau 2019). Although at times the expansion of surveillance of and intervention with families included limitations on power, small concessions to the needs of youth and the rights of families facilitated the broader normalization of expansion into the domestic sphere.

Entering the decade of the 1980s, panic over “foster care drift” drove the Adoption Assistance and Child Welfare Act (AACWA) of 1980.²¹ This term described the phenomena of children “languishing” in the system awaiting reunification, placements, and adoptions. As a result, children “drifted” from placement to placement. Drift correlated with “poor adult outcomes” such as unemployment, homelessness, and addiction (Barbell and Madelyn 2001). AACWA mandated that caseworkers make “reasonable efforts” to preserve families (Atkinson 2008, 186). However, the actual result was to fast track termination of parental rights by imposing deadlines for reunification to quickly free up children for adoption (Bullock 2003; Atkinson 2008, 187). This policy also inadvertently increased the number of children in foster care by reducing reunifications (Ramsey 2000, 303). This population increase exacerbated deficits in foster parent homes resulting in more institutional placements for children.

When “reasonable efforts” did not result in permanency through reunification, AACWA prioritized placing a child in the home of a close relative. This formalized the practice of “kinship care.” While these acts are seemingly concerned with preserving

²⁰ Indian Child Welfare Act of 1978, § P.L. 95-608 (1978).

²¹ Adoption Assistance and Child Welfare Act of 1980, § P.L. 96-272 (1980).

families, the vague directive of “reasonable efforts” provides ample leeway for state interference and also to scapegoat professionals. Blaming individuals, as demonstrated in Chapter 2, distracts from ineffective child protection or aid. Moreover, kinship care—discussed in greater detail in Chapter 4—locates personal responsibility back onto a family member. Despite superficial emphasis on family preservation, AACWA still functionally interfered with and managed impoverished families.

Another problem well-documented entering the 1980s was the number of former and current foster youth found among homeless populations. However, again, this was ultimately a moral panic response to vagrant and delinquent youth harkening back to the Orphan Train dislocations “rescuing” children from poverty. The result was a series of policies (e.g., Title IV-E of the Consolidated Omnibus Budget Reconciliation Act [COBRA] of 1985; COBRA’s 1986 amendment, the Independent Living Program, often referred to either as “title four” or the ILP) that used the language of “preparing youth transitioning to adulthood” to mandate “adult living skills” education and middle-class conduct. During my fieldwork, I participated in some of these Preparation for Adults Living (PALs) classes. They taught youth how to use public transportation, apply for college, budget, use contraceptives, and sometimes included lessons on grooming, cleaning, and cooking. The overarching goal of these lessons was to achieve middle-class conformity and not use long-term public welfare resources. In 1999, the Foster Care Independence Act strengthened the ILP by funding youth-to-adult transition programs.²² Not using social welfare is the penultimate definition of independence.

²² Foster Care Independence Act, § P.L. 106-169 (1999).

Paralleling the expansion of bureaucratic technocratic apparatuses beginning in the 1980s, several laws aimed to track and manage people involved with child welfare. Legislation increased the power of law enforcement, investigation, surveillance, data collection, and tracking.²³ In 2011, the Child and Family Services Improvement and Innovation Act²⁴ was enacted to monitor the health of fostered children, with particular emphasis on the over-prescription of antipsychotics for fostered children. In 2014 and 2015, two acts attended to the escalation of child and sex trafficking among fostered youth.²⁵ The transparency and monitoring found in these policies are well-established bureaucratic tools for governance (Merry and Coutin 2014; Brown 2010).

Meanwhile, these policies that encourage interference into the domestic sphere had a paradoxical effect. The rising population of fostered children increased the costs to the state. A series of laws and policies followed that reemphasized family preservation *or* speedy adoption. These included the Family Preservation and Support Services Program (FPSSP),²⁶ the Multiethnic Placement Act (MEPA) of 1994,²⁷ the Interethnic Provisions Act (IEPA) of 1996,²⁸ and the Adoption and Safe Families Act (ASFA) of 1997.²⁹ ASFA increasingly spread overworked caseworkers even thinner by dividing their workload between *simultaneously* seeking reunification and adoption through “concurrent

²³ Child Abuse Prevention, Adoption, and Family Services Act of 1988, § P.L.100-294 (1988); National Child Protection Act of 1993, § P.L. 103-209 (1993); Child Abuse Prevention and Enforcement Act of 2000, § P.L. 106-177 (2000); Keeping Children and Families Safe Act, § P.L. 108-36 (2003); and The National Child Abuse and Neglect Data System <<https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems/ncands>>

²⁴ Child and Family Services Improvement and Innovation Act, § P.L. 112-34 (2011).

²⁵ Preventing Sex Trafficking and Strengthening Families Act, § P.L. 113-183 (2014); Justice for Victims of Trafficking Act of 2015, § P.L. 114-22 (2015).

²⁶ Omnibus Budget Reconciliation Act of 1993, § P.L. 103-66 (1993).

²⁷ Multiethnic Placement Act of 1994, § P.L. 103-382 (1994).

²⁸ Interethnic Provisions Act of 1996, § P.L. 104-188 (1996).

²⁹ Adoption and Safe Families Act of 1997, § P.L. 105-89 (1997).

planning.” The Safe and Timely Interstate Placement of Foster Children Act (2006)³⁰ smoothed interstate child placement procedures, particularly for kinship fostering. The Fostering Connections to Success and Increasing Adoptions Act (2008)³¹ incentivized kinship care and adoption via foster care, called fost-adoption. Legislative patterns throughout the late 20th century reveal bureaucracy creeping into family governance. Societal interest in managing families through the rhetoric of children in danger or dangerous children, to paraphrase Donzelot (1979, 96), is hidden in the nuclei of these laws: expanding state power into the domestic sphere, increased monitoring and tracking, reducing unfavorable “outcomes” that burden society, and emphasizing individual responsibility. All of this occurs under the façade of aiding families and rescuing children but in effect broadens state power through bureaucracy.

The progress of laws and policies chronicled above was not spontaneous or natural. Foster care developed out of historical ideas and beliefs carried forward into its modern incarnation. The core of concern has always been and continues to be what to do about the threat to the comfort of society that impoverished children pose. I chronicled how children came to America as chattel and how Progressive Era responses were about children’s poverty as a societal problem. Bureaucratic apparatuses of governance expanded in the name of a series of social problems like racial discrimination, “poor adult outcomes,” inadequate medical and psychological care, and poor protection for children. U.S. foster care is not an institution that developed in isolation from society—it reflects societal concerns. Those concerns begin and end with how to manage impoverished families while minimizing social obligation to those families.

³⁰ Safe and Timely Interstate Placement of Foster Children Act of 2006, § P.L. 109-239 (2006).

³¹ Fostering Connections to Success and Increasing Adoptions Act, § P.L. 110-351 (2008).

Policies and Practices as Bureaucratic Tyranny

Each policy or practice produces new problems and requires new bureaucratic solutions. Recall, for example, how AACWA accelerated and increased terminations of parental rights in response to foster care drift which inflated numbers of children forced into institutional placements. What other scholars called the unintended consequences of policy, and Graeber (2015) called the “Iron Law of Liberalism,” is visible in the foster care drift phenomena. The Iron Law of Liberalism says that reform “intended to reduce red-tape” (like policies that prolong child placement waits) “and promote market forces” (such as getting children out of foster care and decreasing costly “poor adult outcomes”) “will have the ultimate effect of increasing the total number of regulations, the total amount of paperwork, and the total number of bureaucrats the government employs” (9). That is precisely what happened attempting to fix foster care drift—new regulations, like ASFA, increased oversight, paperwork, and people to implement the changes. Beyond the Iron Law of Liberalism, or even unintended consequences, in foster care there is more than an expansion of bureaucracy. I argue that policies and practices trigger the expansion of bureaucratic tyranny and violence over subjects.³²

To demonstrate the escalation of tyranny over foster care subjects, I offer three examples: (1) the legal treatment of kin in court; (2) concurrent planning; and (3) race-related policies. Participants in my study denounced the domination occurring through these policies. Policy begets problem begets policy. Each policy expands bureaucracy.

³² In Chapter 4, I expand this argument which Ferguson called “instrument effects” (1990, 255) in reference to Foucault’s discussion of how ideology produces “effective instruments” like surveillance, investigations, and systems of registration “for the formation and accumulation of knowledge” that are in turn the apparatuses of controlling a population (1994, 217).

The subjects of this bureaucracy are increasingly controlled through tyranny, which they experience as structural, symbolic, everyday, and implicit violence.

1. The Legal Treatment of Kin in Court

Two policies particularly disadvantage kin in court. The first is limiting parental access to legal representation. Recall that three-quarters of children enter foster care under the loose definition of neglect (Children's Bureau 2019). Legal scholar Candra Bullock (2003) argued that “broad definitions of child neglect encompass many characteristics of poverty, thus leading to a greater likelihood that poverty will be mistaken for child neglect” (1026). Because most kin are not accused of a *crime*, they may not be entitled to legal representation.³³ As of 2003, 39 states provided legal representation for indigent parents (Outley 2003). However, some states only allow counsel after termination of parental rights has begun (Administration for Children and Families 2017, 2). Plus, judges resist parental legal counsel because they believe it hinders judges’ effectiveness (Sankaran 2018). Marissa told me about several ways legalities disadvantaged her in her battle to regain custody of her son:

My child was forcibly removed with no grounds and without a warrant in the middle of the night. I was never convicted of anything and there was never [...] evidence. I still do not have my child back despite completing all court orders, graduating from parenting class, passing a mental health exam and drug test. [...] The caseworkers repeatedly put my child in harm’s way and didn’t ever put his best interest first, and because I couldn’t afford a lawyer, [we] consistently fell through the cracks and could never receive help. My lawyer up and quit my case halfway through because of allegations that she was feeding information to my social workers and misrepresenting me in court. [...] I was never even allowed to speak in court and my attorney was a court-appointed one who refused to

³³ Parental incarceration was listed as the reason given for only seven percent of children entering foster care in 2017 (AFCARS Report No. 25 2018).

fight for my rights and the best interest of my son and would only follow directions of the social workers.

Marissa qualified for a court-appointed lawyer but, as she explained, it did not guarantee adequate representation. A study of 12,104 children underscored the value of parental legal counsel; enhanced legal representation for kin sped up both reunifications *and* permanency through adoption (Courtney and Hook 2012). Failure to provide legal counsel is strategic discrimination against impoverished families.

The second policy that particularly disadvantages kin in court is time limits for reunification. The state contends that long-term foster care results in child instability and poor adult outcomes. Therefore, under ASFA, the state limited the amount of time parents have to regain custody of their children to 15 to 22 months (Congressional Coalition on Adoption Institute 2014, 10). However, terminating parental rights to free up children for adoption does not *have* to be the solution to mitigating negative outcomes of long-term foster care. The state could, for instance, take better care of children. The state instead chose to limit how long parents get to prove their fitness to the courts.

Kin must complete court-ordered “permanency goals” to prove their parental fitness and prevent the legal termination of parental rights (TPR). Marissa mentioned tasks the judge assigned her: parenting classes, mental health, and drug tests. I saw judges require those goals and more: acquiring or maintaining suitable work, acquiring or maintaining suitable housing, proof of mental well-being or therapy attendance, maintaining distance from threats like an abusive partner, and attending monitored visitations. As Marissa said, even accomplishing these tasks on time guaranteed nothing.

The only reason I can offer for the otherwise arbitrary choice to enforce time limits is cost-effectiveness. Foster care and court hearings are expensive. So-called

negative “adult outcomes” have their own costs to society and the state. ASFA also reduced resources and services to help parents accomplish permanency plans to win back their children (Mitchell, et al. 2005; McWey, Henderson and Tice 2006). ASFA’s emphasis on “protecting children from threat of harm or unfit parents” (McWey, Henderson and Tice 2006, 197) permitted bypassing reunification altogether if a family was categorized as “high-risk” (Mitchell, et al. 2005, 7). High-risk factors increasing speed or probability of termination of parental rights include: missing visitation, having another child removed, a parental developmental delay, and substance abuse (D’Andrade 2009). These “high-risk factors” add complexity to cases and increase the time parents need to meet court-mandated plans. In other words, time is money. Parents characterized as high-risk are those that are inefficient proving their fitness and overcoming obstacles of poverty, not those that are actually riskier to children. Carbone (2014) commented:

Law professor Cynthia Godsoe [2013] observed that findings of child abuse or neglect often focus on “parental conduct that, while perhaps undesirable, does not cause proven harm to children.” A study in Washington, DC, found that 75% of children removed from their parents did not meet the necessary standard of risk. Instead, children are routinely removed in part for “dirty houses” or parental marijuana use so minimal that the amounts do not merit a misdemeanor criminal charge. (S114)

Reframing time and poverty as risk expands bureaucratic tyranny and institutionally discriminates against parents.

In summary, kin are systematically disadvantaged in court. They are not charged with crimes but are treated like criminals. They typically lack legal counsel. Kin described legal rights abuses such as failure to execute warrants, unproven allegations, state retention of children even after completing permanency plans, and more. Time limits on reunification are arbitrary but justified as “in the best interest” of children. It is

noteworthy that limiting legal representation and time are both cost-saving for the state. These policies strategically empower the state and disempower kin.

2. Concurrent Planning

Concurrent planning is another policy that thinly veils bureaucratic power expansion. Under concurrent planning policy, not only are kin and children vulnerable, but foster families are too. Concurrent planning was developed to reduce the time children spent in foster care. The idea was to create stability by minimizing foster care drift, and hence, “poor adult outcomes.” Rather than waiting for reunification to fail, concurrent planning “emphasizes working toward family reunification, while at the same time establishing an alternative or back-up permanency plan if children cannot safely return to their biological parents” (National Resource Center for Foster Care & Permanency Planning 1998, 1). In practice, the aforementioned back-up plan is usually a foster family who wants to adopt, called the foster-adopt or resource family. The primary architect of concurrent planning, Linda Katz (1999), emphasized forewarning foster-adopt families that reunification is always the priority while also reassuring them that the parental rights of their fostered children were most probably and soon to be terminated. In practice, however, Katz (1999) noted that caseworkers exaggerated the likelihood that parents’ rights would be terminated to secure the cooperation of the foster-adopt parents. For example, Kimberly, a nurse, and her husband, a police officer, fostered-to-adopt for a decade in Washington state. She described to me caring for an infant from birth to age two, and then Child Protective Services (CPS) “pulling” the child out of their home unexpectedly:

I believe the state [does] not really put the child first. If they did, there would not be stories of children safe and sound with a foster/adopt family and then yanked. It is so hurtful to the child, the foster family, and the foster family's children! Who speaks up for them? The state hides behind the phrase "for the good of the child" in so many ways. It is hideous the ways they harm families.

Kimberly succinctly expressed the pain concurrent planning caused that many foster parents described to me.

Foster parents attach deeply to, and often love, the children they hope to adopt.

The following statement from a training manual describes how concurrent planning intentionally promotes emotional risk to kin and foster-adopt families:

Concurrent planning is based on the philosophy that adults, rather than children or youth, should assume the emotional risk of foster care. [It] assumes that adults are better able to manage the ambiguity of relationships and the uncertainty of an unknown future [...] so the emotional burden is shifted. (Northern California Training Academy 2009, 4)

Concurrent planning was initially developed *only* for families least likely to reunify because requiring it for "all cases seriously distorts the model" (Weinberg and Katz 1998, 12). Yet states increasingly use concurrent planning with all families, regardless of reunification likelihood. This policy distortion causes palpable suffering for families and children. Despite the idea that bureaucracies act dispassionately, and therefore fairly, there is nothing fair about a policy designed to inevitably remove a wanted child from one loving family or the other. Kin, foster-adopt parents, and children are vulnerable to emotional risk resulting from tyrannical expansion of power into the domestic sphere.

Kin are especially vulnerable to emotional risk under concurrent planning through reduced reunification (Stein 2000; Weinberg and Katz 1998). Geri, for example, fought for custody of a grandson that she had raised for years as her daughter battled addiction.

She updated me on their case: “I just read the ruling and the judge ruled in favor of the foster parents. Our family is heartbroken. I don’t know that any of us will ever completely heal from this.” Geri emailed me the day CPS arrived and took her grandson:

I feel [the foster family was] deceitful and [they] were in it for one reason and that was to adopt my grandson. Even though when I first met them they said they were doing foster care to reunite families. I will NEVER trust a DCFS worker. I will warn people the rest of my life to NEVER trust any of them. They make you believe they are there to help you and then they do the opposite.

Geri said the job of the foster care system is “to take care of children until they can be reunited with their family. Whoever that might be (parents, grandparents, aunts, uncles, etc.). But nowadays, it’s just the middleman to adoption.” Concurrent planning sent Geri mixed signals. Despite the promise of reunification, the state facilitated her grandson’s adoption by a non-relative. Geri’s feelings of betrayal and pain are clear.

Cooperation of fost-adopt parents and kin is critical to concurrent planning success (D’Andrade 2009; Stokes and Sanders 2006). However, it is unreasonable and cruel to expect both families to happily cooperate in their mutually exclusive goals to possess children. Barbara Yngvesson argued adoption is a standardized unidirectional process that puts adoptees on a trajectory of successful breaking from their past to accept a new future (Stryker and Yngvesson 2013, 301). Extrapolating from Yngvesson, I posit concurrent planning is a bidirectional process in which children are objectified in a painful tug-of-war between kin and fost-adopt families. One family must lose.

Finally, concurrent planning harms children. The claim that the emotional burden is shifted to adults denies how fostered youth experience fost-adopt placements. For example, Camila, a foster care alumni, explained that her kin went to visitations “but the foster parent rarely took me and my sibling [...] because they were planning to adopt us.”

Camila witnessed her caseworker lying in court and interfering with her mother's visitation to facilitate the adoption. She believed that was why her mother lost custody. Camila described her adoption experience as: "Horrible. [My adoptive parents] tried to manipulate me and [...] separated me and three of my siblings because they couldn't have any kids of their own." Camila's experiences show that the emotional burden is not shifted off of children—they just experience it differently than adults. Also, concurrent planning is stressful for children who may feel guilt for appreciating a foster-adopt family, but still love and miss kin too.

Besides the emotional risk of concurrent planning for foster parents, children, and kin, critics argued national implementation of this policy is problematic. One analysis found that 32 states reported concurrent planning implementation barriers so that it exists in "form but not function" (National Adoption Day 2004, 8). These barriers include high levels of staff turnover, insufficient home visits and follow-ups, and preferential bias toward non-kin foster-adopt parents (Stokes and Sanders 2006). Caseworkers deemed concurrent planning stressful and time-absorbing (although not necessarily harmful), making them less likely to apply it as intended (Frame, et al. 2006; Gerstenzang and Freundlich 2006; Malm, et al. 2001; Westat & Chapin Hall Center for Children 2001). In summary, concurrent planning policy is disastrous. It is poorly implemented. It expands demands on social workers. It devastates foster-adopt parents and children. It especially disadvantages kin by systematically shrinking chances of reunification. Kin, foster-adopt parents, and children are subject to emotional risk through bureaucratic tyranny.

3. Race-Related Policies in Foster Care

There are two predominant race-related debates in foster care. One pertains to American Indians and the other concerns the disproportionality of Black or African American and Hispanic or Latino/a children. While power struggles over less prominent concerns, like language and religion, are important, to make my point here, it is sufficient to focus on the two more conspicuous race-related discourses.

I start with U.S. policies and practices oriented toward American Indians. A 2017 report from the National Indian Child Welfare Association noted:

One study found that, due in large part to systematic bias, where abuse has been reported [American Indian/Alaska Native] AI/AN children are 2 times more likely to be investigated, 2 times more likely to have allegations of abuse substantiated, and 4 times more likely to be placed in foster care than White children. Nationwide AI/AN children are overrepresented in foster care at a rate 2.7 times greater than their proportion in the general population. (2017, 1)

This report indicates the over-representation of American Indian/Alaska Native (AI/AN) children in every aspect of foster care involvement is ongoing cultural oppression and political disenfranchisement. One only has to reflect on the devastating *intergenerational trauma* caused by Indian schools for an uncomfortably similar example to outplacing AI/AN children in non-Native foster homes (Vernon 2012, 35-44). Crofoot and Harris (2012) asserted the source of child welfare disparities is institutional racism and bias:

The history of Indian Child Welfare consists of repeated documentation of institutional bias and institutional racism confirming that United States policies were designed to remove American Indian and Alaska Native children from tribes to undermine indigenous nations and to benefit non-native peoples. (1667)

As these scholars show, the connections are not incidental but derive from structural discrimination and violence.

Several specific policies attend to race directly. For example, the 1978 Indian Child Welfare Act (ICWA), the 1994 Multiethnic Placement Act (MEPA), and the 1996 Interethnic Adoption Act (IEPA) variably aimed to meet divergent cultural needs of children (Groza, Houlihan & Wood 2005, 435; Mitchell et al., 2005). ICWA protected tribal rights by limiting placements of Indian children with non-Indian families. MEPA, in contrast, sought to ensure adoption regardless of race, ethnicity, or national origin. These policies clearly conflict. Confused social workers fixate on legal compliance while Indian Child Welfare advocates emphasize children's broader cultural context (Brown and Rieger 2001). Foster care policies addressing Native peoples are an extension of older colonial cultural and political confrontations and abuses that bureaucratically manage "Indian problems" through silencing cultural narratives and institutionalized bias.

The second predominant discourse is concerned with (non-Native) over-representation of children of color in foster care. Linda Katz found that children who typically languished in the system the longest were "those who entered foster care under the age of one year; are disproportionately African American, Native American, or Latino; and most often come from families who are dealing with chronic poverty, domestic violence, and substance abuse" (in Barbell and Madelyn 2001, 22). Concurrent planning was developed to address these inequalities by serving the children who languished longest. Yet, studies reveal that factors inhibiting concurrent planning include: not being white, which results in fewer family reunifications and remaining in-care longer; having an emotional or behavioral problem; having more than one caseworker; having multiple placements; coming from families that are very poor; and the slowness of the court system (Potter and Klein-Rothschild 2001; Child Welfare Information Gateway

2012; Roberts 2002; Brook, et al. 2014; Chasnoff, Landress and Barrett 1990). Several of these factors correlate negatively with race and ethnicity. According to Dorothy Roberts:

[C]hildren of color made up 31 percent of the nation’s population of children in 2000 but accounted for 59 percent of the children in foster care and 61 percent of the children waiting for adoption. [...]

[S]uspected abuse of African American children is reported more often, charges are more likely to be substantiated, Black children are less likely to receive mental health services in foster care, they have fewer visits with parents and siblings, their families receive fewer services, families have fewer contacts with caseworkers and parents’ rights are more likely to be terminated. (Beyond Foster Care 2010)

As Roberts indicates, well-documented racial and ethnic bias makes concurrent planning particularly ineffective with non-white children, for whom the policy was primarily developed, further compounding existing disproportionalities and structural inequalities.

In summary, racial disproportionality remains problematic because it is a reincarnation of colonial structural violence that targets people of color and attempts to alter their existing cultural patterns in favor of hegemonic and essentially White values. Policies, like concurrent planning, ICWA, IEPA, and MEPA inadequately redress racial disproportionality because systemic poverty—the entry point for foster care—is still linked to institutional racism in the U.S. These policies expand bureaucratic power under the pretense of ameliorating “disproportionality” which is actually discrimination.

The Problems with Policy

In the last section, I outlined three areas of foster care policy that systemically discriminate against marginalized families. The state’s immense authority is augmented by lacking legal representation for kin and time limits that inhibit family reunification. Current planning is cost-effective governance for the state but has negative impacts on

social workers, foster parents, children, and kin. Race-related policies are ineffective redresses to institutionalized racism. Here, I address how the subjects of foster care experience policies and practices as obstacles through bureaucratic apparatuses.

Foster care administrators, for example, are frustrated by poorly designed policies. At one meeting I attended, school district administrators lamented the shortcomings of a policy to minimize educational disruptions by keeping fostered children in their School of Origin. Policymakers failed to fund or secure transportation to make it work. One senior school district administrator sighed and said that although the policy was good, foster parents were unlikely to transport children from one district to another without funding or transportation. “In short,” she said, “this ‘right’ is pointless because there is no way to enforce it for the child.” Administrators were aggravated by the inability to implement policies that lacked infrastructural supports.³⁴

Social workers notice significant gaps between policy implementation and the everyday lives of youth and families with whom they worked too. At a different meeting, key funding changes to Independent Living Programs (ILP) were revealed to attendees. One caseworker, who had often impressed me with her patience, threw up her hands allowing her pen to bounce off her notebook: “People in legislature are disconnected from reality. They keep threatening to cut funding because with it only three percent are finishing college. But they are *chueless* in their little castle. They don’t understand the stuff the kids are facing.” Caseworkers saw how even well-implemented policies did not account for the everyday obstacles youth and families battled.

³⁴ For an expanded discussion on the importance of administrators and social workers roles in bureaucratic welfare settings, see Evans (2016).

The disassociation between policymakers and working professionals was uncomfortably noticeable at a statewide gathering where politicians, practitioners, and the public intersect.³⁵ A panel made up of legislators and an influential judge responded to public and press inquiries about some of the most pressing concerns in Texas foster care. After about an hour of incomplete responses and blaming partisan politics, the crowd, composed mainly of social workers, began radiating mild hostility. I was confused by the panelists' ill-informed responses; and judging by the faces of fellow audience members, I wasn't the only one. The professionals who administer and implement policy-based programs and who are also subject to these laws and policies are exhausted by a lack of infrastructure to enact them and by a disconnect between their experiences and the well-meaning but seemingly uninformed policymakers.

Foster parents experience policy differently than professionals, even though foster parents are, to an extent, also agents of the state. No foster parents I spoke with talked about being supported by policies, formal or informal. Policies are hoops they have to jump through. The state mandates how they may arrange their homes, what, how and who can drive, how much space must be allotted per person, and how and what records they keep. They may recognize the need for rules, but still find them too intrusive and restrictive to provide youth the childhood experiences foster parents want to provide.

Besides experiencing policies as intrusion and inconvenience, foster parents struggled with policies that prioritize family reunification. Elise, a Texas foster mother to five non-kin foster children over three years, explained:

Also, policy seems to dictate *over* the best interest of the children. Many children are returned to unsafe homes with "safety plans" that are not

³⁵ "Fixing Foster Care" session at the Texas Tribune Festival in 2016

adequately followed up on. Parental rights often trump the best interest of the children.

Elise had her facts straight, but her perspective influenced how she interpreted them. Most children are reunified with parents using safety plans because most of the time children are removed from the home because of poverty-induced neglect. Elise is comparing her privileged home, which she self-described as “middle upper-class,” with what a poorer family could provide. Foster parents like Elise fail to see that “best interest” also includes the psychological welfare of the child and the impacts of removal and severed parental rights even when they are adopted into loving, affluent homes.

Foster parents are between the proverbial rock and hard place when it comes to foster care policy. Foster parenting is a generous and challenging thing to do. The state and society have high expectations and demand a lot. Laws and policies significantly restrict the ways foster parents can provide regular, stable homes for children in their care. We imagine foster parenting as opening up one’s home to children in need, but it is also opening one’s home to the scrutiny of the child’s kin, the state, and society. While they usually overcome this, policies and practices are a tremendous burden.

Fostered youth did not indicate they thought often about policies despite how much their lives are impacted by them. However, when I asked how “rules” affected them, youth commonly replied by explaining how they were abnormal and did not have normal childhoods. They resented separation from siblings. They wanted to play sports, have sleepovers, go on trips, visit relatives, get and give birthday gifts, and learn to drive. Policies prohibiting these everyday experiences are intended to keep them safe, but they also separate youth from other people and make them feel like social pariahs.

For example, Roxanne had been in Louisiana foster care for nine years but only had three placements, most of which was with one family. Despite her comparably low placement count, Roxanne was concerned about instability in foster care. She explained:

A child should be told why they are being moved from one placement to another. It's difficult to be picked up from school and sleeping elsewhere that night without reasons. A child wonders what they did wrong, and there is no closure with people. I am not very trustworthy as a result.

In spite of a relatively ideal fostering experience, Roxanne was troubled by feelings of isolation. Kayla, on the other hand, was in Oregon foster care for eight years and experienced ten placements in that time:

I was told I couldn't drive. I felt like not a normal teenager because of it. I wasn't taught how to budget or how to cook, to do my own bills. I overcame my foster experience because I was strong-willed. I always thought positive and felt every moment was a learning experience.

For Kayla, it was missing out on U.S. coming-of-age rituals and experiences that made her feel like an outsider. Although some youth, like Kayla, are resilient enough to adapt to policies or practices that make them feel abnormal, many other youth choose less helpful coping mechanisms or may not be as successful at mastering resiliency.

Unsurprisingly, kin responded very differently to foster care policies than other groups. From their perspective, the whole system is designed to hurt them. I could not find an instance of kin saying anything positive about policies. Kin did occasionally say positive things about specific individuals in foster care though. Most, if not all, kin detailed bureaucratic run-around and enumerated the ways their rights had been abused. Rob, a 52-year-old artist from California, recounted what happened when his teenaged son became mysteriously and rapidly ill. He sought medical treatment for months, but doctors were baffled and eventually his son was hospitalized.

Rob shared that when he questioned the doctors' treatments, the hospital called CPS to intervene:

CPS continued to impose the “treatment recommendations” made by the hospital, and vigorously obstructed all medical attention and all authority that might contest the hospital’s opinion [...] Thereafter, I was only permitted one-hour-a-week-supervised visits, at which I was not allowed to express sympathy for his condition or express concern with the “kidnapping” that had just been perpetrated by the state, or talk about medical matters. [...] I was repeatedly threatened that I would be “out of the picture” if I didn’t cooperate. [My son] was told that I was the cause of his illness, and that I was preventing his recovery. The distress [this caused] was considered therapeutic, in order to “break” his “conversion disorder” that they insisted he had. [In the meantime two] highly qualified doctors whom my son had seen prior to the hospital had diagnosed my son with a Chronic Fatigue Syndrome (CFS) related illness [...] [Their opinions] were dismissed out-of-hand and my belief that their diagnosis was accurate was considered proof of my non-cooperation. [Rob described a lengthy court process in which he fought to get an outside, expert opinion by a doctor specializing in this disease who had authored several peer-reviewed journal articles on the topic. CPS dismissed this doctor’s report. His efforts were characterized as evidence of non-compliance. A year passed.] I demanded a trial and got it. Four days before the trial, CPS caved and agreed to dismiss. [...] Ninety minutes after the hearing, my son was evaluated by our expert, who confirmed that my son was physically ill with a CFS-related condition [and] Marfan Syndrome. [...] I could not find a law firm [to] represent me in a lawsuit against the hospital or CPS. The most common reason given was that the statute of limitations had expired—during CPS’s tenure.

Rob’s story captures the power of “experts” to deny his most basic rights to decide what was in the best interest of his child. Rob fought for custody and won, but most kin who shared their stories of courtroom humiliations and CPS condescension did not get their children back, and Rob’s story certainly lacks a happy ending.

In summary, policy implementation and enforcement are hampered by a disconnect between policymakers and everyday lived experiences. Social workers are frustrated; foster parents are hindered; youth are discontent; and kin are outraged. The general dissatisfaction of all parties reveals expanding bureaucratization at work.

Applying Theories of Bureaucratization and Power to Foster Care

Up until now, I have not defined or problematized *bureaucracy*. For practical purposes, bureaucracies are managerial-based hierarchies to organize people and processes within or across institutions. “Bureaucracy” conjures Kafkaesque imagery of unenthusiastic office workers, paperwork and filing, red tape embattled with efficiency and audits, labyrinthine buildings and waiting lines, and processes of identification. There are, too, emotional reactions to bureaucratic interactions: frustration, anxiety, avoidance, and anger. Despite the omnipresence of bureaucracy, David Graeber (2015) observed mention of it decreased substantially since its ubiquity in academic writing and public discourse following World War II (3-5). Graeber aimed to identify what bureaucracies actually do, not what bureaucracies are claimed to be (13). It is a central thesis of this dissertation that foster care is a bureaucratic system appearing to do one thing (help children and families) but aims to do something else (change attitudes and behaviors of families who do not represent middle-class and neoliberal ideals).

Graeber argued that—hiding behind the pretense of transparency—bureaucracy masquerades as an unbiased and equalizing instrument of democracy (23, 26-28, 183-185). Graeber calls the semblance of ignoring the bureaucratic maintenance of structural inequalities the “culture of complicity” (26). He wrote that “all rich countries now employ legions of functionaries whose primary function is to make poor people feel bad about themselves” (41). Foster care is such a bureaucracy. Although Graeber does not point out society’s collective complicity here, I do: the public, you and I—we look away from suffering because it makes us uncomfortable. We ignore structural inequalities right alongside the complicit bureaucrats declaring everything is done in the “best interest of

children.” Graeber noted that the subjects of bureaucratic (good) will should be wary of allusions to “good intentions” (8). This, I would add, is particularly true in systems of care—such as medicine, education, and welfare—where the discourse of “doing good” (Fisher 1997) can hide policy effects, ulterior motives and profit-making opportunity.

Graeber further contended that society refuses to acknowledge that bureaucracies work through the threat of and real violence (66-68). Officers in American courthouses indeed carry weapons. What Graeber does not elaborate though is a subtler violence found in foster care and perhaps other bureaus—the structural violence of forcing kin to adopt a new *habitus* (Bourdieu 1977) to regain the right to raise their own children. This is not the threat of a gun aimed at the parent; it is the *implicit* threat of a kidnapper threatening a child to coerce the parent’s cooperation. It is also uncomfortable to recognize this violence, but the kin who participated in my research, like Alex, Darlene, Matt, and Rob all used the word “kidnap.” Other kin, like Becky and Marcia, said their children were “stolen.” Many more referred to the pain, suffering, and torture they or their children experienced through the tyranny of the foster care system. Foster care is a good model to support and expand Graeber’s generalizations on bureaucratization. Furthermore, implicit violence in foster care also demonstrates how this particular bureaucracy, at least, is neither impersonal nor equalizing.

Through this chapter’s examination of historical and modern policies, I also refuted the popular belief that bureaucracies attenuate market forces (Graeber 2015, 3-44). Through the Colonial, Industrial, and Progressive eras, foster care was a para-governmental system to manage orphans, children perceived as dangerous, and children perceived as in danger; now it is increasingly a state bureaucratic system to transform

people into better neoliberal producers and consumers without promoting social mobility. Foster care is a marriage of bureaucracy and neoliberal values. The perception of foster care as a system of charity obfuscates coercion through sustained bureaucratic structural inequalities. This supports neoliberal market forces, not attenuates them.

Graeber noted that market regulation requires an army of administrators (a.k.a. bureaucrats) (9-10). Other scholars have shown the shift toward pro-neoliberal policies since the 1980s significantly increased the gap between America's wealthiest and poorest families (Harvey 2005, 15-19). I add that without systems like foster care, that hide their true functions through bureaucratic apparatuses, the incompatibility of neoliberal values and democracy would be plainly visible. Foster care continues to work well under neoliberalism because it still *looks* like older systems of welfare that attend to the most egregious aspects of poverty by caring for the helpless.

I have two arguments and the testimony of many participants to support my claim that foster care does not generally help impoverished families or children.³⁶ First, success is measured in changed behaviors of adults and youth. Second, foster care does not generally mitigate poverty or improve the lives of most children. Research demonstrates that fostered children removed due to poverty have more problems as adults than children from similar socioeconomic backgrounds who did not go into foster care (Farruggia, et al. 2006; Okpych and Courtney 2014; Lloyd and Barth 2011). Bureaucratic experts measure these kinds of "outcomes" through audits.

³⁶ As always, this argument comes with caveat that I am talking about the 75 percent of families who are interfered with by Child Protective Services because their poverty leads to conditions of neglect; I am not talking about 25 percent of parents who abuse or abandon their children (Children's Bureau 2019).

Audits work in two primary ways in foster care. First, audits are an internal tool to manage risk (Brown 2010). Anthropologist China Scherz (2011), for example, found that CPS workers wanted audit tools even though they critiqued audit tools as ambiguous and even useless. Second, audits are a tool to establish public trust and accountability through transparency (Storeng and Béhague 2014; Shore and Wright 2000). While audits seem meaningful, they are merely accounts of what has already happened (Valverde, Johns and Raso 2018, 126). Their power comes from implying state bureaucrats *will* (eventually) address shortcomings. Critically, foster care does not audit how many families or children it successfully helps to escape poverty; it merely audits how many families and children it “serves,” or rather that it manages. Foster care successes are measured in terms of getting children out of foster care and in terms of “outcomes” for fostered children and youth.

“Outcomes” are the measure of state success or failure in its role as *parens patriae*. Michael Power (1994) argued that audit is a direct response to failure. Commonly deplored “negative outcomes” include low educational attainment, underemployment, assertions of substance use and abuse and criminality, homelessness, high rates of teen pregnancy, and multiple reengagements with foster care. My concern here is not with the accuracy of these claims but with the impact of focusing on adult outcomes. Problematically, audits and outcome-oriented discourse seem neutral and value-free measurements, but they in fact ignore and privilege certain information (Merry and Coutin 2014, 2). In foster care, disuse of welfare is privileged as unquestioningly good. Extolling welfare disuse conceals the omission that foster care does not give children better lives and, sometimes, makes their lives worse.

Adults dehumanize children by attending to what children could be rather than who children are. Prioritizing the future productivity of children has been thoroughly explored in the anthropology of childhood (Burr and Montgomery 2003, Christensen and Prout 2005, Corsaro 2005, Hirschfeld 2002).

From the gaze of the state, a child who may become an unproductive adult is a threat to economic resources and a threat of (under) consumption. It is reductive to only acknowledge children only as what they will *become* rather than who they are—not objects to preciously protect, but valuable members of society in their own right. Ultimately, attention to outcomes is a preoccupation with making productive citizens that do not use state resources but are consumers—an ideology at the heart of modern industrialization and (neo)liberal policy.

Rather than focus on adult outcomes, foster care could attend to the wholeness and wellness of children. Is the child—as she is, right now—healthy, happy, well, and whole? What could be done to support her well-being *right now*? We have few ways to know, however, what could result in a healthy, happy, well, or whole child right now because we rarely ask the child or youth what could be done to meet their needs and desires.³⁷ Instead, adults presume they know what is in the child’s “best interest.”

Adults determine what is best for the child based on what they think will create an environment that will lead to desirable outcomes *for the adults*. “Best interest” is barely disguised as a means to whatever it is an adult thinks is (subjectively) good.³⁸ One of the

³⁷ Most teens and school-aged children are not seriously consulted about their opinions and needs; or if they are, I often saw their opinions and requests disregarded by judges because the judge thought he knew best. Some discretion based on a child’s age is necessary. Adults must decide for an infant, for example. My central point is that adults are ultimately acting in their own interest and not children’s.

³⁸ Rhetoric of “best interest” emerged in the early 1800s alongside legal references to the “laws of nature” to justify a break from prior legal traditions in custody cases (Mason, Reardon and Noblet 2009).

events that made this clearest to me was a conference I attended with about 300 child welfare professionals, paraprofessionals, and volunteers. A primary observation from this conference was that, despite different goals and poor interagency communication and cooperation, organizations consistently shared the mantra of "best interest of the child." At this event, a former juvenile justice worker and CEO of a major advocacy group said plainly, "The goal is to produce healthy citizens [but there is] no collaboration with mental health, education; and the substance abuse [treatment] system is tenuous at best." The focus, as this quote shows, is on children's potential, not their inherent worth.

While "best interest" can be used to protect children, it is reductive: a judge—and by extension, a child protective service worker—can take any action in defiance of parental rights and rarely considers what the child defines as her desires or needs. The courts do this with full knowledge of how destructive the effects of breaking up families are on the children, parents, and other family members (Bruskas 2008; Silver, et al. 1999; Isquith, et al. 2005; Lawrence, Carlson and Egeland 2006). Foster care is primarily organized around coercing impoverished parents to change their behaviors, attitudes, and values.³⁹

Conclusion

This chapter outlined the history of practices and specific policies to demonstrate their development in relation to changing sociocultural ideas and beliefs. Foster care adapted to changing beliefs by marrying bureaucratization and neoliberal ideology. These increasingly hide nuanced layers of violence against impoverished families and children. The violence is evidenced in the ethnographic testimonies of those who participated in

³⁹ Chapter 5 attends to how kin are disempowered through courtroom rituals and to "become" proper members of society before their status of "parent" is reinstated.

this study, and also in the state's failure to make fostered children's lives better and discourses that focus on future outcomes and productivity instead of present well-being.

Historical and current U.S. foster care policies and practices reveal several levels of violence at work. First, the chronic social inequality that exploited impoverished families through indentured servitude and the Orphan Train Movement continues today through policies like preventing kin from accessing legal representation and race-based discrimination coded as "disproportionality" as ongoing structural violence (Galtung 1969). Second, foster care subjects families and children to symbolic violence (Bourdieu 1977). We see this in courtroom humiliations where kin try to appease judges before time limits for reunification run out and in public discourse that shames kin for their poverty. Indeed, Graeber (2015) called the continual work of the subaltern to predict and act on the needs of those in power "interpretive labor" (68, 95). Third, impoverished families are exposed to everyday violence (Bourgois 2001; Scheper-Hughes 1992) through policies like concurrent planning that pitch them against foster parents and through all the petty attacks on the personhood, identity or character of kin and children. Foster care is a system of structural violence uniquely adapted to employing symbolic and everyday violence through bureaucratic and interpersonal interactions.

Beyond Graeber's direct threat of violence, I argued parents are conditioned to acquiesce out of fear of losing their children and what their children might have to endure. I call this implicit violence. It is *implied* that resistance to bureaucratic plans and courtroom orders risks their children. This threat is *implicit* in that it is always possible CPS could come take a child away. The threat is absolute and certain—the state has the *implicit* power to take a child away. Invoking the threat of CPS is powerful and terrifying

for impoverished families. When Graeber talks about the “stupidity” of bureaucracy, he inadvertently minimizes the violence a bureaucratic system can exert on marginalized people. To call out the stupidity and inconveniences of bureaucracies is a powerful privilege that families under the implicit threat of foster care cannot express without the possibility of real and terrible consequences.

All of this, however, risks being dismissed when the narrative of foster care is “doing good” (Fisher 1997) and “good intentions.” The risk is even greater when I must admit that foster care administrators, social workers, and foster parents are not villains out to destroy families. In the next chapter, I explore the nuanced relationships and power between the agents of foster care and people who are subject to its power.

CHAPTER 4

THE SUBJECTS OF FOSTER CARE: POWER AND TENSION

Introduction

I feel like there's a disconnect between the court, the caseworker, the foster parents, and the actual foster youth. [...] They're [the state is] a very lackluster parent. I feel like they almost would be better off to a point staying with their biological family depending on what the circumstances were because at least then they have stability and normalcy. [...] I don't think that it [foster care] necessarily works very well for the youth. I think it works more in favor of anybody else. [...] It's made more as a convenience toward anyone else that works with the youth. So it's easy for a social worker. It's made for them. [...] Bureaucracy also helps with the judge, it helps with foster parents in a sense, but when it comes to the actual foster youth, they're not necessarily being heard in what they want. [The social workers are] overworked, overburdened and I feel that the actual caseworker is...It's almost like a revolving door. [...] And [the youth] are not necessarily checked up on as much as they should be, and that's no fault to, necessarily, CPS [Child Protective Services] or DFPS [Department of Family Services] in any sort of way. [...] We shoot for the moon, but we'll probably only get to land at the ozone layer because you can't do everything you want.

In the space of a couple of breaths, Christina, a 20-something, unseasoned social worker with a private agency for barely a year, articulated the complex and tense relationships between the bureaucratic structure of foster care and its subjects—the fostered youth, their kin, the foster parents, and the professionals. She clearly named what most people governed by the foster care system could not: each group had divergent goals that led them into conflict with each other and the system's design, or, as she called it, the bureaucracy. The system, she recognized, was designed more for the convenience of its administrators, bureaucrats, and employees—not to serve families or children. Moreover, she sensed how bureaucracy limits and controls its subjects.

Previous chapters established the stereotypes and myths about foster care subjects and chronicled how the history of U.S. foster care policies and practices are also the history of socio-cultural beliefs about people living in poverty. In this chapter, I illustrate how the constituents of the foster care system—social workers, judges, foster parents, kin, and fostered youth—understand and explain their roles and their agency, and how they imagine the roles and agency of the others in the system. I demonstrate that different subjects in each of these selected groups are not working cooperatively toward a clearly-defined shared goal, nor are they working single-mindedly against each other. Despite vague agreement that foster care should help or protect children, the groups understand and define *help* and *protection* differently. They struggle to understand one another.

James Ferguson (1990) argued that policy works through people, spaces, bureaucracies, and geographies, and that policy has differential effects on local actors. Rather than justifying the unintended consequences of policy as “side effects,” Ferguson borrows Foucault’s notion of “instrument-effects” to reveal how people are impacted by both tools of power and the exercise of power (Ferguson 1990, 255). Ferguson showed how a development project in Lesotho supposedly intended to stimulate the local economy instead created an operational zone for military deployment and increased the governmental gaze in that area. Although he described that development project as a "machine for reinforcing and expanding the exercise of bureaucratic state power, which incidentally takes ‘poverty’ as its point of entry" (1990, 255), Ferguson was reluctant to characterize the state as a conspiratorial dragon with a singular focus to control local populations. Rather, he described the state as "a way of tying together, multiplying, and coordinating power relations, a kind of knotting or congealing of power" (1990, 273).

Each bureaucratic agency had its own goals and agendas. Although it is possible that they work toward similar goals, individual and agency goals tend to override potential cooperation. Not only does this explain the absence of conspiracy, but it also explains a lack of results. Foster care is analogous to Ferguson's development project—both are sites of insertion into the lives of impoverished people, with knots of power relations, having agents with different goals and agendas, and that appear to aid people in poverty but actually have significant and negatives consequences on their lives.

My study also draws upon Jacques Donzelot's (1979) explanation of how governmentality (Foucault 1991) works through "the family" to argue that family-governance creates structural inequalities. Rather than a sudden "crisis" of morality among impoverished citizens, the state developed a science of parenting with experts and normalized standards that families self-submit to in order to receive social acceptance or government aid. "The family" is not an institution, Donzelot argued, but a mechanism of modern governance where the state either forces its gentle (re)education or indoctrination on the family ("tutelage") or families govern themselves by enforcing norms on non-compliant family members ("contract"). The governance of the family plays out in foster care where the social workers, judges, foster parents, kin, and fostered children and youth all have different goals and needs. Laws and social norms shape the subjects and agents of foster care and the tension between them.

Using ethnographic examples from each group of subjects, I show the power and limitations on their agency and how they understand and evaluate each other. Their expressions of power and agency reveal that foster care is foremost a tool of bureaucratic governance for managing people on margins of society. Participant observation and

interviews bring to light: (1) both the influence and exploitation of social workers; (2) the power of judges to shape society and their disdain for bureaucratic constraint and inadequacy in their courtroom; (3) the precarious power of foster parents and, often, the contempt kin have for foster parents; (4) the powerlessness of kin and their frustration with the system; and (5) how fostered youth agency is recast as psychopathy. Each group is subject to bureaucratic discipline and has its own struggles that inform the perspectives of individuals toward each other. Finally, I conclude this chapter with the discussion of the inevitable contradictions and conflict that spring from the friction of endless finger-pointing.

Christina's quote, that opened this chapter, exemplifies that she knew that in order to achieve her goal of helping youth, she needed to "shoot for the moon" because the bureaucratic design diminished her efforts. She saw that a bureaucracy and its administrators are not substitutes for parents—suggesting that the primary goal of foster care is not to protect and help youth. She knew that it was no one's fault in particular, but still, the "disconnect between the court, the caseworker, the foster parent, and the actual foster youth" bothered her. Christina captured the essence of the bureaucratic structure of the system. A closer examination of each group's agency and their perceptions of each other exposes bureaucratic mechanisms for managing families on the margins of society.

Social Workers

As discussed in the prior chapter, CPS investigators and caseworkers are often one-dimensionally represented as either heroes or villains by the media. Unsurprisingly, this dichotomy is insufficient to explain the effects of social workers in foster care.

However, they do have patterns of beliefs about kin, children and youth in care, and foster parents that can adversely affect the other groups.

Caseworkers seemed unaware when stereotypes they held about foster parents, kin, or youth were contradictory—a common paradox was to treat fostered teens like children but expect them act like adults. For example, in a series of meetings over the course of one day, Eduardo, a CPS veteran, divulged his own inconsistent beliefs. His job was to ensure that youth who expected to age-out of the system got their state-mandated Preparation for Adult Living (PALs) classes. Most of the time I thought of Eduardo as happy, gregarious and boisterous. However, this day, as he described manipulating youth into fulfilling state requirements, he reminded me of a slick-talking used car salesman. "We tell them they have to take and pass one class before they turn 21 to get their education benefits," he said with a conspiratorial wink, "but they really only need to register." Then, possibly noticing shock on my face, he justified this lie, "But we want more for them than that." A few minutes later, he somewhat contradictorily said, "Our job is not to tell a young adult what to do, but [to] make sure they have all the information they need to make the best choice." In the same meeting, he also asserted that youth were unreasonable to expect to access the same benefits he claimed he wanted them to get. "There's a sense of entitlement. 'You owe me my money.' But no, we don't. You have to earn it, and there's rules."⁴⁰ As this conversation reveals, sometimes Eduardo saw his job as enforcing bureaucratic restraints that allow youth quid pro quo access to benefits. Youth can only go to college on the state's dime if they take these classes

⁴⁰ Youth believed they earned these benefits by suffering through being in foster care, not through bureaucratic course attendance. If they think of it as their "right," it is because that is how foster parents, social workers, and courtroom professionals described it to them.

designed to wean them off of other kinds of social welfare. Unlike fellow social worker Christina who seemed unaware of her agency, Eduardo understood his influence.

Although Eduardo's comments might make him seem unsympathetic, the institutional tension between work characterizing him as a helper and his actual job is unfair to Eduardo and to social workers more generally. Although his work was described as helping youth, his day-to-day job was tracking them down and manipulating them into compliance. He believed he helped them by tricking them—the ends justified the means. He decried how difficult it can be to find youth given systemic design:

If a kid is on-the-run when their age group—age 16—pops in the system, their PALs file closes after 90 days. So a notice goes to the case manager—but with high caseworker turnover, that's a problem. Because when the kid pops back up on the grid, the caseworker doesn't know they haven't had [their PALs classes].

Eduardo paradoxically complained about the aspects of his job that make it hard for him to do his best for “his kids.” Despite his sometimes dubious methods to control their behavior, Eduardo acted out of concern for fostered youth.

Social workers are just people doing a job. Some do their job well and others do not. While their work is characterized as "protecting children," most workers do not directly protect children in their everyday duties. Exceptionally, an investigator (the social worker who inspects maltreatment allegations) may be in danger during an investigation with or without police support. However, a typical work day for most social workers is observing and documenting rule adherence, and either enforcing or punishing when they were not. Heroicizing their work sustains them through the most trying aspects of the job. The opening paragraphs of a textbook reveal how social workers are enculturated to imagine themselves:

This book is designed to help enhance your policy practice skills in the hope that you, too, will influence the policy-making processes in your agencies, communities, states, and nation. In doing so, you can make a tremendous difference in the lives of individuals and families living and working in unjust conditions and living on the margins of society, just as Jane Addams and many other social workers have done. (Cummins, Byers and Pedrick 2011, 2-3)

One way to manage the disappointment of the daily reality of bureaucratic work is to focus on the larger narrative of helping children.

Christina believed in the narrative of helping children and reasoned (above) that it failed due to infrastructural deficiencies for social workers particularly. She deduced they were not responsible if they lacked tools to do their jobs properly and she mentioned working conditions that drove them to quit. Disillusionment is hardly surprising given the ideals set forth in the textbook compared with the emotionally and physically taxing reality of their work. For example, Jake was a 30-something professional who was polished and proper, but also was frequently spotted high-fiving both youth and colleagues at his agency. He told me about his early days as a CPS investigator:

I know when I started working investigations, I was managing a caseload of 40...or I wish I had 40. I was managing anywhere from the high 40s to 80 cases at a time. It all just depended on the month and what was going on [...]—some of our cases would take a long time. I think I was working like 60 hours a week at least, and now my understanding is it's changed, and it's like 35 cases. [...] On top of removals, on top of whenever we remove a child, the paperwork is just a lot.

Jake reflected on his earliest days at CPS as if he had survived something traumatic. High turnover is real. Estimates place turnover at a national average of 30 percent but range as widely as 65 percent and as low as six percent at some agencies (Casey Family Programs 2017, 2). Continuous high turnover not only attests to frustrating working conditions, but also functions to prevent social workers from accumulating power they might use to rally

against certain policies or practices. Research on foster care social worker burnout that leads to turnover falls into two general areas: secondary trauma and poor working conditions or support. Secondary trauma occurs when professionals experience emotional, psychological, or physical symptoms associated with working with trauma victims. It results from sympathetic and empathetic responses to what others have endured. Research offers approaches to coping with secondary trauma, but staff typically do not receive trauma support services (Caringi, Lawson and Devlin 2012; Handran 2015; Smith and Clark 2011). This is another aspect of social work that many are unprepared for as they enter the workforce. Their confidence and job performance are affected and in turn lead them to feel incompetent and vulnerable.

A poorly prepared workforce and disappointing work environment lead to social workers conceptualizing their power as limited. Poor working conditions for child welfare workers include unsatisfactory organizational structure and stressful workplace climate with long hours (Hwang and Hopkins 2012), inadequate pay and benefits, issues with life-work balance, and lacking career fulfillment and development (Chen, Park and Park 2012). Moreover, pay for child welfare workers is generally lower than other jobs requiring a college degree (National Survey of Child and Adolescent Well-Being Research Group 2001). Although foster parents and kin criticized social workers as undereducated, many states and agencies require a bachelor's or master's degree in social work. I think the critiques I heard were primarily concerned with a lack of experience, not actual education. High rates of turnover suggest a continually renewing workforce of people who lack on-the-job experience.

Another aspect of the job that limits social workers' belief in their agency at work is that there is an immense penalty for mistakes. For example, one of the biggest mistakes is failing to remove a child that seemed safe in their home. Without clear guidelines, CPS workers walk the tightrope of individual responsibility for determining when to remove children. Jake told me, "It was kind of tough. A lot of the cases [...] it would be like, 'I don't see mom and dad as a big threat, but then again there's risk there that we cannot leave those kids there.'" Bernadette O'Connell, a CPS supervisor, interviewed by China Scherz described the dilemma of assessing child-removals like this, "Damned if you do, damned if you don't" (Scherz 2011, 38). Scherz asserted that Bernadette "ascribed this sense of being trapped during the risk assessment process to the lack of clear guidance regarding the acceptable level of risk and the appropriate balance between the two aims of protecting children and preserving families" (2011, 38). While it may be in the institution's best interest to maintain a lack of clarity to more easily shift responsibility, child welfare workers are continually under the pressure of not knowing whether they made the moral and right decision. The mandates of protecting children and preserving families are subjectively mutually exclusive.

To summarize, social workers are caught between the systemic tensions of trying to preserve families without causing risk to children and of protecting children without ruining families. They often get into this work with a desire to help people only to discover on-the-job that helping people can simultaneously look like (or be) hurting people. The absence of clear guidelines can make them second-guess their judgment and they know the cost of errors is immense. Instead of being buoyed by work that borders on heroics, they find themselves bogged down by paperwork and Kafkaesque bureaucracy.

Their work is difficult and often underpaid—making it emotionally unprofitable which leads to excessive workforce turnover. As a consequence, many social workers have too little experience. While child welfare workers are sometimes aware of their own constraints, they infrequently noticed constraints on other participants. Social workers believe that youth are uncooperative and rebellious, that kin are bad influences and the sources of all problems, and that the courts are inflexible and inconsistent. The bias behind those beliefs can unfairly tear families apart, institutionalize and label children unadoptable, and create many of the problems that children, kin, and foster parents face.

Judges

[Family court] is the arena where politics, economics, and morality intersect; where everything that Americans care passionately about yet seem incapable of agreeing upon—the family, individual rights, the role of the government, taxes, welfare, crime, punishment, and rehabilitation—are embodied in society's most vulnerable members, its children. Working in the system is a chance to help keep hatred and violence from being passed on from one generation to the next, to keep violence from spilling out of the home and into the schools and streets. (Hubner and Wolfson 2003, 6)

This quote from Judge Len Edwards, Superior Court Judge, Santa Clara County demonstrates that family court judges are aware of their remarkable power to influence society. Society often emphasizes impartiality in the judiciary, but the family court judges I interviewed and about whose courtrooms I quietly hovered did not talk about themselves as impartial. They saw themselves as the executors of what Judge Edwards described above: guardians and societal (re)stabilizers. Unlike social workers, who understand their power as limited by bureaucracy, judges know they have immense power to shape society. Only judges and policymakers recognized their role as managers of families who live on the margins of society.

Judges do not need the protection of bureaucracy because they have the authority of the bench. “Judge Pope” was the only judge who granted me an anonymous interview, although several judges permitted participant observation in their courthouses and some talked to me on-the-record. Squeezing me in before meetings, he wore a conservative but pricey suit with trendy athletic shoes that I pictured peeking out under judicial robes. He vacillated his speech dramatically between poignant emotion and emphatic assertiveness:

[T]he judge is the judicial leader of the community. The judge is the catalyst of change. The judge has the power to move things along and to make things better. [...] So judges have the opportunity to put the human touch to the system and that is especially important in the foster care system. [...] What that tells you is that the judge has basically the power to affect this child on a day-to-day basis.

He saw himself as a shaper of both society and individual lives. Judge Pope even talked as if the courts had powers of influence they did *not* have:

We have developed special programs here in [our] County that have helped try to deal with [struggles youth have when aging out]. I work with a couple non-profits that we have recently created. We definitely recognize that the *system* doesn't do a very good job in preparing these children. We've also been part of initiatives where we've created these Circles of Support Groups. [...] Our county has always been on the cutting edge of doing the right thing for these kids, and we really appreciate the support we get in the community [emphasis his].

Despite his use of the “royal ‘we’” derived from the power of his office, Judge Pope did not seem to me disingenuous. He saw himself as a leader of the community groups that other professionals would call community *partners*. Despite his claim that the court helped “create” these groups, neither Judge Pope or the court had a part in founding the non-profits he mentioned, whose names I redacted, or in the foundation of Circles of Support, which is a DFPS transitional policy practiced in several states. Nonetheless, he perceived community partners as volunteers working to support the courts.

In the following quote, Judge Pope reported how important he believed it was to chaperone parents into fulfilling social expectations:

Sometimes we have parents who as adults just never grew up, and they never learned because their parents never taught them. And so what we [judges] have learned is that if we give these parents the tools and we provide structure, and teach them discipline, and teach them accountability, and teach them responsibility, they can do it. They just have to be taught. And then they have to be mentored. They have to learn there's a consequence for making a bad choice. [...] When you can put families back together, people are thankful for having come into the court. They might not necessarily think of it that way, but at the end they thank you. They were certainly angry or bitter or sad or depressed when they first came in but when they leave [the court] happy, smiling, and with gratitude, that's why the job is worth it.

Judge Pope interpreted the happiness of being discharged from the foster care system as gratitude for reeducation, humiliation, and punishment. It did not occur to him that it was relief to be done with the hassle and invasions of privacy. His talk about how reeducating and disciplining parents revealed his consciousness of his power as a judge and reformer.

When judges give similar verdicts case after case, value judgments are enacted on the lives of kin and children and affect society as a whole. For example, Judge John J. Specia Jr. was the senior district judge in Bexar County (San Antonio) but left his seat in 2012 for an appointment as state Commissioner of the Department of Family and Protective Services. At a 2016 public conference in Austin, Specia characterized families as having “substance abuse problems, mental health, and,” he added with an awkward hesitation, “poverty issues” (Specia 2016). These characterizations are familiar—found in Donzelot, taken up in “culture of poverty” (Lewis and La Farge 1959) diatribes, and long associated with blaming people living in poverty for their condition.

Judge Pope also condemned kin. For example, he commanded critically that CPS should, “Intervene earlier. We can’t wait for children to die or get hurt. Let’s run parents

through more effective programs. Should we really be outsourcing some of these programs that CPS does?” Contrarily, he also recognized that caseworkers were not individually to blame, in the same way that Christina had. Judge Pope said mournfully:

Overall, social workers do the best they can. They're overloaded and underpaid. In my personal opinion, there's a lot of inefficiencies in a lot of policy that drives the caseworker and their caseload [...].

Judge Pope had a lot to say about the inefficiencies of bureaucracy in contrast to the comparable efficiency of his decision-making power. Animatedly, he said:

I equate policy to piloting the Titanic. You can't just turn it around when you want, turn it on a dime, make changes that it needs to do. You can only make incremental changes that make it better for the children and sometimes it's by trial and error. What I've learned as a judge at the most ground level hearing CPS cases daily [...], we use those courtrooms as labs.

His commentary showed that he sympathized with individuals, but blamed CPS. "What you hear caseworkers say," Judge Pope said, "is that they are not social workers. They're 'case managers.' They're shuffling paper. They're making sure people get referrals. They're making sure people get their checklist of things to do." These pronouncements assign responsibility for foster care failures to other groups—especially CPS.

Interestingly, Christina characterized a good judge as one who does not exercise their power in their own interest, but in the interest of children:

A good judge actually tries to listen to what the youth wants and tries to go with what the youth wants to have happen. A bad judge says, "No, these are what I do every day, all day every day. This is what it's going to be."

Judges struggle to balance their interpretation of the needs of those in court and relying on their personal experiences and understandings to dictate what will happen.

Judge Pope's talk about youth displays the ideal fulfillment of the court as a tool of normalizing reeducation in societal standards (Donzelot 1979). When they age out of foster care, he said, "Hopefully they have the necessary tools to become successful and hopefully good, law-abiding citizens." He contrasted what he saw as a youth's potentially self-destructive desires and his ability to decide in the best interest of the child:

A lot of times with a youth that is aging out, their wish is—their desire is to go back home, no matter how bad a situation it was. Sometimes this manifests itself with the child being a run-away, with the child being incorrigible, or the child being unruly in the foster home because they want to go home. We really work hard to give the child a voice either by bringing them to court or even video conferencing.

Despite Judge Pope's attestation that it is vital to hear youth, later in the same interview, he indicated it was appropriate to exercise deterministic judgment. He railed against administrative and bureaucratic obstacles and then said, "And going back to what I love—that's the power of the judge. The judge has the power to overcome those hurdles and deal with the bureaucracy." Here, he paused slightly and then added quietly, thoughtfully, "And, and perhaps order certain things to be done in order that children can get certain services." In practice, Judge Pope both listened to youth and did what he thought was right. He did not choose one or the other as Christina suggested. His decisions were both shaped by the law and his own experiences, beliefs, and biases.

Judges have exceptional power to shape society through families held only in check by laws and policies that they can at times override. I understood judges as envisioning their role as potters with their hands in clay made of social values and norms. Foster parents, kin, and fostered children feel differently about going to court because of the ways they have been subjected to that power. They talked to me about judges as representatives of the state to manipulate and oppress families and children. As a result, a

natural tension exists between the goals of the court and the other subjects of the foster care system. The judges, more than any other groups, have visible power.

Foster Parents

Foster parents are the least powerful of the state's agents. In a bureaucratic no man's land, they are subcontracted to be guardians but cannot parent as they see fit; they have influence over children and sometimes kin, but they are subject to CPS and the courts; in this role they are neither merely citizen-subject (like kin) nor full-professionals (like social workers). Their power is checked by policy and practice, and deviations from their bureaucratically-approved role are punished severely. As discussed in the chapter on media and stereotypes, foster parents are accused of "being in it for the money." This misconception is undermined by the modest payments foster parents receive for the maintenance of children (DeVooght, Child Trends and Blazey 2013).⁴¹ Accusations of misspent payments insinuate abuse of trust in their role as a child's direct guardian. However, foster parents frequently spend out-of-pocket to care for fostered children even when there is no expectation of adoption. In order to profit from fostering, they would need to strategically neglect their wards. This stereotype is an artifact from an earlier era in which there was less oversight of foster parents and is perpetuated by media sensationalism. Such accusations function to keep foster parents on the defensive.

While the foster parents I met were kind and often saw their caregiving as "doing good," there is a caveat to the argument that they are not "in it for the money." Data

⁴¹ The USDA calculated the average cost to raise a middle-class child was \$35.56/day (Lino 2017). Foster parent allowances range widely but most states average \$20/day or less for a child with basic needs; Texas rates start at \$22.15/day for children with basic needs (DeVooght, Child Trends and Blazey 2013, 9-18).

about foster parents is lacking. However, a few studies and my observations are in accord: most foster parents are working-class, and they do use foster care as a way to support or supplement a stay-at-home parent lifestyle (Zinn 2009, 194; Denby, Rindfleisch and Bean 1999, 294). The foster parents I met made it work by grocery shopping in bulk and clipping coupons; likewise, money that goes in the minivan fuel tank benefits biological children as much as fostered children. They did not appear to “make money” fostering but fostering did supplement their other income. Middle-class foster parents appeared more likely to spend on extras for fostered children because they could afford it. Studies confirm my observations that middle-class fosterers were more likely to adopt fostered children too (Zinn 2009, 207).⁴² I struggle to understand the stigma against foster caregivers being paid for caregiving; other caregiving professionals are paid for their work. I suggest the state promotes the idea that paying foster caregivers a wage would corrupt their caregiving to avoid paying them. Treating fosterers like true employees might also give them other kinds of power the state would rather limit as well. I believe that paying foster caregivers a wage in addition to subsidizing foster children’s needs would recruit more fosterers and decrease institutional placements. In any case, that some working-class fosterers do supplement their family income through fostering opens them up to accusations of “being in it for the money.”

Another accusation—abusing children in their care—also casts suspicion on frontline foster caregivers. Evidence of abusive foster caregivers is statistically rare.⁴³ It is, however, a common accusation from kin; and 15 of 38 foster care alumni who

⁴² In Chapter 5, I discuss implications of class from a sociocultural perspective—the impacts on socialization and professionalization of foster parents of different socioeconomic classes.

⁴³ In 2015, perpetrators defined as Foster Parent, Group Home, and Residential Facility Staff, or Legal Guardian totaled 0.6 percent of all maltreatment perpetrators (Children's Bureau 2018, 52).

participated in this research described physical, emotional, or sexual abuse by foster caregivers.⁴⁴ Youth may assert maltreatment because it happens more frequently than it is documented—but how much more is entirely unknown. Kin also allege maltreatment witnessed firsthand or described by their children. For instance, April, a stay-at-home mother with a large family, was supported by her husband who worked as a skilled technician. In the midst of their reunification struggle, she described to me how Texas CPS removed seven of their eight children. While her children were in-care, the state disclosed to April and her spouse that some of her children were sexually molested. She believed they had also been medically neglected. Again, underreporting of maltreatment of children while in foster care is probable; nonetheless, it is not the norm. Money-based and abuse-related accusations incensed foster parents. They were as scandalized as the public when news broke of foster caregiver maltreatment. They defended themselves vigorously and often pointed to their limited power to corroborate their innocence.

Like other subjects, foster parents alleged other groups had the power (they did not) to improve foster care and that others should be held responsible for the failures of the system. Foster parents referred to inadequate infrastructure, laws and policies that stretched them too far, and oppressive policies. They questioned, for example, why was it so difficult to take a fostered child along on a family vacation? Or why couldn't a fostered sibling legally drive her foster siblings to and from school or babysit them? Why is there so much duplicated paperwork to do? Why did medical reimbursements take longer than they were supposed to? Although foster parents rarely complain publicly, higher reimbursement rates would improve the material quality of life for children in

⁴⁴ Several examples of youth or kin reporting abuse by foster caregivers are shared later in this chapter.

their care. Foster parents also reported that administrative tasks interfered with caregiving. The emotional burden of their work was overlooked. Beside these concerns, they mentioned that invasion of privacy was bothersome, but they nevertheless accepted it as necessary to protect already-hurt children. Ed related this to an experience he and his spouse had as they expanded their family with two foster-adopted children in Texas:

We had an incident where I slipped in the bathroom with the baby, and we both got hurt. We reported it, and of course, there was an investigation. The investigation was quickly closed due to it being purely an accident, but it made us realize how vulnerable you are legally.

Ed wanted me to know that being a foster parent is precarious. Simple mistakes can brand you as a bad parent and lead to the removal of children. This added to the difficulty of the role and reminded them to not demonstrate too much agency.

Foster parents experience a range of punishments when they err. For example, Lauren was a supervisor at a private South Texas foster care agency where I spent months in participant observation. We were discussing how all prescribed and over-the-counter medications must be locked up so children of any age cannot access them—everything from psychotropics to cough drops. Lauren recounted how a long-time and trusted foster family was written-up because state licensing agents dropped in on them for an impromptu inspection. Lauren said, “They had everything locked up, but there was a medication—it was an ointment—and it had *just* expired. And so we all gotten written up because that was in her medicine cabinet” (emphasis hers). Multiple “write-ups” can lead to license suspension. On the opposite end of the spectrum, Adriana told me how her favorite foster mother lost her license overnight for refusing to shut down her wards’ Facebook pages. Adriana concluded, “And sure enough, the next day I was looking out my window and I seen the caseworker, and the foster lady, and a cop.” Foster parents are

checked by bureaucratic strategies ranging from humiliation to removal of foster children, and rarely, even taking foster parents' biological children.

The stress of foster parenting is so intense that foster parents sometimes quit when CPS repeatedly asked too much of them or did not give them what they needed to do their best. They also frequently mentioned the need for time to heal after the loss of a fostered child. I particularly remember how heartbroken Elise and her husband were after the child they hoped to adopt was reunified with his parents. They were still recovering and on hiatus after six months. There was also Alicia, in her mid-fifties, and her spouse, who had been kinship fostering their three nieces in Michigan for more than a year on an annual household income of less than \$40,000. Their budget was painfully stretched. "More help from the state for kinship fostering like foster families get [could have made us stronger foster parents]. I think we did as best we could with the little bit the state gave us: \$3000 for three kids for a whole year; if we were licensed, we would've gotten \$1500 per month." Bureaucratic indifference keeps foster parents disciplined, but also wears them out.

Kinship care is a growing form of foster parenting. Kinship care is full-time care by non-parent relatives or fictive kin, usually known to the child before being removed from the home. It covers informal arrangements where legal custody remains with parents to temporary custody and to formal care monitored by CPS and the courts (Winokur, Holtan and Batchelder 2015). Kinship caregivers like Alicia typically receive substantially less community support, training, and economic aid than non-kin fosterers. My data repeatedly demonstrated that kinship caregivers are doubly limited: their agency is curbed as both foster parents and as kin. Kinship caregivers are usually older and often

grandparents, single, less educated, unemployed, poorer, and more likely to need Medicaid or Medicare than non-kin foster parents (Child Welfare Information Gateway 2016). African American and Hispanic children are more often placed in kinship care (Child Welfare Information Gateway 2016). Additionally, children in kinship care are 2.4 times less likely to receive mental health services and 1.6 times more likely to manifest behavioral problems (Child Welfare Information Gateway 2016). Kinship care is more precarious than non-kin fostering due less support from the state. Yet kinship caregivers are also frequently subjected to the same stereotypes from the public and media as kin.

Summer, a 34-year-old kinship caregiver from Michigan, was training to be a police officer when she and her husband, who worked for an auto manufacturer, began caring for their newborn niece. They brought the three-day-old infant home after Summer's sister yielded custody to her family while she battled addiction. Then CPS suddenly and inexplicably intervened. Summer grieved through their story:

At 15-months-old, she was kidnapped by her foster care worker and placed with strangers. [...] She was kidnapped from our home—no prior warning, nothing, no court order, no warrant, no judge signature, nothing—we were made to believe they were gonna adopt her. It's something I have to say I will never do again. Our family has been tragically torn apart by this, by the system. No matter how much proof you have stating that DHS violated their own policies and state laws (in their own black and white paperwork), they still won't bring her back to her family. [...] Why do they get away with things like this? [...] Something needs to be done about how the system handles families and poor defenseless children.

Summer's suffering testifies to their powerlessness as both kin and foster parents.

The state promotes kinship placements because they increase placement stability, decrease child trauma, and maintain a kind of family preservation; but it also does less to

support kinship caregivers.⁴⁵ Because kinship caregivers generally have more barriers to providing for their relative children it is irrational to expect them to be able to offer material comfort comparable with non-kin foster parents who receive state funding. The children are not best served when their qualified kin are passed over as potential caregivers because finances make the burden too great. Both kinship caregivers and non-kin foster parents lack agency to advocate for or protect children they care about.

The paradigm of powerlessness for foster parents, like Summer, is the thing they most objected to and suffered: when children they cared for and often loved were taken away from them and given to someone else. Carrie, a seasoned fifteen-year Florida foster parent who had fostered approximately thirty kids, was still affected by this loss:

I recently reunited with one of my first foster children who was five last time I saw him. He is an adult now. He was severely abused for years after going back home. All the warning flags were there but were ignored just to get the case closed and get them off the books.

Summer, a kinship caregiver, and Carrie, a non-kin foster parent, were both devastated by their impotence to help a child.

Foster parents were not actively concerned with their power unless it helped them to help children. Those I observed during this research were just regular people trying to be good caregivers. A sense of morality or civic responsibility often motivated them. For example, they wanted to model behavior for their biological children or embody faith-based charity. They, like child welfare workers, started their experience with foster care anticipating personal fulfillment for altruistic work. Then they discovered that kin dislike

⁴⁵ Trauma is lessened because children already know and trust the adults with whom they are placed (Winokur, Holtan and Batchelder 2015). Children are also more likely to be reunited with their parents (Child Welfare Information Gateway 2016). Kinship placements may be used more when parental rights are less likely to be terminated and when parents are not prohibited from seeing their children. Financial supports for kin are controversial because some people believe families have a fundamental responsibility to care for their kin without state support.

them for colluding with the state, that social workers have them under constant bureaucratic surveillance and enforce seemingly pointless policies that interfere with common sense and good (foster) parenting, that judges typically do not want their input, and that the children dislike them as petty bureaucrats who (the youth think) are trying to replace their parents. They are not salaried but are shamed for mentioning compensation. They often spend personal income to care for the children where the state falls short. They are accused of atrocities and have very little protection from unfair accusations. They agonize over children they were powerless to help or shelter. They face harsh punishments for the kinds of mistakes many parents make. They get frustrated by red tape and oppressive rules that stymie their best efforts to care for children for whom they feel responsible and, often, real affection. The state puts foster parents in the uncomfortable position of facilitating visitations between biological parents and children. As a result, kin often lash out in frustration at foster parents, who serve as the face of the system in these situations. Foster parents are often disrespected by youth because, again, they are the face of the system children see the most. They are also under constant pressure and surveillance from the court and CPS. Foster parents are in tension with kin, children and youth, social workers, and judges who surveil them.

Kin

Impoverished kin accused of neglect have little power to prevent the state from taking their children. To demonstrate what parents face when neglect is alleged, I offer the following illustration. In the documentary film *Poverty, Inc.* (Miller 2014), Corrigan Clay, international adoptive parent and entrepreneur, described sketchy international

orphanages full of non-orphaned but destitute children. About one hour into the film, Mr. Clay role-played a scenario where he found himself in a personal financial crisis that prevented him from caring well for his children and dialogued someone saying to him:

“Hey, we have a solution. What we will do is set up a house where all the kids that have that problem are. They're not going to be your child anymore. You're going to have to give them to us, but we will make sure they have everything they need.” Is that the solution that you'd want? And I think most honest people would say, “No, I want to raise my own child. I just need a job, a way to make some money and I'm going to take care of my child.”

Although Mr. Clay, a white, middle-class, Christian, American male who moved to Haiti with his family to support his wife's non-profit, was referencing the dire needs of parents dealing with Haitian orphanages, he unwittingly described the U.S. foster system from the perspective of parents who cannot afford to meet the needs of their children.

My study revealed that kin have extraordinarily limited power. For kin, state-sanctioned kidnappings are a means to coerce them into middle-class expectations of parenthood and lifestyle. Judges may reward parents with resumed custody if they comply with all court-assigned objectives and reeducation. In the course of my fieldwork, in addition to confirmation that children's basic needs are met, judges required combinations of the following: parenting classes, random and scheduled drug testing, acquiring treatment for the parent's chronic medical condition, sobriety meetings, anger management classes, therapy, finding and keeping a job for a specific time that garnered specific income, attending supervised visitations with children (that often conflicted with work and transportations schedules), finding and keeping housing that met specific guidelines (like the number of bedrooms or space per person), and demanding transportation more reliable than city buses. All of these tasks were impeded by poverty.

One way to intimidate kin into compliance is to humiliate them. Although outright abandonment is rare,⁴⁶ some parents may begin to believe they are incapable or that they will never have the means to provide material comfort for their children. This is internalized symbolic violence (Bourdieu 1990) resulting from structural violence (Galtung 1969; Farmer 2002). Symbolic violence is the harm people experience when they become complicit in their powerlessness by accepting the negative beliefs about themselves. Persistent humiliation can dishearten parents and pressures them to surrender and terminate their parental rights. One form of structural violence is the harm individuals experience through institutionalized discrimination. The foster care system institutionally disadvantages poor parents. A few examples I witnessed include limiting their access to information, making it difficult for them to attend mandatory appointments and then exacting harsh punishments for missing them, not explaining processes or policies, demeaning parents when they did not understand or asked for clarification, and not subsidizing legal representation in non-criminal cases. Although some parents may succumb to bureaucratic bullying, none of the kin who participated in this research gave up—they fought relentlessly to regain custody of their children.

For instance, consider Leah's tenacity. Tennessee seized Leah's five kids after a tragic slew of events. She and her husband were sober recovering alcoholics. They both lost their jobs, and then their home. Leah's husband's mental health deteriorated. They moved in with Leah's father, but then he developed dementia:

I was run ragged between trying to care for him, my husband, my unborn child, and all the parent classes [to secure custody of the four children taken when they lost their home], individual counseling, family violence counseling, couples counseling, and substance abuse classes CPS dictated, plus the supervised visitation. Eventually, my husband got a job, we

⁴⁶ Parental abandonment was indicated in 5 percent of 2017 cases (AFCARS Report #24 FY 2016 2017, 2).

managed to get a house that was acceptable to CPS and finally, finally, after over a year, I regained custody of my girls and was about to move into a 90-day trial to get my boys. CPS still had their hands in my life though.

CPS removed their daughters again when Leah refused to comply with an intrusive administrative request.⁴⁷ Her husband found work again but was then fired for taking time off to attend court and case-related appointments. To regain custody, Leah moved into a shelter to get on a long wait-list for public housing. She got a part-time job and almost immediately the company initiated a wage-freeze. She told me:

My lawyer is no help, and my caseworker has informed me they plan to pursue termination of my rights even though I've completed everything on the service plan except housing. [...] But I won't give up. I'm one of the silently suffering parents living in a quiet panic. But my children mean more than life to me, and I will never give up.

Despite the obstacles they surmounted, Leah and her husband struggled to obtain a parent's most basic right: to protect and care for one's own children.

Similarly, Alex was an unemployed factory worker from Oklahoma whose two children were removed due to income loss. He said the only thing he could have done differently to keep his kids was "have money. [...] Only if I was rich could I have been able to do something. [Other people] are in similar financial situations as mine [and] we all feel like our kids were kidnapped." Alex reminds us it is not a crime to be poor.

For their part, kin name inadequate legal representation and indifferent judges as examples of foster care system failures. For instance, Alex said, "I feel like my kids were kidnapped and I had a voice with no sound. The state's word [CPS] will always ring

⁴⁷ A social worker demanded access to the records from Leah's children's private therapy that she arranged independently from CPS. Leah refused because the contents of their records were not relevant to the investigation, it was too great an invasion of privacy, and the state had prior therapy records already. The next day, the state brought new abuse allegations to facilitate new forensic testing done by a state therapist.

louder and judges, lawyers, and people like that will be swayed by their word.” Amy was a counselor in her early forties in Arizona, who like Alex, was silenced in court: “They only listen to CPS. I was never allowed to tell my story.” Becky, who identified as white and in her early 30s remarked, “My lawyer didn’t do jack crap to help my family” after her children were placed in Maine foster care. Inadequate legal representation, paid for with money needed to meet court-mandated requirements, is one kind of foster system failure kin struggle to overcome. Another is tense relationships with foster parents.

Powerless to know how their children are treated, kin fear for their children. Kin may be prone to attributing normal childhood illness, scrapes, and bruises to abuse because they doubt a stranger could care for their child as they do. Kin may think that if they can prove fosterers’ ineptitude that the state might award them custody. When South Carolina CPS took Dani's four children, she was suspicious and critical of their fosterers:

My children went from a loving home where I taught them self-respect, respect for others, responsibility. [They had their] own bed, rooms, a schedule. [...] Now the kids live in very nasty houses with no rules. They keep [getting] head lice, scabies, bruises. Two of my children don't even have beds.

Kin may also accuse foster parents of maltreatment because they are sensitive to ways their parenting has been interrogated and shamed.

It should be clear that kin are up against tough odds. They are driven by desperation and fear but lack representation and power. Kin regularly railed against the injustice of state-orchestrated “kidnappings” because they were too impoverished to prevent it. Dani further lamented, "I should have found someone to help me know my rights and the rights of my children." Darlene, a 63-year-old self-described political activist who sought custody of her grandchildren, offers another kin story. Colorado CPS

terminated her daughter's parental rights. I asked Darlene if she felt social workers, legal personnel, and experts were on her side. She replied:

Hell no. They lied on documents and in court and to us. They violated our constitutional rights. My daughter and I were cleared of all charges of child abuse in a legal and constitutional court of law. Family court does not acknowledge this. [...] We are pursuing legal remedies and suing in federal court for civil rights violations.

She was also filing formal bar association complaints. Darlene defended herself more proficiently than most kin in a way that could not be used as evidence of bad parenting.

In his fifties, Rob was eager for me to understand how his civil rights were abused when California “stole” his son. He emphasized this point on his online survey:

THEY LIE! [...] They are full of disregard for the minor, for the family, for dignity, for medical science, for common decency, for the principle of consent and the rule of law. For them, it is all about authority, and they are the only authority, according to themselves.

Rob was aware of the state’s power imposed on him. He specified his humiliations and identified the unchecked power of the court. He understood failure to comply further aggravated his ability to bring his son home.

Presumption of parental guilt for CPS involvement is unfair. Poverty limits their ability to preserve their families and defend against state intrusion. Rather than family separation, the starting point for every (non-abuse) case could be “alternative responses” (e.g., access to community resources, family counseling, financial services in lieu of child-removal) to reinforce families after disasters like job loss or health problems. Currently, children are removed even when parents commit no crime. Unless they can pay for it, parents do not have access to legal guidance as they navigate the system. They are humiliated consistently. Investigators can accuse kin of behaviors they suspect but for which they have no evidence (i.e., substance abuse). Poverty-based neglect can be

overcome with sensitive, respectful social work that does not begin or end in a courtroom (unless evidence of a crime is uncovered). Kin are sometimes mocked for suggesting a governmental conspiracy that plots to steal their children. They often described it to me as a money-making scheme. The plot is not to steal their children for money; it is to manipulate kin into behaving and thinking in ways that align with middle-class ideals.

Fostered Youth

Unsurprisingly, as state wards and minors, fostered youth have the fewest rights and least power. When they exert their agency, it is typically interpreted as rebellion or psychopathy and often leads to juvenile detention or even jail. The most common complaint from fostered youth is that adults control every aspect of their lives. For instance, at 35-years-old, Antonia reflected on her years in California foster care between the ages of 13 and 18. When I asked about the worst part of her fostering experience, she replied simply, “Being moved and having my life controlled by others.” As the primary subjects of the foster care system, youth become objects to be crafted into what professionals and policymakers think they should be unlike their parents. The “best interest of the children” is invoked to accomplish everything. While children and young adults are the reason everything happens, adults rarely ask what youth think is in their own best interest. They are subjects of the system in every way, and unauthorized attempts at agency or self-determination are not tolerated.

The discipline to shape youth is most readily observed in the practices that seek to control them. For example, in Texas, 53.5 hours of training was mandated to become a

licensed respite care provider.⁴⁸ Forty-four hours of those 53.3 hours were devoted to modifying or regulating children's behavior.⁴⁹ The 44 hours were divided between 28 hours of behavioral interventions and 16 hours of child aggression management. Even the two-hour course on psychotropic medications is an attempt to control children's behavior. Questionable polypharmacy, when doctors prescribe multiple psychotropics often without proper oversight, is exacerbated when medications are a quick solution for difficult-to-manage children.⁵⁰ These examples show that significant institutional resources are focused on controlling fostered children.

When youth expressed their frustration, anger, or sadness (caused by loneliness and discomfort in an institution or the home of a stranger, grief, fatigue, etc.) or asserted their will (to contact or be reunified with family, talk to friends they miss, use social media, get something they had lost, etc.), there is an adult with a plan to control that behavior. Adults usually frame any emotional outburst or act of self-determination as a behavioral problem. The youth, however, consistently protest their lack of choices, freedoms, and agency. They frame "acting out" as a response to restrictions.

Inattention to youth grievances is also a bureaucratic strategy. As mentioned previously, the frequency of maltreatment in foster care is likely underreported, although still not generally widespread (Children's Bureau 2019). Although I did not prompt them

⁴⁸ Only licensed and authorized adults can care for fostered children. Therefore, respite caregivers are emergency or temporary caregivers if a foster caregiver cannot provide 24-hour care due to an injury, illness, hospitalization, family emergency, or even vacation or running errands.

⁴⁹ The remaining seven and one-half hours were dedicated to child safety (e.g., CPR, first aid, and transportation safety) and two hours were for educating caregivers about psychotropic medications.

⁵⁰ Brenner et al. (2014) found that of the 240 foster care youth, aged two to 21, that their study interviewed about one in five was categorized as questionable polypharmacy; 35.9 percent were taking at least two psychotropic medications, and 9.2 percent were taking four or more medications.

to tell me about maltreatment, 36 percent of alumni described maltreatment in foster homes and institutional placements. Kyle was in Oklahoma foster care in the mid-2000s:

I was physically, sexually, and mentally abused while in foster care; CPS responded by covering it up and denying it happened. Furthermore, they tried to use the situation to coax me into telling them, while being recorded, that my parents were doing it.

Kevin described his time in California foster care throughout the 1990s: “The system failed to see the abuse my foster families were inflicting on me,” he said. “The sexual abuse from the foster fathers to the neglect of being starved by my foster mothers.” Lori was in Wisconsin foster care for 14 years and six different placements from the late 1990s to 2000s. She suffered nightly rape from ages two to 15 by her “forever brother,” a person whose obligation to protect her was made real by legal adoption. Kayla shared about her ten years in Oregon foster care in the 1990s: “The foster homes were worse than being with my parents. I was starved and beaten. My [two-year-old brother] being abused was so hard for me. I told my [case] worker [but] she didn't do anything for a whole year.” Ignoring children’s maltreatment reports is further proof that the system is more focused on controlling children’s behavior than attending to their safety. It is also another example of their limited access to power.

Moreover, maltreatment can be more subtle than what Kayla, Kyle, Kevin, and Lori experienced. Subtler versions of maltreatment may not meet official criteria as “maltreatment.” Definitions vary from state to state but generally include language of “serious harm,” “sexual abuse or exploitation” or “imminent risk” (Children's Bureau 2019, viii). Excluding some forms of maltreatment by definition means only the state can decide what constitutes maltreatment.⁵¹ Zach developed anxiety from “unequal

⁵¹ Thanks to Mindie Lazarus-Black for bringing to my notice how official definitions can create exclusion.

treatment" between himself and his foster parents' biological children over nine years in Texas foster care through the 2000s. Heather's experience in five Michigan foster homes over ten years throughout the 1990s paralleled Zach's: "I was a slave for these so-called foster parents. You get treated differently, and it's not right. [...] Growing up my privacy was always violated, and I was never treated like the family." Although potentially unintentional, differential treatment makes plain fostered children's inequality.

Youth are also made impotent via the ways they are silenced. Chase was nineteen when I interviewed him. He avenged repeatedly broken promises from his caseworker:

I ran away from a court date just to get out of there 'cause I just wanted to make a fool of him just because of the fact that he trusted me. I never trusted him. I wanted to run away to stay a few days at my mom's, which I did. I wanted him to believe that I promised him that I will not do it and I will be the best guy. He was dumb enough to accept that because he should have known I didn't like him, didn't trust him. [...] Nothing was gonna change with the court, and it didn't.

For Chase, not only was this caseworker unreliable and untrustworthy but skipping court was unimportant because Chase believed court wouldn't have changed anything for him.

Youth are imprisoned in foster and group homes. At 19, Gene seemed like the kind of teenager that was still uncomfortable in his own skin. He shared extensively about his interest in anime (imported Japanese animation) and Greek mythology. In 12 years, he recalled at least six foster families and the same "behavioral center" twice. Gene remembered the time he got jumped, then nearly choked another resident to death, destroyed a plexiglass door, and escaped from the behavioral center:

I don't really know what I'm angry about. When I get mad, it's like my whole mind goes blank. One time I even destroyed a plexiglass front door. I'm not very proud of this, but six months of being in a placement where all the doors are electromagnetically locked [...], and you're being bullied [...] It's not just one person doing it, try about 20 to 30 people doing it, and you can't walk out. One kid hit the, I'd like to say jackpot, and nearly

lost his life for it. Even the staff couldn't get him off of me, or me off of him. [...] It was only when I was beginning to realize I was about to kill him, I was like, "Oh shit, I don't want this on my record" that they were actually able to get me off of him because by that time I had already began to release my grip. [...] Instead of going up the stairs through another electromagnetically locked door, I headed to the front door. Keep in mind, that it's also locked mechanically. Three ways to unlock it: button, power outage, or key. [...] And if you're trying to get out with the button, make sure to bring someone else with you because the distance from the door to the button, you would have to teleport to make it in time. [It is for deliveries and visitors and takes two people to operate.] But their door is plexiglass. I just about shattered it. I kicked it about six, seven times.

[...] I passed up the police officer that stopped not too long after. [...] I already had my hands up and everything. I was like, "I know who you're coming for." He was like, "You ever live at the crisis center?" I was like, "Yup." [The officer said:] "I thought so. Your pants matched but your shoes didn't." 'Cause we weren't allowed to have laces, laced shoes. So they gave us some crappy Velcro Bob Barkers [jail shoes].

Gene knew he was a prisoner. I was unsurprised he refused state support to transition into independent adult living. "I wanted out on my eighteenth birthday," he said. "I was like, 'I can't be here.' I'm wanting to cause some serious damage, which I kind of did. And then the placement after that I was, let's see, bonded out of jail." The felony charge for fighting was dismissed, but the felony for destroying the door stuck. It is tempting to think he was lucky to avoid real jail time, but from Gene's point of view, he'd been doing time for the last twelve years.

If improving circumstances for fostered youth was more important than their reeducation into socially-suitable, moral, middle-class citizenry, then more effort would be applied to their aid rather than their discipline or captivity. Case in point, youth often lack a consistent adult advocate to help them long-term (like a CASA or mentor) despite evidence that such relationships are fundamentally positive for youth (Pilkay and Lee 2015; Taussig and Weiler 2017). Additionally, youth lack access to resiliency-promoting activities and self-efficacy (Sakai, et al. 2014). Connecting with family and friends,

working towards goals, opportunities for self-discovery, and being positive and hopeful are all resilience-nurturing behaviors that can be difficult for a child or youth in foster care with most aspects of their daily life restricted (American Psychological Association 2019). It is also difficult for them to move forward when they are still *in* a difficult situation. While resiliency, the concept of maintaining positivity despite adversity (Luthar, Cicchetti and Becker 2000), can be a double-edged sword that blames youth for failure to succeed or optimize their opportunities, it is also critical to coping with trauma (Wrenn, et al. 2011; Soleimanpour, Geierstanger and Brindis 2017; Gitterman 1991).

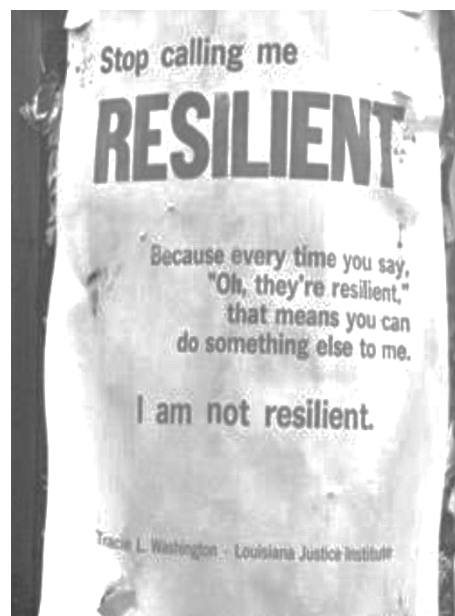


Illustration 3. Stop Calling Me Resilient Poster. Found stapled to telephone pole in San Antonio. 2015. Photography by Nikky Greer.

Triumphal narratives or success stories about overcoming serve an important purpose: they offer a just-so false proof that most youth are unimproved by foster care because they are the source of their own failure. This disguises the state's role as an inadequate caregiver. Youth who thrive foster care may have rare good luck in an ideal,

stable placement or have exceptional personal resilience. Consider Olivia who spent five years in California foster care. I asked her what made overcoming negative foster care experiences possible. She replied with one word, “Myself.” But not all youth have Olivia's personal resources, and it is unfair to put children through extraordinary trials and often trauma, and expect they come out better for it just because the government played a role in their lives. From the perspective of many foster care alumni, their families, and even professionals I spoke with (like Christina), the state, consistently fails to adequately care for fostered youth.

Fostered children and youth have a profound lack of agency in a society that many call child-centric. When they advocate for themselves, it is framed as "acting out" and treated like psychopathy. Most adults struggled to understand why fostered youth were angry or ungrateful. Professionals and fosterers often failed to see how youth were repeatedly betrayed by adults and expected youth to behave as though “this time will be different.” Youth focus on what has been done *to* them, but adults focus on what has been done *for* them. Youth want some agency—not total independence; they know they lack resources to make it on their own. Most adults I spoke with believed the state is obligated to provide for youth better than their families could because, it is implied, the state agreed to do this by taking children from their families. I will conclude by arguing that this is not and has never been the role of foster care.

Policy, Power, and Poverty within Foster Care

The participants in my study illustrated throughout this chapter how they understand the limits of their agency within the foster care system. They also blame each

other, or the nebulous entity called bureaucracy for what they perceive to be the failure of the foster care system. Professionals and foster caregivers believe unequivocally that helping families and children is the purpose of the system because it is *their* purpose. This (mis)belief in the purpose of foster care blinds professionals and foster parents to how they contribute to oppressing families and youth.

Like Ferguson (1990) found in his study of the Lesotho development project, I found too that policies directed onto the subjects of foster care include the tools of power (e.g., courtroom mandates, surveillance, paperwork, training and education, confining placements, limiting infrastructural supports, threats to take children) and the products of that power exercised (e.g., silencing, self-discipline, tension, blame, frustration). Foster care uses poverty as its point of entry, is a knot of power relations, and has within it various agents with differing perspectives, experiences, goals, and agendas. Otherwise well-intentioned people persist in imposing blame on each other to avoid bureaucratic discipline. However, while the individual actors and groups may not be conspiring against each other, there is subterfuge here. Where the subjects converge, friction creates a smokescreen for the fundamental function of the foster care system: to manage people on the margins of society via the bureaucratic governance of their families.

Rather than acting out of ill-intent toward impoverished families, people who work within foster care—the judges, social workers, and foster caregivers—in part define themselves by the altruism associated with helping families and children in foster care. Mattingly (2014) offered the framework of “first person virtue ethics” to describe how notions of oneself as moral are embedded in one’s understanding of the world and one’s place in it. Judges, social workers, and foster caregivers add value to their lives through

their work and they understand themselves as good people. Indeed, as generally good-intentioned people, it could be challenging for them to reconcile how their do-gooding could actually be harmful. If state agents understand their complicity (as certainly some must—Christina was on the verge of seeing it), then self-protection constrains the ways they can express their discomfort about complicity (Kohl-Arenas 2016). Likely, they rely on the deflection that their power to create systemic change is limited.

Morality, or lack thereof, is the excuse to intervene in the lives of impoverished families. Anthropology has long been alerted to how “doing good” justifies paternalistic interference (e.g., Escobar 1995; Fisher 1997; Ferguson 1990; Ortnner 2017). Khiara Bridges (2017) similarly argued that poverty is reconstructed as moral deficiency in order to facilitate the “rescue” of children rather than working to alleviate poverty. For Jacques Donzelot (1979) morality is the pretext for bureaucratic assault into the domestic sphere:

This was why, in every request for aid, one had to locate and bring to light the moral fault that more or less directly determined it: that portion of neglectfulness, laziness, and dissolution that every instance of misery contained. In this new policy, morality was systematically linked to the economic factor, involving a continuous surveillance of the family, a full penetration into the details of family life .(69, emphasis original)

Donzelot modeled a cycle to illustrate this morality-based incursion by the state: experts define normality (i.e., judges, psychologists); experts document and report failures in adherence to normalizing standards (i.e. psychologists, social workers); and families self-submit to either reeducation (*tutelage*) or govern themselves by enforcing norms on non-compliant family members (*contract*) to prevent punishment for not meeting normalizing standards. The judiciary is the plexus of this system of moralization, normalization, and discipline. This is why, unlike other foster care state agents, family court judges understand their power. While I would like to argue that there are critical differences

between what Donzelot found in French, urban, juvenile courts with impoverished families and children about 50 years ago and what I discovered in U.S. foster care today, I cannot. Instead, his critique neatly complements the articulation of power between the institution of foster care and the impoverished families and children that are its focus.

Conclusion

In this chapter, I have shown how the subjects of the foster care system understand their own roles and power (or lack thereof) and that of “others” within the foster care community. Each group is focused inward on its goals and bureaucratic limitations on their own agency and power (Ferguson 1990). Each group is also focused outward to scrutinize the power they believe the other groups hold and blame others for systemic failures. With their attention alternately turned inward or to each other, most subjects fail to see foster care as a tool of bureaucratic governance.

I described how social workers blame kin, youth, foster parents, and bureaucracy. Social workers are constrained by their work environment, responsibilities, and fear of bureaucratic discipline. Judges blame kin, youth, and bureaucracy. They are not neutral; they exert their will, based on personal beliefs, biases, and experiences, through judicial power to alter the behavior of others. Judges are exceptional in their awareness of their agency and power to mold society. Foster parents blame social workers, kin, youth, judges, and bureaucracy. Like social workers, they are often disillusioned by bureaucratic restrictions. The deep emotional, financial, and personal costs of fostering are often overlooked. Kin blame judges, social workers, foster parents, and bureaucracy. Kin often suffer two-fold under the burden of poverty and again under systemic discrimination. Kin

are angry and frustrated but cannot act out of those emotions without more consequences. Because they are comparatively powerless, no one needs to take honest accusations and protestations seriously. Youth are the fulcra of the whole system and they rightly blame adults. They are the penultimate subjects and attempts at self-determination are characterized as resistance, troublemaking, and disorder. As they age out, conversely, they are criticized for failing to self-actualize, care for themselves, and for being dependent—all hallmarks of the so-called “culture of poverty.” Everyone claims to act in children's best interest, but no one has asked them what their interests are.

As detailed in previous chapters, myths and stereotypes, policies and practices, and now bureaucratic governance converge to shape the day-to-day lives of the people who *are* the foster care system. It is uncomfortable to confront the collective complicity U.S. citizens have in the mistreatment of individuals subject to the foster care system. Foster care isn't broken. It was never designed to care for youth; it was designed to teach working-class and low-income families how to raise their children following middle-class societal expectations. The conspiracy is as old as human history: what do we do with people who do not conform to social and cultural norms? We make them outcasts and punish them. Foster care is a very sophisticated system for dealing with outcasts. If families or children are burdensome, they must be managed. Foster care does this.

Previous chapters have examined the myths surrounding foster care, its history, laws, and policies. This chapter revealed how bureaucratic governance manages society through families. The next chapter will examine the taken-for-granted rituals that are the evidence of ostracization and punishment. Rituals naturalize and sustain the current institution and create resistance to reform.

CHAPTER 5

RITES AND RESISTANCE IN U.S. FOSTER CARE

Introduction

Through bureaucratization, the foster care system governs families who live in poverty by threatening to and taking children. I will demonstrate how processes of enculturation naturalize what has become a system of institutionalized structural violence (Galtung, 1969). This chapter reveals that power at work within foster care is not focused on aiding families and children, but rather on changing the behaviors, beliefs, and attitudes of the subjects of foster care. The premise that foster care is "broken" suggests that professionals work to empower families and children; this chapter makes clear that the hierarchy of institutional power within foster care works to disempower and even oppress its subjects—especially kin and their children in foster care.

Using the term "rites" to describe the repetitive, secular, and stylized processes that occurred in family courts in Antigua, Mindie Lazarus-Black (1997) offered a model of legal power and subjectivity.⁵² Her "rites of domination" model, later elaborated to include how "court rites" operate (2007, 91-118), demonstrates how domination and subordination play out in legal contexts, why legal reforms are difficult to implement, and how agency is constrained by structure in legal settings. The forms of domination at work in U.S. foster care legal apparatuses mirror several of the rites of domination and specific court rites Lazarus-Black identified—especially, rites of instruction, intimidation, humiliation, objectification, bad legal advice and ill-treatment, silencing,

⁵² Special thanks to Mindie Lazarus-Black for her generous guidance and support applying her concepts of rites of domination and court rites to the context of foster care and for her thoughtful commentary.

judicial discretion, second chances, and unenforced enforcement. In my analysis of U.S. foster care, I add two new rites of domination to Lazarus-Black's original list, namely: surveillance and *parens patriae*. I also divide objectification, a court rite, into sub-categories of dislocation, the reduction of individuals into "cases" or "files," confinement, and institutional maltreatment. Foster care's legal system disregards rights of kin and youth to reveal examples of what I call "rites of resistance,"⁵³ such as refusals (e.g., "acting up," 30-day threats, running away) and negations (Scott 1990, 111-119). I also explicate the process I named "institutional extortion" in which kin undertake to earn back their children as an example of implicit violence and a rite of passage (Van Gennepe 1960). Rites of domination identify how hierarchical power is at work; rites of resistance are opposition to that domination.

As Lazarus-Black (2007, 92) noted, bureaucracy and legal processes are fundamentally integrated:

The bureaucratic administration of the courts promotes specialization, predictability, calculability, and legality. As Weber observed, however, there is a critical relationship between bureaucratic administration and domination: "Every domination both expresses itself and functions through administration. Every administration, on the other hand, needs domination, because it is always necessary that some powers of command be in the hands of somebody." (Weber 1978, 2:948)

David Graeber also remarked on the intertwinement of bureaucracy and legal processes in his discussion of the ubiquity of paperwork and its ability to produce rites of passage

⁵³ Others have used the term "rites of resistance" but not defined it. Here I am paralleling Lazarus-Black's use of rites of domination to indicate repetitive, secular, and recognizable acts of resistance. Scott (1990) described rituals of resistance (e.g., refusals, negations, and inversions). Tiffin (1989) used the term referring to written counter-discourse to colonial writings. Rev. Rardin (1979) used "rite" to describe the relationship between resistance and religious rites. Murray, Kerrigan, and Paiva (2019) named reconfigurations and ruptures as political rites of resistance to HIV propaganda in Brazil by sex workers.

(2012, 108). For this reason, we can take for granted that technologies like paperwork and embattling bureaucratic red tape themselves are also rites of domination.

Moreover, domination and subjectivity are embodied experiences; that is to say, being made into a subject has emotional, mental, intellectual, and physical impacts on individuals. Technologies and strategies of domination create both subjects of institutions and make them more obedient, or more ideal, subjects. I employ the concept of enculturation to describe how professionals, foster parents, kin, and fostered youth come to think and act like members of subjugated groups within the foster care system. Gregor Etzelmüller and Christian Tewes (2016) argued enculturation happens from both above and below in social hierarchies and is both fundamentally flexible and stabilizing (4). In other words, depending on what people in an environment do and say, what we learn is either changed and adaptable or fixed through stabilizing effects. Others (e.g., Dell Clark 2017; Salter 2018; Humes and Clark 2000) in addition to Etzelmüller and Tewes, maintain that enculturation is an essentially sensory and embodied process. Enculturation is another way of talking about the re-indoctrination referred to in previous chapters that create new identities for subjects of foster care. Whether talking about the process in terms of enculturation, re-indoctrination, or training, it is embodied work that conditions the subordinate to discipline themselves or be disciplined by the dominant.

This chapter also demonstrates how enculturation and rites of domination signify structural and implicit violence. Enculturation explains how well-intentioned professionals and foster parents can participate in a system of structural violence and oppression. Professionals and foster parents are rewarded socially, morally, and economically for their work through these subject-identities. Mary Douglas's (1986)

analysis of how institutions make identities argued that an individual's sense of self is, at least in part, derived from institutional belonging. Through enculturation, professionals, foster parents, kin, and youth learn how to be subjects of the institution of foster care. These arguments refute discourse about foster care as "broken" and also explain how well-intentioned individuals end up doing harm by participating in a system of structural violence and oppression that is itself disguised by good intentions.

All foster care subjects restrain themselves and participate in their own domination to some degree. Subjects are complicit in this way, in part, due to enculturation. Resistance is constrained by how much risk a subject is willing to take. Subjects have options for resistance ranging from hidden to subtle to overt rebellion (Scott 1990). The response to resistance is discipline—either the subject is convinced it is in their best interest to self-discipline (Foucault 1988) or they are disciplined by those in power. Rites of domination are often examples of discipline by those in power. In foster care, overt rebellion is rare because the stakes—loss of one's children, work, or freedom—for failing to submit are so high. I explicate the dangers and limitations of resistance for foster care subjects, especially for kin and youth.

In this chapter, I demonstrate how enculturation both makes state agents and allows those agents to imagine themselves as moral as they oppress impoverished families and children; and I describe how each group experiences court rites and rites of domination. Then, I present state strategies that deter and limit resistance. Rites of domination, as the next section illustrates, cajole people into compliance. I introduce the concept of *institutional extortion* to explain how state power aims to transform kin into models of middle-class habitus. I offer rites of resistance as responses to rites of

domination. Resistance, however, is also limited through rites of domination, the structure of foster care, and by structural and implicit violence.

Rites of Domination and Resistance

Rites of domination illuminate hierarchical power at work. In her study of Antiguan and Trinidadian courts, Lazarus-Black (1997; 2007) named 12 rites of domination that occur in courts: (1) giving instructions to subordinate the mind, voice, and body to authority; (2) intimidation; (3) humiliation; (4) delegating, or delegitimizing complaints; (5) legalizing, that is extending legal power beyond its formal boundaries; (6) euphemism; (7) objectification of court subjects; (8) bad legal advice and treatment; (9) silencing; (10) judicial discretion to privilege or subdue voices, options or evidence; (11) second chances for subjects of the court to make amends; and (12) unenforced enforcement, or not enforcing court decrees in ways that privilege certain parties. These court rites create the illusion of working in the best interest of subordinates (2007, 91) and keep subordinates in their place (2007, 113). All of these exist within the foster care system, but this section identifies the most repetitive and significant rites.

In addition to the rites of domination Lazarus-Black (1997) identified in Caribbean family courts, I expand that list by two more to include those observed in U.S. foster care: (1) surveillance as a technology of bureaucracy and neoliberal risk-management and control, and (2) *parens patriae*, particularly through the act of child-taking, as a form of “institutional extortion” by which the system forces parents to submit or lose custody of their children and their legal rights and social identity as parents. I also add three subcategories of the court rite objectification, particularly identifiable among

fostered youth: dislocation, confinement, and institutional maltreatment. Finally, I offer three rites of resistance as frequently observed responses to rites of domination: (1) refusals, in which subjects of foster care refute evidence, information, or refuse to follow instructions or confinement; (2) negations, an expansion of Scott's (1990) ritual of resistance describing how subjects use the tools of domination to defend themselves and resist by using the public transcript and hegemonic ideologies to their advantage; and (3) reunifications in which kin and youth defy their legal separation and seek each other out.

Expanding on Lazarus-Black's (1997; 2007) discussions of rites of domination and court rites allows for differences between Caribbean and U.S. lower family courts. Rites of domination and court rites affect lives beyond the courtroom and, as Lazarus-Black suggests, do “everyday harm” (2007). I propose rites of resistance (rather than rituals of resistance) as a way to describe opposition to secular, institutional power that has lasting impacts on subjects. I next describe the power that each group exercises, is subject to, and their patterns of resistance.

Judges

Judges have the most power to impact lives of other professionals, foster parents, kin, and fostered youth in the daily routines of foster care bureaucracy. They do not answer to any of these groups. They do, however, answer to the hierarchy of the court system and the general public, especially where family court judges are elected officials. Judges typically seek to protect their reputations by confining their decisions to standards set by professional ideals, enculturation and formal education.

Duncan Kennedy (1982) outlined how law students—who later become judges—are products of law school enculturation. Law school is itself a hegemonic hierarchy that makes it difficult for students to detect the “hidden ideological presuppositions of institutional life” (613). The hierarchical organization of law school means the basic experience is learning to be a passive vessel (594). Accepting legal doctrine passively opens students up to enculturation into the new habitus of the law, especially that their views are natural, right and superior (602-603). Within law school, lawyers and judges learn many of court rites described by Lazarus-Black (2007) that they will later reproduce in courtrooms. For example, Kennedy described how law students are subjected to sharp instructions (604), humiliations (593, 604), intimidation (601, 604, 607), delegating (605), silencing (604-605), and objectification via grading and ranking (600-601). Being tough and unsympathetic is esteemed and rewarded (593) and students are taught to ignore humane aspects of cases and to consider only how the rules apply (594). Advocating for the downtrodden is denigrated (601) and law schools, Kennedy argued, are biased toward economic conservatism that maintains the status quo even and especially when the rights of oppressed people are abused (598). The behaviors and beliefs judges learn as law students are important because they have inordinate power over the lives of the other subjects of foster care.

As courts based in the same legal traditions, there is significant overlap between what Lazarus-Black found in lower courts determining paternity, child support, and domestic abuse cases and U.S. lower courts for foster care custody and supervision. When they preside over cases, for example, judges *give instructions* and create *silences*. Judges commonly privilege or repress complaints (*delegalizing*), evidence, information,

or options (*judicial discretion*). *Euphemism* too is a general aspect of courtroom rites. Phrases like "your Honor" and describing a person as a "defendant" have empowering and disempowering effects in every courtroom. *Intimidation*, *humiliation*, and *second chances* are also common expressions of judicial power. Further, *unenforced enforcement* through lacking oversight in foster care creates room for excuses in cases of failure. Judicial discretion, unenforced enforcement, instruction, and silencing are present for all foster care constituents but have different impacts on members of each group. Rites of domination aim to create change in the subject. While rites are often immediate, such as a judge commanding silence from kin, they can have long-lasting impacts. In this example, kin are supposed to understand their goal is to learn quietly and subject themselves obediently. The act of silencing is carried from the courtroom as an ongoing lesson in subjectivity. Judges are instrumental in communicating the social norms to which social workers, foster parents, kin, and fostered youth are expected to adhere.

Judges have extraordinary power within the foster care system compared to the other subject groups. However, their enculturation also shapes their habitus and lays the foundation for expectations about how they answer to the hierarchical organization of which they are a part. Nonetheless, judges are subject to far fewer constraints and much less oppression than any of the other groups in foster care. Critically, most of rites of domination that unfold in foster care are facilitated by the court and judges.

Social Workers

Other than judges, foster care social workers have the most hierarchical power and influence over foster parents, kin and fostered youth. Social workers represent state

interests and values. They envision themselves as agents of positive change helping impoverished families and children. Indeed, those I met and who participated in this study were largely compassionate, helpful, and sometimes doing actually heroic work. The image of well-intentioned, hardworking social workers clashes with the one of state agents oppressing impoverished families and children. The process of enculturation explains how well-meaning social workers become tools of state power.

I learned that many social workers came from neighborhoods like the ones they served. I wondered how it was they transitioned from empathizing with the families like those they knew growing up to intervening with them on behalf of the state—surveilling them, reporting on them, and removing their children. The answer to my question was apparent: social workers are enculturated to take on the hegemonic, middle-class values and beliefs through formal education, informal training and being with other social workers in child welfare work with whom they shared a collective identity.

Most social workers I interacted with seemed unaware of ways they were taught or socialized to believe that impoverished families are to blame for their circumstances while overlooking larger socioeconomic and historical factors contributing to poverty. Guidelines for determining when to remove children lead them to believe that the signs of poverty—such as lacking clothing, heat, food, and cleanliness—are actually signs of abuse and neglect. As a result, their empathy for the families, like those they were compassionate about in their neighborhoods of origin, transformed into inaccurate beliefs borrowed from Oscar Lewis's wrong-headed ideas based in a "culture of poverty" (Lewis 1966) and based in neoliberal tenets of self-responsibility and reliance that deny economic conditions. Their old beliefs are replaced with new beliefs, and the training and

enculturation of professionals lead to performing the *habitus* and *bodily hexis* (Bourdieu 1977) of social workers. By habitus, Bourdieu meant the ways group members share deeply internalized, or embodied, perceptions (1977, 17). He defined bodily hexis as "political mythology realized, em-bodied, turned into a permanent disposition, a durable manner of standing, speaking, and thereby of *feeling* and *thinking*" (1977, 93-94, emphasis original). Attitudes, values, and beliefs alter by degrees over time making it difficult to notice. Thus, eventually, social workers become complicit in subjecting families with whom they once and often still sympathize. Moreover, they may lose compassion for others of similar difficult backgrounds or socioeconomic statuses because they see themselves as having overcome adversity and are critical of those who do not overcome it. Social workers construct their identities in relation and response to their place in a hierarchy and to their clients (e.g., Carr 2009). Through the process of belonging to a profession and institution, the structural violence inherent in their work is silenced. This is especially visible in the rites of domination in which social workers participate. Social workers are enculturated to believe their only power lies in helping families through approved neoliberal and bureaucratized methods. The rites of domination that social workers perform include instruction, intimidation, humiliation, objectification, silencing, child-taking, and surveillance.

Lazarus-Black defined *giving instructions* as "sharp instructions to subordinate the mind, voice, and body to authority" (2007, 99). For example, Becky, who was in her early 30s when Child Protective Services (CPS) terminated her parental rights of her four children, was instructed by social workers not to tell her children that she was working diligently to regain custody to avoid raising their hopes. Social workers also instructed

Becky's children not to repeat to Becky what the social workers and therapists said about her. Social workers instruct youth, kin, and foster parents about what they are supposed to do when they are required in court or at visitations, and more. Giving instructions takes many forms but always requires a subordinate to submit to authority.

Intimidation is "creating an environment in which individuals feel that they cannot speak freely because the listener(s) hold(s) physical, social, psychological, or economic power over them" (Lazarus-Black 2007, 101). Tim, who identified as a working-class, white male in his mid-20s, fought Child Protective Services (CPS) to prove that fathers were not always abusers. Tim battled to have his daughter taken from her mother, who had serious mental health problems by the time their daughter was born. Tim could prove he did not have access to his daughter during the time period she acquired bruises and described social workers' "intimidation tactics." When Tim went to see her at the hospital, social workers threatened that he should:

"Hand her over or be escorted out of the building by security and not be allowed to say goodbye." With no time to contact my attorney, I succumbed to [the social worker's] intimidation tactic and handed [my daughter] over, before collapsing in the hallway in tears. [Tim was later praised for exceeding court mandates while his ex-partner failed to make simple benchmarks. His daughter's foster parent supported his custody claims while working with both parents.] We had another [...] court hearing in which I was told to sign papers declaring [my daughter] "dependent." After asking my lawyer about it, we decided to fight that ruling; however, we were not allowed to do so. [Next, the judge ordered co-parenting. Tim requested, and was approved, to record co-parenting sessions so he would have evidence of his ex-partner's instability.] Now the social worker threatens me with contempt of court because I insist on recording our sessions and claims I have been "resistant to cooperate" with everything [CPS] has tried to do.

Tim illustrates how each time he advocated for himself or tried to protect himself, social workers recast his behavior as negative and attempted to intimidate him into compliance. His story offers just a few examples of how social workers use their power to intimidate.

Humiliation is "creating an environment in which certain languages, speech styles, individuals, social groups, or forms of behavior are 'automatically,' 'naturally,' and 'hegemonically' positioned as subordinate" (Lazarus-Black 2007, 104). Both kin and fostered youth told me that humiliation begins with just being associated with foster care. Additionally, social workers and judges use humiliation to shame kin and youth into compliance. Heidi, a registered nurse in her 50s when CPS took one of her two children, had court-ordered psychological evaluations conducted by mental health social workers. These social workers treated Heidi so poorly that she went out of her way to describe the only social worker who did not "denigrate" her. Kin like Sophia, Amy, Betty, and Rob talked about being disrespected by CPS workers. Betty was keenly aware of the power held over her and said, regardless of how she was antagonized, she "always remained respectful because when you fight them, they can make it harder for you and your kids."

Objectification treats subjects like objects or without rights (Lazarus-Black 2007, 107). Objectification is common in U.S. courtrooms, as when judges speak to others as if the subjects of the case are not present (2007, 107). Social workers perpetuate objectification by talking about kin and youth as "users," "abusers," "runaways," "foster kids," and "bio families," to name a few examples. Holly, a bookkeeper, and her spouse, a forklift operator, fought and regained custody of their four children from Georgia CPS. "I believe," she told me, "they treat children mechanically, like objects, instead of like children or even humans." Heidi, the nurse mentioned above, felt the objectification of

the system so keenly, she started a program to train people in "humane foster care" that has been replicated in another city besides hers. Transforming persons into objects, such as "abusers" and "foster kids" is a foundational rite of domination in foster care.

Another rite, *silencing*, creates "an environment in which certain voices are heard but others are not" (Lazarus-Black 2007, 109). Foster care professionals recognize that fostered youth are silenced. Judges and social workers report they seek to "give voice" to fostered youth by asking older youth about their goals and desires. Yet when I saw judges or CPS workers ask youth about their goals, professionals were either constrained in helping youth achieve those goals or did not try. To ask, but then deny or ignore the requests and needs of youth, is profoundly silencing. In addition, the ways in which kin are silenced in court and through their attempts to prove they are competent parents are largely unacknowledged. Alex, a father who lost his children after he lost his job, succinctly expressed this: "I feel like my kids were kidnapped, and I had a voice with no sound." I asked Alex if he thought the professionals advocated for his children, "No, 'cause they would've taken what I had to say into consideration, and that did not happen." Silencing actively ignores someone's needs and truths.

Child-taking, or *parens patriae*, is not a rite of domination relevant to Lazarus-Black's fieldsites. However, it is the foundational rite of domination within foster care by which government agents take a child from kin without consent. The conventional term used by CPS is the *euphemism* "child-removal." While child-removal can be used without remonstrance in cases of outright child abuse or intentional neglect, child-removal glosses over the power at work to take children from their families in the 75 percent of cases where poverty is the cause of child-taking (Children's Bureau 2019). Child-

removals occur from the perspective of professionals with power; child-taking describes the perspective of kin. What happens to youth is most accurately described as child displacement (e.g., Marre 2014; Posocco 2014; Boyden and Joanna 2004; Korbin 2003; Brown and Rieger 2001) or circulation (e.g., Stryker and Yngvesson 2013; Leinaweaver 2008; Rossetti-Ferreira et al. 2008). Although police officers or other professionals may sometimes be involved with child-takings, social workers are the most frequent agents doing this work and exercising this power on behalf of the state. Aspects of child-taking range from initial investigations and reports to courtroom complaints against kin and filing paperwork to terminate parental rights. Recall that no criminal activity on the part of kin is necessary to take children or terminate parental rights. CPS (one arm of the state) needs only argue and convince the court (another arm of the state) that it is not in the "best interest" of children or the state for children to remain in parental custody. Child-taking turns social workers into policers—borrowing Donzelot's (1979) term—of families and turns children from family members into wards of the state. It is the quintessential rite of domination in foster care.

Surveillance is another rite of domination not found in Lazarus-Black's (1997; 2007) original studies, but that is foundational in foster care. Surveillance justifies child-taking, reporting on kin, monitoring foster parents who monitor children, and making decisions about children and exercising power over them while they are in foster care. Social workers surveil foster parents, children, and kin. Poverty makes families vulnerable to heightened surveillance (e.g., Nelson and Garey 2009; Shange 2019). As Merry and Coutin (2014) pointed out, "data gathering is connected to surveillance and social control" (3). The first step of investigating an allegation of abuse or neglect is to do

a "risk assessment." Risk is a well-documented neoliberal discourse that opens up subjects to state interference (e.g., Brown 2010; Scherz 2011; Storeng and Béhague 2014; Shore and Wright 2000). In 2015, Texas CPS openly moved toward neoliberal apparatuses that make subjective decisions seem scientific and objective:

The Structure Decision Making (SDM) system includes a series of evidenced-based assessments used at key points in [...] casework to support staff in making consistent, accurate, and equitable decisions [...] The safety assessment provides structured information concerning the danger of immediate harm/maltreatment to a child. This assessment guides and supports decisions about whether a child may remain in the home with no intervention, may remain in the home with a safety plan in place, or must be protectively placed. The second SDM assessment tool implemented by Texas was the family risk assessment. The risk assessment is a research-based assessment that estimates the likelihood that a family will again become involved with CPS due to a subsequent maltreatment incident. The risk assessment incorporates a range of family characteristics (e.g., number of prior referrals, children's ages, and caregiver behaviors) that all demonstrate a strong correlation with subsequent child abuse/neglect referrals. (Children's Bureau 2019, 232)

The state creates these standards and social workers accept the supposed superiority of these tools. Although risk assessments take away some of the control and power social workers have to act on behalf of families, they are also a relief because they remove personal responsibility for errors (Scherz 2011). Texas social workers check boxes on Form 2603 to count the number of risks in the areas of "child vulnerability," "caregiver capability," "quality of care," "maltreatment pattern," "home and social environment," "response to intervention," and parental "protective capacities" to determine if the level of risk to the child as "none," "very little," "somewhat," "considerable," and "extreme" in each category. Impoverished caregivers are particularly vulnerable in categories that treat

poverty as a risk.⁵⁴ Although creating "counts" of risk by ticking boxes seems scientific or quantifiable, each checked box is a subjective choice.

In cases where kin abuse or willfully neglect their children, the child-removal *is* a heroic rescue. Recall, however, that 75 percent of child-removals are connected to conditions of poverty (Children's Bureau 2019). As discussed in Chapter 2, heroism helps social workers reconcile their own emotionally traumatic work with what is required of them in their professional roles. Social workers are not evil agents of the state villainously plotting to destroy families. It is also critical to point out that social workers *do* help families and children obtain support services and receive protection from threatening family members. What I am drawing attention to is the silencing of structural violence that also occurs through social work.

Professionals who resist the critiques of impoverished families either experience cognitive dissonance or a hostile workplace environment evident in high rates of social worker turnover. Their power comes from the institution, so acts of resistance against the institution seem futile. Therefore, social workers' ability to imagine resistance, beyond acts of kindness toward clients that blur the lines of professional behaviors (e.g., helping them access resources outside their own work roles or spending personal money to aid families), is limited. As a result, social workers tend toward supporting hegemonic structures and state-sanctioned methods. They are enculturated to understand acts of structural violence ultimately as acts of help.

⁵⁴ For example, Caregiver Capability asks the assessor to determine if the parent lacks knowledge in the area of child development, and a crowded home is considered an environmental risk factor. Additionally, the category of Response to Intervention characterizes any resistance or hostility to CPS as a risk factor.

Rob, a California artist in his 50s, who fought for custody of his son, with an unusual disease that had been incorrectly attributed to abuse and medical neglect, insightfully connected how well-intentioned work can turn into something different:

[CPS] is much more complicated [than child protection], and [it] includes gaining income, and gaining prestige and "respect" among their peers. At a base level, this is what they have to do to make a living within the system as it is set up, so who can blame them if they actually enjoy bullying and terrorizing families.

Rob recognized how social worker enculturation led to rites of domination, which in turn, oppressed and, in his words, terrorized families.

In summary, social workers do not see themselves as agents of state domination because they are enculturated to see themselves as facilitators of heroic child-rescues and family supporters. As a result, social workers are complicit in several rites of domination; namely, instruction, intimidation, humiliation, objectification, silencing, child-taking, and surveillance. Because enculturation occurs in formal educational settings, such as getting a degree in social work, and continues through practices and policies that attenuate the rights and power of families of children, social workers may fail to recognize their complicity. Even when they do recognize their complicity, it is difficult to resist without risking their livelihoods. Social workers think foster care is "broken" because they often cannot help children and families without bending and breaking the rules.

Foster Parents

Foster parents have considerable power over fostered youth in their care. Their influence over kin also extends as far as social workers or judges listen to foster parents' opinions and interpretations of experiences with kin. For example, foster parents share

their beliefs about kin with professionals, informed by supervised visitations or interpretations of fostered children's behavior or statements. Foster parents, although not technically state employees, are quasi-professionals enculturated through formal classes administered by foster care professionals. In these trainings, social workers reproduce their knowledge and expertise about impoverished families for foster parents. This "knowledge" is not only about proper car seat installation and how to help an angry child deescalate their frustration; it also reinforces beliefs about children as victims of their kin. The stereotypes foster parents hear about kin predispose them to believe the worst of kin and to see poverty itself as degeneracy and abuse, rather than an economic condition nested within broader neoliberal economic circumstances. Values and expectations about *how* to be a foster parent are dispensed alongside *what* a foster parent should know and do. Learning how-to-parent fostered children is inseparable from learning that fostered children are a population with generalizable characteristics and that their kin are responsible for their presumed trauma. I begin with examples of enculturation into foster parent identities and discuss ways foster parents are complicit in rites of domination. Then, I identify which rites of domination foster parents are subject to and what happens if and when they resist.

Foster parents go through extensive enculturation to receive the identity of foster parents. Foster parent training varies somewhat from state to state but best practices for foster parenting include elements of child safety (e.g., CPR and first aid, vehicular safety, fire safety), behavioral interventions for managing traumatized, aggressive or uncooperative children, and knowing the rights of foster parents and the children in their

care so that foster parents can advocate for children (e.g., ensure medications are appropriate, negotiate with teachers) and access available services.

Foster parents I met during fieldwork, both religious and non-religious, saw fostering as moral, charitable, and humanitarian. Like social workers, their focus on “doing good” (Fisher 1997) made their complicity in structural violence hard to see. Their “doing good” should not be understood as total altruism—fosterers derived personal fulfillment from the sacrificial nature of this work, prestige from others thinking of them as exceptionally good parents, and for some fosterers, there are financial incentives. Additionally, foster-adoption is a way to make and expand kin. Nonetheless, foster parents who participated in this study were consistently patient, unselfish, and kind people. How do generous people become agents of oppression? Again, the answer lies in processes of enculturation. A cohort of individuals enter foster parent training together, and months later, they exit as foster parents.

Because habitus is largely an expression of social class (Bourdieu 1977, 1984), observations about the changing patterns of class-based beliefs and behaviors of foster parents reveal enculturation at work. Most of the foster parents I met were working-class, though some were comfortably middle-class. The working-class parents tended to, first, see fostering as a moral obligation and, second, as a way to subsidize stay-at-home parenting. For example, one foster mom explained to me that, while she tried to keep the costs of caring for foster children separate from her biological children, it helped that money spent on fuel got all those children to school. In a training class of 8 to 15 foster caregivers, one or two tended to be either retired professionals, none or one a high-income white-collar earner, and the rest were either stay-at-home parents or working-

class partners of stay-at-home parents.⁵⁵ Social workers and middle-class parents set examples of middle-class parenting expectations for working-class parents. For example, spanking was commonly mentioned—especially by working-class fathers. In one training about transportation safety, a working-class dad told a story about how his biological child had climbed out of a car seat to underscore the importance of proper car seat installation: "I popped my son on the butt for that one!" A middle-class foster mother abruptly interjected, "It is *never* appropriate to spank—I hope you use a different tactic with your foster kids." This allowed the social worker in charge of the training to smooth things over without having to be the one to correct the dad overtly. The trainings themselves were often a balance of teaching middle-class parenting techniques, critiquing undesirable parenting strategies and mistakes (e.g., yelling, criticizing, spanking), and explaining to foster parents that "foster kids" are traumatized, and therefore damaged, and need special care. Foster parents are taught that their primary responsibility as licensed foster caregivers is to control children and change their behavior through these parenting techniques. Foster parents are subject to training and ceremonial graduations that earn and identify them as foster parents. As foster parents, they participate in rites of domination that subject kin and especially fostered children and youth to structural violence. Rites of domination that foster parents utilize to make kin or fostered children compliant include instruction, intimidation, humiliation, objectification, surveillance, silencing, delegating, legalizing, second chances, and *parens patriae*.

⁵⁵ Foster parents rarely attended training as couples so one parent could stay at home with children. Minimal training requirements in Texas are 50 hours of initial training for two-parent foster homes or 30 hours initial training for single-parents foster homes. Maintaining licensing is minimally 20 hours annually.

Parents, not just foster parents, rely on *instruction* as a rite of domination. The socially normative authority of adults over children creates the expectation that fostered children will comply with adults. Adults believe so firmly in their authority that disobedience is framed as a child's social failure. With this authority, adults command children to "go to bed," "take your medicine," "go to school," and generally "do as you are told." When children surprise an adult by disregarding instructions, adults, including foster parents, too easily resort to intimidation and humiliation. They threaten, name call or embarrass children to coerce compliance. Kayla, who was in Oregon foster care for eight years, said she felt "degraded" by her foster parents. Camila, a nineteen-year-old who spent ten years in Texas foster care, described how she was often called names.

Objectification, silencing, and surveillance are also parenting strategies that many parents may use, but that have additional effects on fostered children and youth, as I will show later in this chapter. Adults objectify children when they emphasize their lack of agency as children, such as when a parent silences a child with a stern comment like "because I'm the parent, and you're the child." As the old adage goes, "children should be seen and not heard." Foster parents silence kin when they decide not to share information that could support a biological parent's right to regain custody. Surveillance, too, is a normative aspect of parenting. But the ways in which foster parents are required to surveil children is not normative. They observe as supervisors, not just as parents. These observations are then characterized as progress or problems and used as evidence to dominate—to make decisions about—fostered children without consulting children's needs and desires (or consulting but often not accommodating those needs and desires).

The evidence gathered through the rite of surveillance partly explains how children are transformed into "traumatized foster kids." Foster parents are required to report their observations about children's eating, sleeping, speech, and behavioral, therapeutic, medical, psychotropic, and educational progress to the foster care infrastructure. Trauma is both a justification for intensified surveillance and what foster parents are expected to find and report. Trauma-informed care, the model considered the best practice for training foster parents to care for "foster kids" as children who have special and different needs, presumes that children in foster care have been traumatized. Applying trauma-informed care to all children is harmless, regardless of trauma exposure, since the fundamentals of trauma-informed care are respectful treatment, comforting and empowering children, responding appropriately to their physical needs, and gentle and appropriate correction and connection. While trauma-informed care leads to more compassionate care for fostered youth, it also distills each child into a product of their presumed trauma. They are perceived as not just having *experienced* trauma, but they *are trauma*, embodied.

Lazarus-Black named "converting a discourse about legal rights into a complaint that is not worthy of legal redress" (2007, 102) *delegalizing*. Beyond the courtroom, foster parents delegalize the complaints of fostered youth by both ignoring complaints (a kind of silencing) and by failing to report them to foster care professionals with more power, such as social workers and judges. Similarly, Lazarus-Black described *legalizing* as a process of acting with authority judicial officials do not legally have (2007, 103). Foster parents do this any time they level a threat or act outside the scope of their power. Fostered youth objected to the ways, for example, foster parents said they would interfere

with court-appointed kin visitations. Renata, who had just aged out of Texas foster care, had six placements in five years. She was allowed kin visitations in person or by phone twice per month, but these were cut short if she misbehaved. When Kyle, who was in Oklahoma foster care one year until his reunification, complained about how his foster parents treated him, his "visitations almost dropped to zero." Legalizing usurps power from hierarchy to act without legal authority in order to suppress pleas or claims.

Lazarus-Black called the judicial flexibility of ignoring or bending the rules to protect men and disadvantage women's claims in family court as granting *second chances* (2007, 111-112). Second chances in the original context Lazarus-Black found them were ways for judges to maintain the status quo by allowing men multiple opportunities to pay child support in both Antigua and Trinidad. Second chances are more than judicial inconsistency; they are a conscious or unconscious bias that supports hegemony. Likewise, parents generally and foster parents especially use second chances as a way of maintaining hegemony. Foster parents use second chances as a way for fostered youth to establish their compliance by creating circumstances that allow youth to prove their obedience. Second chances are important because they incorporate and negate petty rebellions by ignoring them. Foster parents can use second chances as a parenting strategy to maintain power any time a child resists their rule(s).

The final rite of domination, *parens patriae*, that foster caregivers used is both a summary of their power and its origin. *Parens patriae* is the right to take a child and "parent" that child without kin consent. It is legalized and formalized child dislocation. Moreover, foster parents have the ability to exploit children in their care. In previous chapters, I asserted this is statistically rare, but also acknowledged a significant number

of participants in this study alleged severe abuses by a foster parent. The power given to foster caregivers (both institutional caregivers and foster parents) nonetheless makes this abuse of power possible. The state does report proven foster caregiver instances of abuse, and this lends superficial credibility through "transparency." However, the mismatch between allegations of foster caregiver abuses and reported instances suggests the state fails to protect children from foster caregiver exploitations and maltreatment at much higher rates than reported (even if still statistically insignificant). While foster parents are nominally responsible for child-takings, they are an essential tool for the maintenance of a system that takes children from impoverished, but competent parents.⁵⁶

Foster parents are also subject to the power of the state. Therefore, they are subject to rites of domination that regulate their behavior and maintain state authority through laws, policies, courtroom decisions, social norms about parenting, and institutional hierarchies enacted through foster care professionals like social workers. Foster parents are subject to instruction (and correction) by social workers and judges. Mild resistance or failure to follow policies and procedures can result in silencing, intimidation, and humiliation by social workers and judges. Reminding foster parents of their place and role in the hierarchy, that is, their subjectivity, is a form of objectification.

Lazarus-Black also named *erroneous legal advice and ill-treatment* as a court rite (2007, 108-109). This occurs when subjects think they have received sound legal advice or information but that is actually wrong, inadequate, or intentionally or unintentionally misleading. Foster parents often received courtroom testimonial guidance on behalf of children or against kin. However, sometimes they also needed legal advice to support

⁵⁶ I say foster parents' role is nominal because one could argue that demand for children by foster-parents partly motivates child-takings by the state. I am not currently making that argument here, but it is possible.

their claims for a child they wanted to adopt or against allegations made by professionals, kin, or fostered youth. CPS lawyers are not impartial when giving legal advice to foster parents and sometimes give poor or misleading advice. Policies like concurrent planning, as described in Chapter 3, may also subject foster parents to bad legal advice and ill-treatment. Similarly, when foster parents bring legal concerns to foster care professionals, their concerns may be delegalized, that is delegitimized or minimized if it is inconvenient to address those concerns or puts the state's case at risk.

All foster parents not only participate as enforcers of surveillance, they are also the object of surveillance as a rite of domination. Surveillance mitigates risk to the state and to children in the care of foster parents. It is their responsibility to survey and police children because they are subject to surveillance and policing from the state. All the rites of domination to which foster parents are subject—instruction, intimidation, humiliation, silencing, objectification, bad legal advice and treatment, delegalizing, and surveillance—are means of controlling their resistance.

Of course, foster parents are not unthinking, passive recipients of domination. Foster parents can break the rules; give up on certain kids and have them removed from their home. They can take breaks between placements or quit altogether. In foster parent training, disagreements were rarely voiced. I understood implicitly that questioning authority could reflect on one's potential to be licensed as a foster caregiver. This would be especially troubling to fost-adopt families. Complaints were usually kept to mumbles.

CPS has limited disciplinary recourse. They avoid firing most foster parents because they have many more children than homes. Correction and humiliation scenes that lead to self-discipline seem effective against most foster parents. Fostered youths

tended to define the best foster parents as ones who bent the rules on behalf of fostered children, like using social media or going on family vacations. Recall from the previous chapter how Adriana's favorite foster mom broke the rules to let her kids on social media and got caught by CPS:

[My foster mom] was like, "You're blowing this out of proportion with controlling them. I'm going to treat them the way I feel they need to be treated." [...] And sure enough, the next day, I was looking out my window and I seen the caseworker, and the foster lady, and a cop. My caseworker was there, and it was embarrassing. My friends live next door [...], that's embarrassing, they're gonna see all this. [Then,] they came and took us out. I was mad at my caseworker.

The judgment and ridicule of being treated as an "unfit" parent, a scene with cops and CPS on the lawn, and in front the neighbors, would deter many parents indoctrinated into the pressures of middle-class hegemony.

While foster parent training is critical to keeping children in safe-as-possible and lower-risk environments, the trainings do so much more than impart basic skills. Trainings change the way parents relate to their children, fostered, and biological. Trainings teach that fostered children are part of a population called "foster kids." State-mandated foster-parent trainings are the pedagogy of new experts in service of the state. Trainings indoctrinate them into new identities as foster parents and teach, informally and formally, the techniques—rites of domination—for refashioning fostered children into disciplined citizens of the state.

Kin

The state compels kin by taking their children hostage until they demonstrate appropriate middle-class habitus. Kin are unwilling objects of and participants in the rites

of domination. However, they typically comply to whatever extent they are able in order to earn back their social and legal status of "parents" and custody of their children. Their options for resistance are limited by the threat (or implied violence) of termination of their parental rights. The process of re-indoctrination or enculturation of kin begins with the suspension of their parental rights and, if they properly demonstrate their subjectivity, it ends with ritual reinstatement of their parental rights.

The process of remaking kin into socially acceptable subjects follows Arnold van Gennep's (1960) model of a rite of passage. First, kin lose their status as parents when first CPS and then the courts take their children. This shifts kin into a second, liminal stage because they are parents prevented from parenting. This liminal phase, authorized by *parens patriae*, facilitates the re-enculturation of kin. Kin who prove their worthiness by accomplishing the many and difficult tasks set before them by the state may have their parental rights reinstated and enter the third stage of reincorporation into more socially acceptable parenthood. Failure to accomplish the tasks means permanent loss of parental rights. Within the process of this rite of passage, the rites of domination to which kin are subject are visible. In a variety of contexts, throughout the CPS process—from child-removal to bureaucratic and courtroom campaigning to win back their children—kin experience intimidation, silencing, instruction, humiliation, objectification, and bad legal advice and ill-treatment, second chances, and surveillance.

Re-enculturation of kin into socially-acceptable and obedient parent-citizens begins with the power of *parens patriae* and child-taking. From the moment Child Protective Services (CPS) shows up at their home, kin are threatened and experience implicit violence. Typically, parents do not legally have to permit access into their homes

unless a CPS investigator or police officer arrives with a warrant. But refusal elicits a warning about how much harder things will go for kin if the investigator has to return with a warrant. Jake, a former Texas CPS investigator, described a child-removal to me:

So if I knock on a door and they don't let me in, that's fine. I mean, I don't have to be let in. But a lot of times when I come to the door, and I say, "Hi, ma'am. I'm an investigator with Child Protective Services. I got a case I need to speak to you with." I mean, when you hear Child Protective Services at your door, you're immediately frightened. [...] Yeah, and a lot of times if they don't want me to come into the home, I mean that's already signaled a red flag there. [...] They'll come to the office and, then there, that's when the investigator has to have those sharp skills of "I've got to see your home [...] though because if not, I can't close out your case. And then we're gonna have to go back to the courts, and you don't wanna do that." [...] So we have to use a lot of, I don't wanna say persuasion, but we have to know how to talk to these individuals. [...] And that's when we tell them too: "Please don't make it difficult because if you make it difficult on us, it's gonna be difficult on you." And it's not the investigator that wants it to be difficult; it's just that's policies.

The power and threat of *parens patriae* are evident; the fear is clear. Though kin generally have not committed a crime, anything less than immediate submission adds suspicion to their case.

The first step of the investigation is using risk assessments. The CPS social worker-investigator determines if the child can remain at home. The investigator will generally report one of the following: there is no perceived risk and close the case; there is some risk but if the family cooperates the child can remain at home which opens a case to work a "safety plan;" or the risk of child maltreatment is too high which opens a case to take the child into temporary custody. "Temporary" is somewhat misleading. Cases typically go on for several months, but they are considered temporary until parental rights are legally terminated or the child is returned to her kin. *Parens patriae*, then, is the first rite of domination to which impoverished parents are subjected.

From the moment the state arrives, kin experience rites of domination by foster care professionals—from the initial CPS investigator to the judge. Kin *humiliation* and suspension of parental status and rights are formalized in court. Leah was still fighting Tennessee for custody of her five children when she shared her story with me, "They treat you like you're less than worthy and they are patronizing and condescending. They make life-altering decisions without substantial evidence and facts and reject anything that doesn't support their prejudices." The judge reviews the assessments and suggestions of any professionals the kin or child has interacted with since the state intervened. Most frequently, the judge follows some or all of the recommendations from CPS and lists the tasks that kin should accomplish before the next court date.⁵⁷ This sets kin on a kind of quest to complete tasks to earn back a right that was once fundamentally theirs already but stripped away. Only kin, and sometimes children, question the authority of the state to take children from their families based on arbitrary risk assessments.

Making parenthood liminal makes possible a series of interventions, as they are called by the state. Liminal parenthood turns kin into objects of state power. It transforms them from parents into "bio families"—an *objectification* that denies their right to parenthood. It opens up parents to *surveillance* across multiple spaces—their homes, their extended kin and friend networks, their children's schools, and sometimes their place of employment. Files of surveillance reports given to the judge and become symbolic, ritualized, and bureaucratic evidence of a parent's commitment to re-indoctrination into middle-class parenthood habitus. In the courtroom, judges frequently *humiliated* parents by treating them like children or critiquing parents' personal appearance, choices, rights,

⁵⁷ Recall the list of examples from Chapter 4 that includes parenting classes, drug testing, sobriety meetings, therapy, employment, changing housing, attending supervised and observed visitations, etc.

behaviors, mannerisms, and speech—every aspect of kin's non-middle-class habitus. Attempts to defend their choices, rights, behaviors, mannerisms, and speech are generally *silenced*. Instead, judges and CPS professionals admonish and *instruct*. All of the labor and responsibility to prove parental worthiness lies with the subjected and disempowered group, the kin. This is more than mere deference to power (Scott 1990) because the subordinate has to do the work of figuring how to appease the dominant and accomplish that work. It is more than "interpretive labor" (Graeber 2015, 68) of the subordinate to avoid negative consequences by perpetually doing the work of seeing the world from the dominant actor's point of view and anticipating their desires. To avoid punishment and earn back their status, kin must perform deference while interpreting the court's demands and then also complete the appropriate performance of their rite of passage, their quest, their list of tasks. While truly savvy parents may fake deference and get away with it, there is no getting around accomplishing the concrete and tangible tasks to earn back their status and children. I call this *institutional extortion*. By this, I mean that those who are disempowered—in this case, kin—must perform convincing deference and demonstrate an external change in order to receive a right, status, object, or objective. The subordinate does "this" and gets "that" in return. However, the tasks required by the dominant are not the transaction proper. The dominant seeks evidence of internal and/or external transformation of the subordinate through the specified tasks. The dominant will withhold the reward if they suspect the subordinate is insufficiently transformed. In other words, the transaction *is* transformation in return for a reward.⁵⁸ A simple example is an adult demanding a *sincere* apology from a child. The child must both perform the task of

⁵⁸ This is more than a kind of transformational labor because subordinates can get the reward without actually internalizing the transformation. Subordinates can sometimes effectively pretend, for example.

verbalizing an apology and also convince the adult he was transformed by demonstrating appropriate sincerity. Kin remain liminal parents until: (1) they pass their rite of passage, receive their new and improved parental identity, and earn back their children; (2) they run out of time trying pass their rite of passage and their parental rights are terminated; or (3) they fail their rite of passage by not completing tasks, failing to convince the judge of their sincere transformation, or by defying court orders.

Additionally, as previously mentioned and as the example below demonstrates, kin often have poor legal representation and receive *bad legal advice*. *Second chances* are also another rite of domination that judges, particularly, and CPS sometimes use to coerce cooperation. Second chances are also a bargaining tool or threat, as when a judge insists that kin have already used a second chance or an opportunity. Megan, a Texas foster mother with an annual family income of more than \$100,000 and who fostered four children in a year and a half, named second chances as a failure of the system:

Parents are given chance after chance to accomplish minor goals in their case plan and are *still* not held to the same standard that foster parents are held to. Completing parenting classes, counseling, clean drug tests—I believe these are not items in which parents should be getting chances on. I do understand giving parents extended timelines on getting a suitable home, etc. Sometimes the reality of all that can be overwhelming.

Megan did not understand that there are logistics to making it to counseling, meetings and parenting classes, and potentially even greater obstacles to overcome drug use.

Second chances are an important tool in a courtroom because they allow the judge to make exceptions and treat each person as an individual in unique circumstances.

However, second chances that offer special, beneficial treatment can also be used to disadvantage others against whom the judge has a bias. Bias and prejudice can be difficult to identify and impossible to prove in a system like foster care.

Becky's story brings together many of the rites of domination to which kin are subjected. Becky was 32 when her parental rights were terminated for all four of her children after she was evicted because of damage her younger brother did to their rented home. She had been attending college and supporting her children as a single mother by babysitting for others, supplemented by child support from her children's father and Temporary Assistance for Needy Families (TANF). When they were evicted and lost their home and belongings, she contacted the Salvation Army and CPS for support. Becky described how she was not allowed to defend herself against allegations of abuse from a grandparent who wanted full custody. Lacking transportation, Becky told CPS that she could not make it to her visitation. CPS promised to arrange transportation but never did and so Becky walked five miles to that meeting. When she arrived late, she was warned she wouldn't receive a second chance. "My lawyer," she said, "didn't do jack crap to help my family. I was told several times to stop sending him things to help my case. He would defend me his way or I was out a lawyer." He later refused to file a motion she requested when the termination of parental rights was served. The judge asked her what kind of mother she thought she was. Becky replied that no mother was:

"...perfect but I try to be the best mom I can be." He told me, "Well, I am telling you that you don't deserve your children. You are one of the worse parents I had in here in my courtroom." I said, "How can you say that?" He said he knew enough.

Becky provided the judge evidence that she had not abused her children, that she had gone to therapy without being ordered, and that she was a fit parent. When her case was closed with no evidence of abuse, but her rights were still terminated because she could not provide a home where her brother (who was in treatment for a bipolar disorder diagnosis) could be a potential threat to her children. Becky continued:

I was told by CPS I needed to take accountability for the action of my brother. Yet I took every step to keep them safe. [My CPS worker said I was a] low life, stupid, never going to make anything of myself for me or my children [and that] they were clearly better off without me.

I asked Becky if social workers, legal personnel, and CPS experts and professionals were on her children's side. She answered:

Nope. Our voices were not heard. What we wanted didn't matter. CPS did everything they could to fabricate lies and falsify evidence to the judge. I told him I can be my children's mother; I was able to raise my children—while he slept and rolled his eyes when people were testifying for me and my children. My witnesses didn't matter. They only believe CPS.

Becky illustrated how *parens patriae* justified child-taking, how intimidation, silencing, and humiliation work to objectify parents and facilitate their liminal status. She received bad legal advice and legal ill-treatment, instructions from the judge and CPS, and warnings about second chances. She was surveilled and scrutinized and found unfit despite a dearth of evidence. However, resistance options for kin are limited.

Kin do not belong to a collective group that can coordinate resistance and revolution. They rarely interact with one another. As a result, only individual forms of resistance are possible. Moreover, individual resistance is easily characterized as non-compliance and inappropriate personal behavior. Individual resistance opens kin up to further humiliations, punishment through additional bureaucratic quests, and the ultimate punishment of termination of parental rights.

However, there were two rites of resistance that kin sometimes exercised. The first rite, *refusal*, is disobedience. A rite of refusal could be resisting instructions or defending oneself against any of the rites of domination. It is a dangerous tactic that can have instant ramifications. Becky effected rites of refusal as resistance in a few different ways. First, she denied the judge's assertion that she was not a good mother and insisted

she was a good enough mother and the better choice compared to her children being raised by strangers. Second, Becky provided her own evidence when CPS and her lawyer did not support her. Third, she "broke the rules" by finding ways to see her children outside their approved visitations, which she believed the state made to maximize her inconvenience and likelihood of non-compliance. In short, she *refused* to be silent, follow instructions, be intimidated, and accept bad legal treatment.

The second rite of resistance kin sometimes enacted was a version of what James Scott called *negation* (1990, 111-118). Scott argued that subordinates react to domination and especially indignities by naming the power that creates the indignations subordinates face. Although kin rarely have safe social spaces to vent their indignation collectively, this study—and especially the website—provided a safe space for the hidden transcript to emerge. "The most elementary forms of negation found in the social sites of the hidden transcript represent nothing more than the safe articulation of the assertion, aggression, and hostility that is thwarted by the onstage power of the dominant" (114). Scott argued negations typically operated at the level of ideologies:

At the level of systematic social doctrine, subordinate groups confront elaborate ideologies that justify inequality, bondage, monarchy, caste, and so on. Resistance at this level requires a more elaborate riposte, one that goes beyond fragmentary practices of resistance. Better put, perhaps, resistance to ideological domination requires a counterideology—a negation—that will effectively provide a general normative form to the host of resistant practices invested in self-defense by any subordinate group. (118)

When kin assert that foster care hurts them and their children, is corrupt, and a violation of their constitutional rights, they are establishing a counterideology. Negation, as a rite of resistance, is using the formal claims of the institution against the institution to reveal

its domination. Kin attempt to demonstrate how foster care fails to live up to even its most fundamental reasons for existing: to aid impoverished families and their children.

In summary, foster care aims to enculturate kin into socially acceptable parenting norms through institutional extortion and rites of domination, including child-taking via *parens patriae*, intimidation, silencing, instruction, humiliation, objectification, bad legal advice and legal ill-treatment, second chances, and surveillance. Resistance is limited by implicit violence. Only two forms of resistance were consistently demonstrated by kin who participated in this study. Kin could individually refuse submission and risk the consequences of disobedience, or they could publicly decry the system's inadequacies and oppressions through rites of negation. This option is particularly limited by a lack of safe forums to share these experiences. Institutional extortion and limiting resistance appear to be effective for the state since kin receiving "alternative responses" to immediate child-removal demonstrate a commitment to change in order to keep their families together and roughly half of separated kin and children are reunified annually (Children's Bureau 2018, 3). Mostly, the foster care system requires kin to demonstrate submission and transformation.

Fostered Youth

The state also attempts to change the habitus of impoverished and working-class fostered youth. This process begins while they are still in the temporary custody of the state and continues when children remain state wards or become adopted. Ideal adoptive and foster parents are enculturated as models of middle-class habitus already. Socialization—learning the rules and norms of society—is a common objective of

childhood and youth.⁵⁹ In most societies, including the U.S., children have very little to say about these rules and norms. What is different for fostered children is that adults are competing with each other to decide which rules and norms children should learn and that fostered children are even more disempowered to resist.

Children and youth in foster care are subject to many of the same rites of domination as their kin. However, their status as children—as not-yet-adults—diverges from adults' experiences of rites of domination. For example, fostered youth are objectified in specific and unique ways that adults are not. They are dislocated and relocated as if they are objects, and they are even called "cases." They experience confinements unusual for non-fostered children because they are subjects of an institution. Finally, they are particularly vulnerable to institutional maltreatment. Their status as "foster kids" facilitates all rites of domination as institutional subjects and as a population characterized by its bad behaviors, trauma and degeneracy. Nonetheless, like their non-fostered peers, fostered children resist, rebel, act out, and run away from home(s). Fostered youth in this study relied on two types of rites of resistance: refusals and reunifications. However, unlike their non-fostered peers, when fostered children participate in rites of resistance, the consequences tend to be worse and tend to have lifelong impacts. Rites of domination both preemptively limit rites of resistance and are forms of punishment for resistance.

Parens patriae—the act of child-taking—is itself the initial rite to which children and youth are subjected. Quite simply, children cannot refuse foster care. Adults decide

⁵⁹ Language socialization is a particularly rich area of anthropological study for observing adult influence on how and what children know about their cultural worlds (e.g., Hymes 1972; Garrett 2007; Ochs and Schieffelin 1984).

for them. Nearly all children unsuccessfully resist separation from their families. Kyle was 28-years-old recounting his experiences in Oklahoma foster care: "They [CPS] will rip your children from you, causing them emotional trauma that they will never get over. I know this firsthand." A small number of youths elect to enter foster care due to abuse, intentional neglect, or because of dire poverty. Even those, like 19-year-old Chase from Texas, who left home to unburden his mother, lose the power to decide when to return home. Child-removal is the first step in changing a child's identity into a "foster kid." They are henceforth minimally presumed damaged and uncooperative by adults. Child-removals are not neutral movements; it is forced dislocation. Just as it was during the era of the Orphan Trains, child-removals are always attempts to change children's behaviors by moving them from one environment to another. Kyle identified how *parens patriae* functions at its worst:

[Foster care] is, to put it kindly, no different than Hitler's Gestapo. It is used to control parents through fear, blackmail, extortion tactics. They will lie to you every chance they get. They will do everything within their power to ensure you never see your child again; they are domestic terrorists paid and sanctioned by the United States government.⁶⁰

As an act of domination, taking a child from his family is second to none.

Silencing is a normative experience for children. Non-fostered children may be silenced at home, school and in public; fostered children are also silenced in court and situations where hearing their needs is even more critical because a parent may not be available to advocate for them. Heather, in her 30s, recounted her ten years in Michigan foster care and articulated how silencing was more than commands not to speak:

I was never asked how I felt about anything. No one cared about how I felt. [...] The system failed me by moving me around and not caring what

⁶⁰ Note that Kyle's comparison of the U.S. to one of the most vilified regimes in history is a negation that draws attention to how this act by the government tarnishes its reputation for civil rights and freedoms.

I wanted. I believe that I am who I am today because of the choice[s] people made for me. Now I struggle because of the system. [...] The state took me away from my mom just to put me in five different places that really didn't care about me. Thanks for messing up my life.

Adults continually assert their power over children and youth to establish adults' right to enculturate them—this is *instruction*. Again, while typical for children everywhere, it has additional impacts for fostered children. Instruction begins with assertions that youth should not want to be like their kin. The point of instruction is to create a middle-class habitus: to desire middle-class assimilation and to avoid using public welfare. Henry, who was 87-years-old and reflecting on his ten years as a boy in Michigan foster care, said that the purpose of the foster care system is to "provide [a] caring lifestyle, encourage education, [and] in the end, to produce a productive citizen." Every aspect of fostered youth's lives are continually scrutinized, critiqued, and corrected by not just kin but also foster parents, social workers, therapists, and judges: appearance, grooming, speech, attitudes, body movement and gestures, behaviors, values, education, goals, beliefs, friendships—all the elements of a habitus.

Another rite of domination most non-fostered and fostered children experience is *intimidation*. When foster care professionals and foster parents do not get the behavioral changes they desire, they intimidate. They outline the dismal futures for which "foster kids" are destined when they don't "act right." Kellie was adopted from Colorado foster care when she was sixteen. When Kellie ran away from her fost-adopt parents the same year she was adopted, they "asked me what I wanted to do: 1) join the military [or] 2) get married." Intimidation in foster care includes threats of dislocation, threats of sibling separation, threats to withhold kin visitations, and more.

Besides intimidation, adults resort to *humiliation*. In foster care, humiliation often maligns kin or makes cruel comparisons. Camila, a Hispanic teen from Texas, agonized over how her fost-adopt parent called her a "loser." Like silencing, instruction, and intimidation, humiliation is used to bring about the desired change in youth.

I argue that fostered youth experience *objectification* as a rite of domination in four different ways. First, the act of dislocating children from their families is objectifying. It takes a human from a physical and social space without consent and disregards the impacts this dislocation has on one's personhood. It is a particularly troubling action with uncomfortable U.S. historical parallels for Indigenous people and other people of color—who are also overrepresented in modern foster care.

Second, reducing individuals to "cases" and children to "foster kids" is objectifying. Jamiqwa, a smart teen in South Texas, said it best:

They [foster parents and CPS] just felt like we were just another number. Because we are numbers. Foster kids are numbers. We have a case number. And that's what we go by, we really don't go by our name. When you file us, we're numbers.

Third, confinements objectify fostered youth and children. To deny a person freedom is a primary means of dehumanization and fostered youth experience two kinds of confinement. The first is to hold a child against their will using physical force—as in the use of wrestling-type holds. Foster parents and professionals learn how to "confine" children who are unruly or perceived as dangers to themselves or others. We were explicitly warned not to call techniques for physically confining a child "take-downs." A "confinement" hold beginning with a child standing and ending with a child subdued to the ground is a euphemism for a take-down. The second way fostered children are confined is through prison-like conditions. These include excessively regulated foster

homes, group homes that restrict youth to the premises, and detention centers. Group homes, Residential Treatment Centers (RTCs), and detention centers often use isolated locations, and lock youth in with traditional locks, fences, and even razor wire.

The fourth way fostered youth experienced objectification was through institutional maltreatment. Youth are vulnerable *because* they are "parented" by the state and especially when they live in institutional settings like RTCs, groups homes or detention centers. Chase, for example, tried to run away from a group home:

That placement, I went to jail because I was trying to run away again and, different people were holding me down. And I thought it was a kid [who] was holding my legs and trying to take my shoes off. [It was actually a social worker employed by the group home.] I kicked him. So instead he got on top of me and hit me a few times. I don't know if they still keep the mugshot but [...] you'll see I have a soon-to-be black-eye. [...] Still, I don't know if they are allowed to do that.

The social worker pressed charges. Chase awaited arraignment in adult jail and then went to juvenile detention for assault. He was still on probation at that interview. Chase tried to run because his mother was no longer caretaking for his grandfather and Chase had volunteered into foster care and now wanted out to be reunited with his mother:

Like, I'm practically adult, and I asked myself, "If I can go in an adult jail, why couldn't I get out from them?" And my caseworker wasn't any help. He wouldn't help me at all get out of jail. I was there for 44 days. I got out [and] my caseworker didn't come at all to get me.

Chase ran away from his final placement three times. Chase was considered in the wrong both because he tried to escape the group home confinement and because he physically lashed out trying to escape. Adults feel entitled to protect themselves against youth who rebel or resist confinement, and when they conceptualized youth as deviant "foster kids."

Another rite of domination fostered youth are subject to is *bad legal advice and ill-treatment*. Chase did not know if it was legal for his group home caregiver to assault

him; it was not. However, he lacked legal protection and an advocate. Chase's caseworker did not help prevent his jailing or to get him out. Chase received no legal advice. Without parents to advocate for them, fostered youth are often subject to the harshest legal punishment resulting in what is referred to as the foster care-to-prison pipeline (Anspach 2018; Watkins 2018; Lepore 2016). Fostered youth do not receive legal counsel because they are in foster care. That is why quality adult advocates outside the system, such as the best CASA advocates and guardians ad litem (GALs), are essential. These advocates are sparse, however, and most fostered children receive no legal advice at all.

Judges, foster parents, and caseworkers use *second chances* to control fostered youth and to privilege some and disadvantage others. Preferential treatment seems to be the result of bias, rather than intentional. For example, some fostered youth get into trouble, and some judges may give that child a second chance *because* they are in foster care and the judge understands that child may have additional obstacles or problems to figure out. Other youth, like Chase, get into trouble once and go directly to jail.

The final rite of domination to which fostered youth are subject is *surveillance*. Every aspect of a foster child's life is observed and made known to professionals in their foster care hierarchy. Surveillance is normalized as a way to protect children from adults and a child's dysfunction or damage. The point of all surveillance is to protect through the prevention of risky behaviors, to correct and to control.

I witnessed two types of rites of resistance available to fostered youth and children: rites of refusals and the rite of reunification. *Refusals* generally took three forms: "acting out," counter-rejection, and running away. Rites of refusal are denials of deference. In each of these cases, youth are refusing to submit or refuting the authority of

adults over them. Refusals include backtalk and spurning instructions or declining to submit to punishments or confinements. Refusals are disrespect of authority. "Acting out" (or sometimes "acting up"), for example, is a term both youth and adults used regularly. Acting out is an intentionally defiant act, more than just a defensive response, in which youth actively behave in ways they know adults dislike or forbid. It is rebellion at the individual level. Examples include partying (which usually included substance use or abuse), petty criminal acts like vandalism (often of their foster placement) or theft (usually of personal property like cellphones or cash), and undesirable romantic relationships or friendships (e.g., known "bad influences," sex, unprotected sex to achieve a pregnancy). All of these types of defiance come with assertions of young adulthood and self-determination.

Catalina, for example, was in Texas foster care for four years. She noted that among other fostered youth, acting out was typical: "Also, it seemed common to act up and misbehave. So being successful in school seemed really rebellious to me at the time."

Adriana, at 24, characterized most of her 12 years in Texas foster care as "acting up:"

When my grandma had passed away, I was going through that, so I was not listening. I was acting up. I kept on trying to hurt the foster lady [...] so they sent me to [an institution] because I was not controlled. They couldn't control me at the time, so they sent me there and put me on medication. I was there for like three, four months. Then they found me a foster home, and I acted up again because they took my sister somewhere else. [Then they sent her to an RTC where she got into fights.] So they had me on lockdown, and I still didn't listen. But I didn't care. I think I didn't care then. They put me on medicine and medication. You get addicted to it, that medication. You get addicted, and you'll have it and start acting up. [They then prevented visitations with her younger sisters for refusing to comply.] We were [allowed to see her younger sisters] until we started acting up. Then they changed [phone] numbers. [...] They didn't want them to act up the way we acted up.

Although Adriana did not realize it as she told me her story, she connected each instance of acting out with a need unmet by adults tasked with her care—helping her learn to grieve a beloved grandparent, being confined and medicated, and separation from her sisters. Adults often connected acting out with court-mandated kin visits. Foster parents, like 50-year-old Carrie from Florida, insisted that spending time with degenerate kin caused children to act up following a visitation. Carrie did not consider that the acting out that followed was the child's way of expressing anger at separation from kin rather than bad influence from kin. Graciela, a South Texas 21-year-old, and I had a lively talk about why it was so hard to recruit new foster parents. She summarized conversations one of her foster mothers had while trying to recruit other foster parents:

They [non-foster parents] are like, "No, aren't they horrible kids? You get them from these bad families." No, we're not! It's like their mindset is on one thing. Open up your mind. Why are they [fostered children] acting like this? Maybe they need some help. Maybe they need someone to talk to. Talking is good for a lot of foster kids. Just listening!

Graciela, Adriana, and Catalina all recognized acting out was common. It is also clear that fostered youth connect their acting out with their unmet needs.

The second type of rite of refusal is counter-rejection. By this, I mean a defensive response to adult rejection. For example, fostered youth experience dislocations as rejections from adults. They may be confused and hurt when a foster parent sends them to a new placement. However, if a youth suspects that an adult is giving up on them or is about to reject them and have them displaced, the youth will often issue a counter-rejection in the form of a 30-day notice request. Jamiqua, a particularly insightful fostered youth whom I spent time with on different occasions, explained it best. At first, she said, she was just grateful to have a clean home, regular food, and a bed of her own to

sleep in. Then she became less patient with foster parents who increasingly displaced her when she had done nothing wrong:

So, when I didn't like it in a foster home, I'd just get really mad at my foster parents and make them put a 30-day notice on me. [...] Where they give the CPS worker 30 days to find another home for me. [...] Whenever the foster parents get tired of us, they get rid of us. Well, if your real child had issues like we did, would you have gotten rid of them? Would have put them in CPS? Or threw them in a dumpster or whatever the case may be? Would you have a 30-day notice on them? No. You wouldn't have. So I think that's where the system fails us because the foster parents that sign up for this, they don't sign up for it. They sign [she paused thoughtfully]—how can I say this? They don't have patience to deal with us. And that's where we start feeling neglected again, because it's like, "Well, nobody cares." Everybody, we, once we start acting up and start going the opposite way. [...] It's just like nobody will ever love us. That's how I grew up. I was just like, "Well, nobody cares." So, you know what? And I'll tell my foster parents, I'll be like, "look, the reason I'm acting like this is because I don't wanna be here anymore. So you might as well go ahead, get in your room, sign that 30-day notice, and then I'll be gone." I would tell them straight like that. Like, "I know you're gonna do it sooner or later. SO you might as well do it now."

I asked Jamiqna how she would have responded if someone had genuinely fought her on making a 30-day request. She replied:

Like, sincerely? [...] I don't know. [...] I was getting too comfortable. I was feeling too at home, and I guess it's more like, "You're not gonna take it [feeling safe] away from me. I'm gonna take it away from me before you're able to take it away from me." Do you understand that?

Following this conversation with Jamiqna, I questioned several other fostered youth about 30-day requests and (counter)rejections. They agreed it was a test they expected foster parents and social workers to fail—a test to see if the adult would give up on them. Nearly every time, the youth said the adults put in the request. A 30-day notice request is just one kind of counter-rejection. Youth may refuse adoption or resist a connection with an adult who seems caring. The critical aspect of counter-rejections as a rite of resistance is that youth reject the adults when they anticipate adults will ultimately reject them.

The third form of a rite of refusal is running away. Running away is a reversal of adult-initiated dislocation. Running away rejects adult authority to decide what is best for them—often based on accumulated experiences of poor decision making by adults or maltreatment from adults. Running away is a youth's way of asserting agency, as if they are saying, "I tried it your way, and it failed; now, I choose to protect myself." I described in Chapter 4 how Gene escaped his RTC by smashing the glass door; he ran from staff maltreatment, minimally, in the form their failure to protect him from the physical and verbal abuse of other residents. Chase was 17 when his mother was in a position to care for him again; a year had passed since his voluntary entry into foster care. He told me how, at that time, he begged his caseworker to appeal to the judge for reunification:

He [the caseworker] said I wasn't mature enough, 'cause I ran away a lot. I'm like, "I'm not running away. I'm not gonna to go do drugs. I'm not gonna drink beer or anything." I'm not doing anything—in my mind—illegal. I'm going to just be with my mother.

Chase said that “in his mind” it was not illegal because running away from his foster placement to be with his mom was considered an illegal act by the state. Of the 43 foster care alumni who participated in this study, seven (16 percent) considered themselves regular "runners," and three more said their fostered biological siblings were runners. "Runners" escape placements repeatedly, often to be with kin or to live with friends or on the street. One percent of youth exited foster care as permanent runaways (Child Welfare Information Gateway March 2019), and 33 percent of homeless youth were fostered (NCSL Children and Families Program 2019). Running away from home is an act of self-protection or resistance, and an act of agency for young people regardless of fosterage.

The second rite of resistance I witnessed fostered youth exercise was *reunification*. Nearly every youth in this study tried to make contact with kin when they

aged out of foster care, even if they had a happy adoption. Youth gave different reasons for the compulsion to reunify with their kin. Sometimes they thought the system was wrong to separate them and were gratified to learn (but even more angry to discover) that their kin wanted and loved them. They were discouraged when their kin did not live up to imagined expectations that the child has built up over the years. Kin who cannot keep jobs, a tidy home or promises are bitter disappointments to young adults enculturated into middle-class expectations and who have been disappointed by adults throughout their foster care experience. Youth disappointed with kin or who bypass looking for families of origin altogether tend to become homeless. This usually begins with rounds of "couch-surfing" (Perez and Romo 2011), that is temporarily and nominally living with friends or acquaintances. Youth with fewer social networks or who use up their social networks may become genuinely homeless and street-youth. Some eventually find a way out, some end up in the criminal justice system, and some end up exploited or trafficked (Child Welfare Information Gateway 2017). Initially, I believed reunification was about seeking closure and seeing for themselves if their kin were who CPS said they were. Sometimes this seems to be the case. However, youth-initiated reunifications more often signified a rejection of the state decisions about kin and of who and what youth are told to be.

In summary, youth are subject to rites of child-removal via *parens patriae*, silencing, instruction, intimidation, humiliation, objectification (e.g., dislocations, dehumanization, confinement, institutional maltreatment), bad legal advice and ill-treatment, second chances, and surveillance. Foster youth may either submit to middle-class habitus enculturation or rebel and thereby reinforce stereotypes of a "foster kid" (from the perspective of society and foster care agents). Rites of resistance are limited to

refusals (e.g., acting out, counter-rejections, running away) and reunification. Resistance also has consequences through further confinements, dislocations, the physical effects "acting out" has on youth, and negative experiences caused by running away.

When youth resist psychosocial adjustments to their values and behaviors, control or discipline, they are often medicated, isolated and dislocated, and sometimes physically disciplined. So-called foster care success stories are typically young children who are more easily enculturated into a middle-class habitus. Unsurprisingly, older children are more resistant. Adults characterized fostered youths' attempts to control their destinies and make their own decisions as "acting out." Even youth accept that their "acting out" is bad behavior, unable to see it as exercising agency without moralization. Youth express most agency, but it also costs them a great deal.

All four of the constituent groups within foster care—professionals, foster parents, kin, and fostered youth—are subject to enculturation through institutionalized rites. The purpose of these rites is always to create a new embodied habitus and a new identity (e.g., social worker, foster parent, socially-acceptable, and "proper" parent, "foster kid"). Fear of lost career or vocation limits professionals and foster parent resistance. Kin and youth are the primary subjects of the system, and as such, the consequences for their resistance are greatest. They are nearly always subjugated through structural violence. Kin lose their legal and social status as parents when their children are taken hostage and disappear through the legal apparatus of termination of parental rights. Youth lose their right to self-determination and experience control and confinement severe enough to make them seek desperate ends. These rites are not aimed at improving lives or the circumstances that lead impoverished and working-class

families into foster care. They are all concentrated on changing the attitudes, values, and behaviors of kin and their children. Next, theoretical contributions are examined to illuminate broader social and political effects.

State Strategies for Governing Against Resistance

Lazarus-Black's rites of domination (1997) and subsequent analyses of court rites (2007) partially organized this chapter. I have expanded her original analyses to show how hierarchical governance works within the institution of foster care. Foster care is also intertwined with other bureaucratic institutions, such as education, law and medicine, as a means of state governance through families (Foucault 1991; Donzelot 1979). The state, as a modern political and economic system of governance, uses the institution of foster care to communicate and enforce hegemonic ideals to citizens. Foster care, then, is one possible *apparatus* for managing members of a social body (Rose 1996, 37). However, citizens sometimes disagree with and resist these hegemonic ideals.

Resistance to both rites of domination and court rites is possible within foster care, but this institution's bureaucratic framework coalesces with strategies that discourage resistance. This section explores five strategies for preemptively governing against resistance: surveillance, technologies of self-discipline, enculturation of institutional identities, changed habitus, and trauma as both prevention and punishment. Rites of domination and court rites keep order. When these strategies fail, and resistance occurs, the consequences are severe: losing one's job, livelihood, reputation, home, and family. Fear, implicit and explicit violence, and a culture of terror also explain why

resistance is nominal. The following strategies reveal institutional domination within and beyond foster care, and each is an explanation for why and how resistance is limited.

The first strategy the state uses to limit resistance among foster care subjects is surveillance, which functions much like that proposed by Foucault (1995) in his discussion of disciplinary training and Donzelot (1979) in his analysis of bureaucratic expansion into the domestic sphere.⁶¹ Fostered youth and kin are under surveillance from not only each other and the institutional hierarchy, but also external therapists, doctors, school employees, law enforcement, and neighbors. These people become state informants by drawing the attention of the state to families who they deem as failing to comply with social norms. CPS reports informant testimonies to the court; the judge decrees what transformations are required to meet social norms; further informant and CPS testimonies help the judge determine compliance and transformation. This process and actual punishment for failure to submit or adequately transform discourage resistance.

Surveillance functions then not only as a rite of domination to manage risk, but also simultaneously as a way to discourage resistance. The surveillance happening within foster care, as a bureaucratic institution, becomes a tool of state-level governance for managing citizens who refuse or fail to conform to hegemonic ideals, such as economic independence and middle-class habitus. In the case of foster care, the targeted population—impoverished and working-class families—is surveilled beyond the institution of foster care. Certain citizens (e.g. families of color, same-sex couples, low-

⁶¹ Foucault's (1995) model of disciplinary training outlines *hierarchical observation* (i.e., surveillance), *normalizing judgment* (i.e., social standards to which subject ideally conform), and *examination* (i.e., testing and bureaucratization). Donzelot (1979) modeled how bureaucratic expansion occurred through the domestic sphere through critiques of morality and panopticonic (Foucault 1995) surveillance of families.

income families, families with low social and cultural capital) are targets of surveillance more than others; for targeted populations, resisting surveillance is nearly impossible.⁶² In other words, access to power, agency, and resistance are all mitigated by surveillance, and families with less power and agency are most vulnerable. Citizens who fail to conform to hegemonic ideals are susceptible to state intervention and discipline—and this makes them less likely to resist.

The second state strategy to limit resistance relies on subjects to discipline themselves because they want to be respected or perceived as moral, and to feel as though they belong in society. Foucault was especially interested in how these technologies of power and self are comingled (1988, 18). Technologies of the self:

...permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality. (1988, 18)

The state, then, need not always coerce individuals because they may transform themselves in order to achieve social acceptance and self-gratification. James Scott found that the state can persuade self-discipline through ideological domination that:

...define[s] for subordinate groups what is realistic and what is not realistic and to drive certain aspirations and grievances into the realm of the impossible, of idle dreams. By persuading underclasses that their position, their life-chances, their tribulations are unalterable and inevitable, such a limited hegemony can produce the behavioral results of consent without necessarily changing people's values. (1990, 74)

⁶² See Margaret Nelson's and Anita Iltis Garey's (2009) phenomenal volume for in-depth examples of contemporary family surveillance as it pertains to social hierarchy and neoliberal governance.

Scott argued that ideological domination effectively discourages resistance and "provides convincing evidence of willing, even enthusiastic complicity" (86). Individuals exchange some of their agency for social belonging and potential contentedness.

The third strategy the state uses to limit resistance among foster care subjects is conveying identities through institutions. Institutional identity-making is coupled with enculturation. Institutional belonging confers an identity. Lawyers become judges. Prospective parents become "foster parents." Social workers become child welfare workers. A person's understanding of self is derived, in part, from belonging to that institution. Each of the five subject groups shared experiences and therefore shared elements of an institutional identity. Mary Douglas said it this way, "Institutions bestow sameness" (1986, 63). This "sameness," or institutional identity, reflects institutional social order. Professionals and foster parents may fail to see how their enculturation makes them complicit in rites of domination. Shared identity also contributes to how professionals and foster parents come to believe the characterizations of kin as deviant and youth as in danger or dangerous while actively disregarding evidence that contradicts these beliefs. As Scott noted, those in power attribute subordinates' negative behaviors to their supposed "inborn characteristics," rather than to the effect of power (1990, 35). Enculturation and identity limit the ways professionals and foster parents think about kin and youth. Kin and fostered youth sometimes also believe these negative characterizations because they come to see themselves as part of those groups.

Douglas's interpretations of institutions come with some familiar functionalist critiques: not everyone experiences the same things in an institution, institutions change over time, and this is just one possible and partial explanation for how professionals and

foster parents participate in oppressing families and children. When individuals' experiences diverge from the group, either their beliefs will break down, or they will find another justification to support their beliefs. I have described at length how foster care changed over time even as its central purpose of managing impoverished families has been consistent. Other potential explanations for why professionals may participate include believing their contribution to a greater good through their work and supporting the economically-driven tenets of neoliberalism that blame impoverished people for their circumstances. Finally, it is worth remembering that professionals and foster parents are beneficiaries of the foster care system—they receive income or subsidies, personal fulfillment, or a means to make families through foster care. Fostered children are indeed better off in foster care if they are part of the 25 percent whose parents abused them; but as described in Chapter 2, children removed from their families due to poverty-induced neglect can fare worse than their socioeconomic peers who remain in low-income and struggling households with kin support. In summary, professionals and foster parents struggle to see how their role dominating kin and youth because they identify as people who help; kin and fostered youth may not resist if they believe the negative characterizations about themselves as members of institutional groups.

The fourth strategy the state uses to limit resistance among foster care subjects is the process of enculturation. If it is challenging to accept that institutions have the power to transform individuals into more compliant subjects, consider examples like bells that condition factory workers and school children to adhere to arbitrary schedules. Even more compelling is Foucault's example of soldiers who modify their appearance, bearing, morality, and behavior to accommodate military rules (2010). Working through

institutions to increase the number of bodies controlled, focusing on aspects of how order is achieved (e.g., efficiency) and "an uninterrupted, constant coercion, supervising the processes of the activity rather than the result [...] assured the constant subjection of its forces and imposed on them a relation of docile-utility" (2010, 181). Modern institutions, like foster care, govern by turning individuals into populations with common identities, using apparatuses like bureaucratic organization, and through constant supervision and coercion. I am arguing that foster care does little to aid and help families, but it does expend considerable resources attempting to transform impoverished and working-class parents and their children into more docile, cooperative middle-class subjects who self-discipline, rather than require the continual supervision and correction of the state. The goal is to critique, humiliate, and instruct kin to become more like the middle-class.

Approximating middle-class appearances, mannerisms, and most of all, behaviors, define successful outcomes. Bourdieu's (1977) notions of habitus and bodily hexis have been critiqued for not explaining how they can be interpreted subjectively by others and for failing to explain how they are acquired (e.g., Ghannam 2011; Mahmood 2005; Certeau 1984). My work reveals that habitus and bodily hexis may be acquired through enculturation and transformed through unrelenting rites of domination. The evidence for this transformation are kin and fostered youth who alter themselves until they either achieve or approximate middle-class habitus. These are kin who pass the rite of passage to earn back their children and youth who define their success as being unlike their kin.

Further proof that the goal of the foster care system is to create transformation is this: kin in this study who entered the system as already educated, speaking unmarked English, dressing and behaving like they are middle-class were often reunified with their

children. In other words, kin participating in this study who had the most *embodied cultural capital*, *institutionalized capital*, and understood middle-class *objectified cultural capital* were usually reunited with their children (Bourdieu 1986). These were middle-class artists, non-conformists, or people who had fallen from the middle-class through financial loss. When the state effectively coerces kin or youth to adopt middle-class habitus and bodily hexis, those subjects are more likely to adopt middle-class ideologies like non-use of welfare, self-discipline, and conforming to neoliberal ideals.

The fifth strategy the state uses to limit resistance among foster care subjects is trauma. Trauma works to limit resistance in two ways. First, many of the rites of domination (e.g., humiliation, silencing, intimidation, objectification) are emotionally and physically traumatizing. As anthropologist Naomi Quinn (2010) argued in her work on children's enculturation, "by various widespread techniques such as beating, frightening, shaming, teasing, and praising, important lessons are taught in an emotionally arousing manner to make them motivating and memorable" (442).⁶³ Trauma is well-established as an element of ritualized learning or in rites of passage (e.g., van Gennep 1960; Young 1965). Embodied suffering amplifies the effects of the lesson and is symbolic of an individual's submission to the community (Morinis 1985).⁶⁴

Second, trauma caused by continual conditions of fear limits resistance. Unlike other sites where courts and legal apparatuses are successfully utilized to resist structures of power (see Lazarus-Black and Hirsch 1994 for further discussion), the foster care

⁶³ That is one of Quinn's four universals present in child enculturation practices. These four universals—sensory arousal that heightens lessons, an environment that continually reinforces the lessons, overt approval and disapproval, and foundational lessons upon which more complex lessons are built—are visible in elements of foster care enculturation of its subjects more generally.

⁶⁴ For an in-depth discussion of enculturation, ritualization, and embodiment through sensory experience, see Cindy Dell Clark (Enculturation Incarnate: Ritual Sensoria in U.S. Patriotic Holidays 2017).

system masterfully delimits the agency and resistance through a "culture of terror" (Taussig 1984). Taussig described a culture of terror as an "ever-present threat of degradation and torture" (1984, 478), where fear of resistance contributes to abuse of power (488), where ritual builds solidarity (478), in which "the narratives are in themselves evidence of the process whereby a culture of terror was created and sustained" (482), and where those in power systematically delimit the power of subordinates (488). To be more concise: "step by step, terror and torture became *the* form of life [...], an organized culture with its systematized rules, imagery, procedures, and meanings involved in spectacles and rituals that sustained the precarious solidarity" (495) of those in power. While Taussig's fieldsite is far removed from foster care, fostered youth described countless physical, mental, and emotional abuses to me. Moreover, kin are *institutionally extorted* through the leverage of their children in exchange for their submission. As Taussig pointed out, these conditions "[effectively cripple the] people's capacity to resist" (494). Resistance is made too dangerous by the implicit violence of losing one's children permanently that kin usually submit.

In summary, beyond the exercise of the rites of domination, states use additional strategies for preventing resistance. In foster care, these strategies include surveillance, self-discipline, enculturation of institutional identities, changed habitus, and trauma as both prevention and punishment. Fear, implicit and explicit violence, and a culture of terror maintain minimal resistance. For those daring enough or pushed to the point of resistance, the consequences are severe.

Gender(ed) Hegemony in Foster Care

Socioeconomic status is the defining trait that impacts families involved with foster care. Indeed, wealthy families can bypass the mechanisms of child welfare even where maltreatment is known because there are socioeconomic means to prevent wealthy children from entering foster care. As previously discussed, race and ethnicity further contribute to foster care involvement. And although it was not a primary focus of this study, gendered differences are also visible in rites of domination and resistance.

First, patriarchy is reproduced through the legal system. Elements of paternalism are evident in court rites. At the time of this study, most judges in family courts in the South Texas region were males, and they tended to take a “father knows best” approach in their courtrooms that is inculcated even in law school (Kennedy 1982, 593; 2004). Social workers tended to take on paternalistic and maternalistic roles with the fostered youth and families with whom they worked as well. They often behaved like big brothers or sisters, or father and mother. Age seemed to play a role in this, with older professionals most likely to play traditional stern paternal or nurturing maternal parts. Foster parents who participated in this study were nearly all heterosexual, married couples with a male breadwinner and stay-at-home mother. Foster parents are less likely to be single females (30%), LGBT (3%), and be employed full time (31%) (Foster Coalition 2015).⁶⁵ Finally, the design of the system itself is reliant on *parens patriae*, which is itself patriarchal and authoritarian via rites of domination in its policies toward foster care subjects.

⁶⁵ Demographic information on foster parents is limited and tends to focus on foster-adopters. This recent report not skewed toward foster-adoption said that foster parents are primarily white, married (63%), and have a lower mean household income than the general population (Foster Coalition 2015). It is unclear if the employment statistics here are for the primary source of income, or all potentially employed adults.

The effects of the rites of domination are experienced as gendered as well. Percentages of males and females in foster care are roughly equal (Children's Bureau 2018). However, some of the most poignant gendered differences are visible among fostered youth who age out, that is are not reunified by the system or adopted. Seven in ten females who aged out were teen parents and 75 percent of females (and 33 percent of males) received government assistance after aging out (National Foster Youth Institute 2017). Many of the females who participated in my study cited concerns about or experienced sexual violence, particularly in institutional foster placements. Moreover, LGBTQ youth are significantly over-represented, estimates suggest at twice the rate, in comparison to the general population and reported more institutional placements because foster parents rejected them because of their sexual or gender identity (Johnson 2019; Human Rights Campaign and Foster Club 2017).

Gender also impacted the experiences of kin. Single fathers whose children entered foster care often described how their gender made it especially difficult to prove their fitness in court. Recall Tim's experiences (see page 168) or take for example, Max, a single father in Texas that I met at a foster care awareness event. His two daughters were taken by CPS after a teacher (dutifully) reported that his eldest teen was not wearing a coat to school during a (mild) South Texas winter. Max owned a small construction company and was financially comfortable. His daughter had coats but was refusing to wear her "uncool" one from last year. When he did not immediately buy her a new one, which he thought was wasteful, she went to school without one. Max said it was when CPS understood he was a single dad that things escalated. They took his daughters away

and he fought for nearly two years before they were legally reunified. His teen was devastated by what she had done inadvertently, and he spent tens of thousands of dollars in legal fees to prove his fitness. Single-motherhood and poverty also correlate with high rates of CPS contact (Turney and Wildeman 2017).

Patterns of gendered resistance did not clearly emerge from my data for professionals, foster parents, or kin. However, thinking about the ways that fostered youth in their teens resisted suggests gender may be significant. On one hand, fostered teens replicated common acts of resistance in the narrative of “teenage rebellion” in the general U.S. population—for example, experimentation with substances and sex, running away from home, defiance, backtalk, circumventing surveillance, exerting independence, skipping school, and sometimes petty crimes and vandalism. On the other hand, the youth I spoke with departed from gender norms in an important way—physical violence. Males often told me about physical altercations—especially in institutional settings—to which they were either victims or instigators; females told similar stories nearly as often.⁶⁶ These were sometimes boasts to prove they could care for themselves; but typically fight stories were shared without emphasis, as ordinary life events. Fostered youth told me about being subjected to group attacks by other youth, to group and single assaults by institutional staff, and by foster parents. Youth also shared many stories about being bullied, about retaliating to bullying with physical violence, and about sexual assaults.

Moreover, as is clear in the narratives of Chase (this chapter) and Gene (Chapter 4), the consequences of resistance are more likely have lasting and significant impacts than among youth in the general population. For instance: non-compliant behaviors lead

⁶⁶ All participants in this study either did not identify their gender to me, or identified themselves as male or female.

to over-prescription of psychotropic medications (Office of the Inspector General 2019; Brenner, et al. 2014; Lohr and Jones 2016); sex more often results in teen pregnancies and parenthood than the general population (Murphy 2019; King, et al. 2014); and physical altercations lead to more restrictive placements, juvenile detention, and jail (Flores 2013; Anspach 2018; Watkins 2018).

In summary, the foster care system reproduces gender hegemony through rites of domination from court rooms to foster homes and institutional placements and through discriminatory effects on single parents, who do not reproduce family norms. The effects of resistance are amplified for fostered youth, and perhaps disproportionately for females and LGBTQ youth.

Conclusion

In this chapter, I described foster care's institutional hierarchy as experienced by judges, social workers, foster parents, kin, and fostered youth. Formal training, informal interactions, courtroom proceedings, and popular characterizations shape how subjects think of themselves as professionals, foster parents, kin, or fostered youth. Professionals and foster parents take new identities as state agents through enculturation, which explain why they participate in rites of domination against kin and youth.

Power manifests hierarchically through rites and strategies of domination that control foster care subjects. Judges reproduce rites of domination that oppress and promote the potential for bias. Social workers are subject to some rites of domination and court rites via institutional hierarchy but also participate as authority figures in the rites of instruction, intimidation, humiliation, objectification, silencing, *parens patriae*, and

surveillance. Their resistance is limited because they see themselves as unempowered to make changes or fear workplace retaliation. They tend to quit working in foster care rather than be fired. Foster parents are subject to rites imposed by the institutional hierarchy including judges and social workers. However, foster parents participate as authority figures in the rites of instruction, intimidation, humiliation, objectification, silencing, surveillance, delegating, legalizing, second chances, and *parens patriae*. Foster parent resistance is limited by a lacking belief in their own authority and fear of formal sanctions. In contrast to judges and foster parents, kin and fostered youth are primarily the objects of these rites within the foster care system.

Kin are subject to the rites of *parens patriae*, intimidation, silencing, instruction, humiliation, objectification, bad legal advice and ill-treatment, second chances, and surveillance. Additionally, kin are subject to institutional extortion and the rite of passage of earning back their status as parents. Kin have little solidarity or means of identifying others with whom they could unify and create persistent resistance. Therefore, resistance tends toward individual acts of refusal or negations that call out institutional hypocrisy and civil rights violations. These methods are ineffective at creating significant change and often create more problems for resistant individuals.

Fostered youth are subject to the rites of *parens patriae*, silencing, instruction, intimidation, humiliation, objectification (as dislocation, dehumanization, confinement, and institutional maltreatment), bad legal advice and ill-treatment, second chances, and surveillance. Rites of resistance for fostered youth tend to be refusals such as acting out, counter-rejection, and running away or resistance through reunification. Resistance by "foster kids" is dismissed as teen rebellion or characterized as apropos of culture of

poverty (Lewis 1966; Lewis and La Farge 1959). Although fostered youth can often locate each other, they lack solidarity that makes collective acts of resistance possible. Strict control over the environment prevents institutional insurrection. Moreover, their status as minors further disempowers them.

Strategies of the state, including further forms of surveillance, technologies of self-discipline, enculturation of institutional identities, changed habitus, and trauma, limit and deter resistance. Well-meaning judges, social workers, and foster parents are transformed, somewhat unwittingly, into agents of domination through enculturation. Meanwhile, rites and strategies of domination naturalize a system of structural violence (Galtung, 1969) against impoverished kin and youth. Resistance is possible, but costly—threatening family, reputation, and career. Foster care is designed to limit aid as much as possible to impoverished families and children. Instead, it functions to change them into better neoliberal citizens who either do not need aid or who are discouraged from using it. In the chapter that follows, I conclude by describing how economics, hegemonic ideologies, and foster care as a bureaucratic institution work together to produce a system of domination, rather than one of care.

CHAPTER 6

CONCLUSION

Original Research Questions

This study began with three central objectives. First, it aimed to discern how anthropological methods and theories could contribute to the inter-disciplinary conversation about foster care “brokenness.” Other disciplines concerned with foster care tend to focus on isolated problems defined by foster care “outcomes;” whereas, this study offered a holistic examination of foster care as a social, political, economic, and hierarchical organization.

Second, this study directed anthropological tools more often applied in post-colonial fosterage settings to explore modern family governance in an affluent, Western nation-state. This research evaluated some of the most marginalized members of U.S. society—impoverished and working-class children and their families under the scope of the foster care bureaucracy. The experiences of these families are useful to those who are generally interested in child welfare or in how child and family welfare intersects with American values, hegemonic ideologies, the economy, and bureaucracy.

Third, this study sought to explain the mismatch between U.S. rhetoric that claims to cherish children and the reality of fostered children about whom most Americans know little about and do less to support. The rhetoric of rescue and the “best interest of children” justify interventions into the domestic sphere, violations of civil liberties, and structural violence. The foster care system is not “broken” because it fails to improve the lives of struggling families and children. Foster care is broken because, as this study has

shown, it expends little effort to accomplish that end. The foster care system primarily invests its considerable resources into extorting impoverished and working-class families into adapting a middle-class habitus, that includes specific parenting strategies, values, mannerisms, consumption patterns, and economic independence.

In this chapter, first, I synopsise how data demonstrated that foster care is not (and never was) designed as an infrastructure of social or economic welfare. Then, I summarize my research findings and contributions. I conclude with some possible redresses if, as a society, we are genuinely interested in the welfare of America's most vulnerable citizens—its impoverished children.

Chapter Summaries

In Chapter 1, I explained this study stemmed from a desire to yield data useful to fostered youth, as a marginalized population that receives little anthropological or accurate public attention. Furthermore, foster care is an ideal site to understand what happens to fostered youth and their families in the intersection of state governance, institutional bureaucracy, economic interests, sociocultural values, and the family. In addition to proposing the initial research questions, I reviewed three literatures that overlap theoretical understanding of foster care: (1) historical (and to a lesser degree cross-cultural) fosterage; (2) the intersectionalities of fosterage, family, and bureaucratic state governance; and (3) the anthropology of childhood and childhood studies more broadly. I learned that while that few anthropological studies of foster care as a modern institution in affluent countries existed, this project complemented the rich anthropological literature of U.S. poverty studies that particularly crosscut neoliberalism

and governance of marginalized families. My study explores the specific links between bureaucracy, the institution of foster care, and governance through “the family.” It also contributes to research about children and their agency in the unique setting created by *parens patriae*. Finally, this research examines sociocultural attitudes and values that sentimentalize children and that denigrate impoverished families—and the impacts of policies and practices that result from those attitudes and values.

Along with anthropological methodologies of participant observation, interviews, and text and media analysis, Chapter 1 also introduced a few original anthropological techniques to simultaneously study up (e.g., Nader 1972; Gupta 1995; Ho 2005; Graeber 2015) in a hierarchical bureaucracy and between groups of people within the foster care system. First, anticipating potential difficulties because fostered care alumni and their kin are notoriously hard to locate, I developed a website to gather qualitative data on a national scale to supplement local fieldsite data. The website augmented and diversified qualitative data from kin, foster parents and youth, especially. Second, rather than depend on a single foster care agency, I conducted participant observation and interviews in a large region (several hundred square miles) in order to locate more fostered youth and kin (because they are so mobile within the system), protect the identities of professionals and judges who participated, and expand my results beyond a single agency (e.g., Child Protective Services, private foster care agencies, non-profits) to ensure a broader understanding of the South Texas region. Finally, in order to appreciate more thoroughly the perspective of foster caregivers and some child welfare professionals, I not only observed foster parents and social work training, but I became a licensed respite caregiver, even if only for a short time and somewhat unsuccessfully! These innovative

anthropological methods allowed me to gain gain deeper insight into a complex institution.

Chapter 2 described stereotypes reified into myths about the foster care system and its subjects. These myths coalesce into meta-narratives that depict foster care and its subjects as abnormal, criminal, incompetent, and corrupt. These perpetuate the notion of foster care's brokenness. Pervasive myths and meta-narratives in fictional and non-fictional media naturalize stereotypes and misinformation in the popular imagination. Further, the doctrines of “culture of poverty” (Lewis 1966; Lewis and La Farge 1959) and neoliberalism (e.g., Greenbaum 2015; Goode 2010; Strauss 2018; Goode and Maskovsky 2001; Brenner and Theodore 2002; Harvey 2005; Ong 2007; Ortner 2017; Rose 1996), that blame struggling families for their problems without regard for broader socioeconomic factors compel and shame families into changing their habitus, lend credence to these consistent and repetitive myths (e.g., family deviance, criminality, abnormality, foster caregiver and state corruption and incompetency).

Discourses of "care" disguise market forces in systems like foster care and others, such as medicine and welfare more generally. Neoliberal ideology, such as self-discipline, personal responsibility, and economic independence, promoted by media results in valuing the free-market over the care of citizens (Harvey 2005; Brenner and Theodore 2002; Rose 1996; Dolson 2015; Ong 2007; Goode and O'Brien 2006). Discourses and actions that blame struggling families are subsumed in the everyday bureaucracy of foster care. This chapter revealed how myths and meta-narratives of foster care legitimize ill-treatment of its subjects and disguises the institutional extortion of its subjects with neoliberal economic values.

Chapter 3 chronicled foster care history and policies to show how they are historically and consistently more intent on managing marginalized and impoverished families than authentically caring for abused or indigent children. Historical examples of marginalization through fosterage include the Orphan Train Movement and Indian schools that caused ongoing intergenerational trauma, cultural oppression, and political disenfranchisement that continue through the practice of placing American Indian/Alaska Native (AI/AN) children in non-Native foster homes (Vernon 2012; Crofoot and Harris 2012). Similarly, the general overrepresentation of children of color in foster care is well-established and points to institutional racism, discrimination, and bias built-in to the system of child-removals/taking.

Economic and political shifts created the professionalization of social work and the bureaucratization of the foster care system. Problematic policies resulting from the formalization and bureaucratization of foster care include inadequate legal representation for kin in court and time limits for reunification. Concurrent planning, a modern policy gone awry from its original proposal (Katz 1999), simultaneously attempts kin reunification while placing children with hopeful foster-adopt parents. While foster-adopt hopefuls and kin are supposed to cooperate with each other's mutually exclusive goals, they work at odds with each other toward permanent custody of children. Management and domination are evident in discourses focused on "outcomes" and "productivity" that take precedence over discourses of well-being. The bureaucratic development of the foster care system hides structural violence that is revealed in the ethnographic testimonies and in the state's disinterest in keeping families together or providing care (rather than authority) for fostered children.

This chapter also highlighted forms of violence explicit in foster care including chronic structural inequality, symbolic violence via shaming, policies of everyday violence like concurrent planning that pit subjects of foster care against their fostered children's kin, and implicit violence that manifests as omnipresent, omnipotent threats. Good intentions (Graeber 2015) and "doing good" (Fisher 1997) obfuscate forms of violence, but those who get into child welfare work are not evil agents of state domination. They sincerely aim to help children and families and are frustrated by how bureaucracy stymies their efforts. Chapter 3 uncovered how foster care cannot be decried as "broken" because there was never an era when it worked to consistently improve the lives of most of the struggling families and children who were involved with it. In each decade, new social values influence policies and practices—but because the social value has never been on helping families or children out of poverty in concrete ways, it was never part of the design of foster care to do this either.

Chapter 4 exposed how bureaucratic governance manages society *through* families (Donzelot 1979). It detailed the ways each subject group—professionals (especially judges), foster parents, fostered youth, and their kin—imagines the others within foster care and how they see themselves. Each group recognizes its limitations to make the lives of foster children better—but fails to see how other groups are similarly limited. I detailed the obstacles members of each group regularly face in the bureaucratic framework of the foster care system and how this framework puts each subject group in conflict with the others. Each group is undeniably constrained and disillusioned by their inability to reach their institutional ideals. Their suffering is real. However, group members are not neutral in their beliefs or actions toward members of other groups, and

they collectively contribute to reifying stereotypes about other groups. Moreover, group members seem unaware of their complicity or how to confront it. Chapter 4 explains how groups blame each other for foster care's failings, and clouds subjects' ability to see how their institutional complicity perpetuates structural violence and social inequity.

Chapter 5 showed how enculturation and institutional identity-making are central to obfuscating how the foster care system is poorly designed to care for fostered children and their families. Instead, this system is a hierarchal institution with court rites (Lazarus-Black 2007) and rites of domination (Lazarus-Black 1997) that oppress all subjects, but especially struggling families and children. Critical examples include the perpetual humiliation, intimidation, and silencing of kin and fostered youth. Additionally, I divided objectification, one of Lazarus-Black's court rites (2007, 1997), into subcategories of dislocation, the reduction of fostered youth into "files" or "cases," confinement, and institutional maltreatment. Then, I expanded rites of domination (Lazarus-Black 1997) to account for the surveillance and *parens patriae* phenomena found in foster care. I argued that there are institutional strategies for preventing resistance that actively discourage resistance before it can begin. These include individual refusals, negations of institutional principles and legitimacy, and reunification. This chapter exposes how the hierarchical organization of foster care is designed for domination, not care, or helping children and their kin.

In summary, these chapters argued that: (1) there is persistent misinformation about foster care that hides its failure to care for struggling families while simultaneously blaming those families; (2) foster care policies and practices attend foremost to managing impoverished people; (3) bureaucracy organizes subjects in opposition to each other in

ways that prevent meaningful helping and disguises complicity in structural violence and social inequity; and (4) the basic hierarchy of the institution is one of dominance, not administering care or meeting the needs of its subjects.

Critical Findings and Contributions

This section describes what I learned in response to my three primary research objectives and the unique contributions of this study to the academy. There are six core lessons. First, by applying anthropological methods and theories to the question of foster care's brokenness, I discovered we have been operating on a false premise. Other interested disciplines understand “brokenness” as failing to improve the lives of struggling children and families involved with foster care. This study's central finding is that foster care was never designed to improve the lives of fostered children and their kin. By scrutinizing the scholarship of various disciplines—history, social work, psychology, sociology, criminal justice, policy, and journalism—I realized that while the rhetoric is often about “rescue,” the actions and policies are consistently about managing people who are impoverished or not meeting middle-class social or economic expectations. American roots in European family court, modern policies and practices, and the ethnographic data in this study offer additional evidence. How people continue to talk about foster care in popular media, both fictional and non-fictional, keep the rhetoric of rescue and culture of poverty (Lewis 1966; Lewis and La Farge 1959) alive in neoliberal discourse. More concisely, the first finding of this study is that foster care is not broken because it fails to help children and families; it is and always has been designed to make families and children adapt middle-class habitus (Bourdieu 1977).

Second, exploring modern fosterage in the affluent U.S. revealed that family governance seeks to make impoverished and working-class families into better neoliberal citizens. The development of contemporary bureaucratic institutions is now the vehicle for family governance (Graeber 2015; Foucault 1995, 1991, 1988; Donzelot 1979; Nelson and Garey 2009). Hierarchical, bureaucratic governance enculturates subjects in norms and expectations and conveys institutional identities to create, maintain, and enforce these norms and expectations. As Mary Douglas (1986) noted, "Constructing sameness is an essential intellectual activity that goes unobserved" (60). Previous chapters demonstrated how sameness is constructed for the subjects of foster care through these moral and political classifications as well as through shared experiences in foster care as members of one of those groups.

Moreover, bureaucratic governance limits resistance to norms and expectations, and also facilitates easy discipline and punishment of those who do resist. Rites of domination and court rites exemplify how this works. Additionally, I offered the concept of "implicit violence" to describe how domination can work through threats as a more subtle form of institutional violence. I further proposed "institutional extortion" as an example of implicit violence at work in foster care as just one system of bureaucratic governance. The concern with family governance is inseparable from state economic goals, as the economy preoccupies governance in any form. The shift to neoliberalism overlapped with bureaucratic governance of families and is visible in institutions like foster care. Contemporary U.S. foster care, then, is a bureaucratic institution for governing families and especially their economic roles. Specifically, it is a way for the state to change the social and economic behavior of families in order to benefit

government economic interests. In this current configuration and with this purpose, foster care will only ever help families or children insofar as it is in the economic interests of the state. The second finding of this study is that the reason foster care aims to make families into simulacra of the middle-class is to make them better economic subjects by influencing them into consuming more (e.g., better housing, personal transportation, cleaner home, nicer clothes) and being less dependent on the state.

Third, in exploring the mismatch between the rhetoric of cherishing children and the lack of action to help children in need, discourse about foster care showed that most of society is only interested in fostered youth when it serves their interests. While this is an uncomfortable conclusion, citizens acting only in their own economic interests explains why people limit how much help they are willing to give. Popular media discourse and this study's ethnographic data support this conclusion. Children's value is measured in "outcomes" and their future productivity. Scholars of childhood studies talk about this in terms of children as "human becomings" (Montgomery 2009; Bluebond-Langner and Korbin 2007; Hirschfeld 2002). Helping impoverished and working-class children is about risk-aversion on a societal scale; in other words, it is about the prevention of things that are socially unsavory and economically burdensome, such as low educational attainment, teen pregnancies, addiction, delinquency, homelessness, and crime. These, of course, are the same "outcomes" measured as markers of foster care "success" and "failure." Failed foster care then is actually defined as children who go on to become social and economic burdens.

Although society as a whole is much less concerned with adopting children than with how fostered children may grow up to be economic liabilities, there is another layer

to child commodification (and objectification) in foster care. Instead of confining matches between adoptive parents and children to agency offices, children are advertised for adoption in much the same way as pets. States and private agencies have their website for posting photos and pleasant descriptions of "adoptable" children, but one of the most common foster advertisements is Heart Gallery of America ® Inc. I encountered one of these displays passing through New York's Greater Rochester International Airport in November 2014. A Heart Gallery offered pictures and short biographies of children available for adoption. Similar displays are all over the country. On the Texas Department of Family and Protective Services website, prospective adoptive and foster parents can search for children by traits (e.g., age, gender, ethnicity, types of special needs).⁶⁷ Television news programs around the country, especially morning shows, also feature local and adoptable children. While this is a good way to put faces to a population, it is simultaneously dehumanizing and commodifying. The third revelation was that children—like fostered children who are worthy of societal compassion and aid—are primarily perceived in terms of their future productivity and socioeconomic liability, instead of being "cherished."

In addition to the findings related to the three original objectives of this research, three more significant findings emerged. I relate these additional discoveries below in terms of what I expected or thought I knew versus what the data revealed. Like many people I spoke with who had no significant knowledge of foster care, I initially believed most children entered foster care because they were physically, sexually, emotionally, or psychologically abused. Contrarily, I learned that poverty drives 75 percent of foster care

⁶⁷ <https://www.dfps.state.tx.us/application/TARE/Search.aspx/Children>,
https://www.dfps.state.tx.us/Adoption_and_Foster_Care/Texas_Heart_Galleries/default.asp



*Illustration 4. Heart Gallery. Rochester International Airport. 2014.
Rochester Airport Heart Gallery. Photograph by Nikky Greer.*

admissions (Children's Bureau 2019). This realization is critical because it means that most children do not need to be “rescued” from their parents at all. This is keeping with a few scholars who have argued that family preservation is more cost-effective than long-term foster care as well (Huebner, et al. 2012; Eichelberger 2010; Karger and Stoesz 1997). The cost-effectiveness of family preservation is understudied, but not especially controversial. If the system fundamentally shifts from coercing families through forms of structural violence and instead invests in families, it saves money—a central concern of governance. The fourth finding of this study, then, was that poverty, not abuse, is the foremost reason children enter foster care, and that means the system can be changed to help families and children rather than punish them for needing support.

Next, as an anthropologist, I anticipated that kinship would be a theoretical concept central to understanding how foster care is structured, and I was wrong. Kinship is conspicuously absent from this study because foster care is a bureaucratic system, not a kinship system. Professionals who represented the inner workings of the institution did not talk about being and making kin. They talked about how to teach and discipline

children and families into people who reflected middle-class values. This discovery importantly upholds my argument that, despite appearances, foster care is not principally for the support of families or making new families. Instead, it is about remaking neoliberal citizens. The fifth finding is that kinship was less relevant than institutional bureaucracy to understanding how foster care worked.

The last unexpected discovery was that, despite media critiques and stereotypes, foster parents, professionals, and policymakers do not intentionally profiteer from foster care. It is not a bloated and corrupt system to create jobs, pad political pockets, or a get-rich-quick scheme for foster parents. Indeed, it flounders to keep professionals and recruit foster parents because of inadequate funding. The problem is not financial corruption. The system fails to make lives better because it is designed to control the (future) economic productivity and dependence of children and their kin via institutional extortion. The sixth finding is that the corruption here is not monetary; it is structural violence.

In summary, the journey to understanding foster care using anthropological methods and theory went like this: first, I learned that children overwhelmingly enter foster care because they are poor, not abused. Second, I discovered that modern foster care was never a system of kinship, but an institutional bureaucracy. Third, foster care is corrupt because it extorts vulnerable families, not because bureaucrats or foster parents make money taking children. Fourth, foster care is an apparatus and bureaucratic hierarchy through which family governance occurs. Fifth, citizens outside foster care do not expend much effort to help fostered children because their primary concern is that impoverished children do not grow up to be social or economic burdens on society. This

is why foster care is critiqued as "broken"—because children's "outcomes" indicate they still become social or economic burdens. Sixth, and finally, I realized that foster care isn't broken because it fails to make the lives of fostered children or their families better; it is broken because it is not designed to make their lives better. I expected to understand how the system was “broken” to see if anthropology could offer any “fixes” that other disciplines had not considered. What I found is that hegemonic social and economic ideologies and bureaucracy together create a system of domination and structural violence for families that it supposedly "rescues."

Recommendations

Where, then, does this leave us on the question of possible "fixes?" Before any redresses can begin, citizens and government must both decide what the purpose of foster care should be. Taking an optimistic approach that both citizens and government value preserving families who are free from recriminations of abuse or intentional neglect, next, I emphasize some possible means to make the lives of struggling families better. I begin with institutional reforms related to professional policies and procedures, then for foster parents, next for kin, and finally for youth.

Institutional and Professional Reforms

These recommendations are drawn from study participants and scholars who support family preservation as a future direction for foster care. First, poverty does not need to be a reason for family disruption and child-taking. Families can be preserved and aided

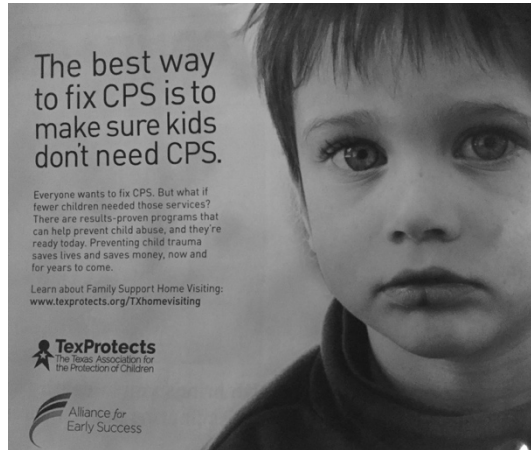


Illustration 5. Best Way to Fix CPS.(Child Protective Services). From Texas Trib Fest 2016 Program.

simultaneously. However, experts would need to rethink the definition of "neglect" and adjust from a model that attempts to assess how much risk there is to a model that asks, "Is there danger?" Community-based social work can ameliorate social and environmental dangers.⁶⁸ When kin present real (not presumed) danger, then children should, of course, be removed. In essence, Family Wellness should replace Child Welfare. This change foregrounds the "best interest of the family" and situates the child as a member within the family who does not need to be "rescued" from the family itself.

Second, redesign investigative and evidence gathering procedures to reduce conscious and unconscious bias. For example, the race or ethnicity of the family need never be disclosed; or instead of one judge making a decision, a panel composed of different disciplinary backgrounds could blind review the evidence to recommend a plan to meet the needs of the family in cooperation with a social worker. The traditional family court model does not have to be the future of family preservation. Actively promoting ways of limiting bias in child-removals should be a priority.

⁶⁸ For an overview of the advantages and utility of community-oriented social work practice, see Santiago, Soska, and Gutierrez (2017).

Third, emphasize supportive relationships between professionals, foster parents, kin, and fostered youth. Dramatically remodel or dispense with improperly executed policies like concurrent planning, where foster-adopt parents and kin both struggle for custody, that pit subjects against each other. There is no community presence in child welfare: just the ominous knock on the door and threat. If social workers were part of communities, having small local offices and relationships with families, kin might seek resources before interventions are necessary. Social workers would also find it easier to identify potential guardians when needed.

Fourth, social workers are undervalued, underpaid for the system's formal education requirements (e.g., entry-level requires a Bachelor's degree and often a post-graduate degree), and have inappropriate workloads for their well-being and that of the children and families they serve. Judge Pope described Child Protective Services (CPS) caseworkers that he saw in his courtroom:

Now, some caseworkers are able to go beyond and do more and be effective and do their paperwork. The thing is, most of the caseworkers are straight out of college. Most of them have no real-life experience. Most aren't—I'd say—have any experience with children. And most are using CPS as a steppingstone until they can find the next, better job. And those are some of the difficulties that CPS has to face. And there's no doubt, they've got to raise the pay. They did it for teachers! Are teachers paid enough? Probably not but, I tell you what, they got their pay boost, and it's helped stabilize the education system. I think we need to do the same for caseworkers. Their pay needs to be boosted.

Judge Pope highlights some of the underlying issues CPS has with its caseworkers: that they have to "go beyond" job expectations to be effective, that they are too often underexperienced, that CPS does not retain employees, and that caseworkers are underpaid. For example, being an investigator is one of the more nuanced, stressful, and potentially dangerous jobs a child welfare worker can do, and yet it is frequently treated as an entry-

level position. Investigators need more specialized training to limit bias, more experience, and more compensation.

Fifth, one reason it is difficult to find placements for fostered youth is because the system labels them with behavioral disorders in order to get them access to specific services. For example, a child is stigmatized as uncooperative or given a mental health diagnosis like post-traumatic stress disorder in order to obtain counseling or medication. Do not make a diagnosis contingent on getting services; just make services accessible.

Sixth, youth are routinely placed in institutional homes. Many of these institutions unnecessarily feel like prisons. Institutions that use confinement as a way to keep order should be strongly discouraged. Youth are likely to end up in institutional settings when there are too few foster parents, when kin have lengthier periods to regain custody, and when social worker caseloads are too high. Some of these institutions are inappropriate solutions, not just undesirable ones. For example, one foster care alumna, Tara whom I met just once at a non-profit holiday party for fostered youth, described how one residential treatment center (RTC) she was housed in had no interior doors, and as boys and girls were mixed in the facility, she feared rape. Yalanda, another alumna, described how she, her younger sister, and younger brother had all been placed in an emergency shelter when they first entered foster care. Her sister tried to run away to be with their mother, so she was placed in a secure mental hospital. Yalanda said that CPS claimed her sister was crazy, "But I gotta say my sister is not crazy." Since institutional placements are likely for youth at some point, the quality of these facilities needs to improve. For example, live-in options could resemble boarding schools instead of detention centers where education is sometimes treated like an earned benefit or perk, rather than a

fundamental right. Institutional placements too often have a survival rather than a thriving mindset, and this is changeable. If youth do not feel discarded, they may be less likely to run away. Similarly, adults should not be so quick to give up on fostered youth who expect adults to disappoint them.

Seventh, there are also many bureaucratic reforms pitched by professionals, foster parents, kin, and youth in both this study and in the professional literature. One bureaucratic reform is a nationwide (or minimally state-wide) database for fostered youths' records (e.g., physical health, mental health, education, personal documents like birth certificates). These are being called "passports" in some places. Passports streamline transitions between placements, including reunification. Similarly, simplify paperwork. Address issues like fostered youth vacation travel and field trips with a one-time approval rather than each time a new situation arises that must be approved (minimally) by a caseworker then a judge. Another proposal is exploring K-12 foster schools in urban areas to facilitate localized services, such as counseling and medical care.

Finally, simplifying guardianship, temporary surrenders, and self-surrender without needing a judge's consent for reunification could create needed flexibility within foster care. It would allow parents in difficult positions, such as needing to travel for work or go to drug rehabilitation, to temporarily give custody to a trusted adult or even the state without risking permanent termination of parental rights (TPR). Moreover, youth, like Chase, who are mature enough to opt into foster care when they know a parent is struggling, should be able to return home under the same reasoning. Community-based social work would reduce many of the concerns this policy could raise.

Foster Parent and Caregiver Reforms

The first and most basic need is for a shift in thinking. One way to begin is to disentangle foster caregivers and fost-adopters. They are too different. The purpose of one is to be a professional caregiver, and the purpose of the other is to expand one's family. This recommendation eliminates the need for legal representation for foster caregivers and fost-adopters except in cases of malfeasance. The process of adopting through foster care needs revision.

Second, the goal of foster parenting should be to meet the needs of fostered children, not to meet the needs of bureaucrats. Likewise, foster parents should be trained to set aside their ideals of being loved and appreciated—their job is to be caretakers, not have their needs met by children. Foster parents should be sufficiently empowered advocates for their fostered youth. Advocating for their fostered children should be formalized so that social workers and judges must respond and can be held accountable.

Finally, foster parents should be paid, professional caregivers. This career should be reframed as state employment and treated as a profession, like doctors, teachers, nurses, and other professional caregivers. Payment should not be stigmatized—they are not truly “parents,” but are caregivers. Foster caregiver payments are insufficient on two counts: they do not adequately recompense caregivers for their work, and they do not adequately care for the basic needs of children. Employment payments and caregiving costs could be separated. Foster caregivers should not be expected to subsidize medical copays, sports, proms, hobbies, lessons, clothes, savings, or allowances; but these are all expenses appropriate to fostered children, and mostly uncovered by state remuneration.

Moreover, firing a foster parent is then an issue of fair working conditions, and they cannot be fired or punished haphazardly without risking an employment lawsuit.

Kin Reforms

First and foremost, the purpose of the system should be addressing poverty to keep families together. The system should not presume parental wrongdoing or neglect. Alternatively, it should assess evidence to determine if parents have behaved in a way that constitutes criminal behavior. Do not extort parents to regain custody of their children. Instead, allow kin to articulate what they need to do better for their families. Kin and professionals should partner together to meet jointly negotiated goals.

Second, kin should not be subjected to permanent termination of parental rights unless they are found criminally negligent. This protection entitles them to legal counsel. Moreover, it should be the state's burden to prove its case against kin, thereby protecting their civil rights to kinship and family as set forth by the United Nations Convention of the Rights of the Child (United Nations 1989).⁶⁹ As previously discussed, family preservation and well-being should be the foundational principle of child welfare work.

As Judge Sakai told me, on the record:

I believe the state of Texas doesn't do enough for its abused and neglected children. And I will put that on the record. Because we basically rob Peter to pay Paul; people are penny wise pound foolish. Yes, we had some workers, but then we cut all the prevention dollars, which I think is tragic and irreparable damage. If we're gonna stem the flow of child abuse, then we need to invest in prevention. Keep families out of the system.

⁶⁹ Notably, the U.S. has signed, but not ratified, the UNCRC even though Presidents Clinton and Obama supported ratification. Republican senators have held out against ratification, fearing the financial commitment necessary to improve conditions for children and the possibility of undermining parental authority over religion and children's access to sex education (S.C. 2013). Widespread support for the UNCRC's general principles suggests that the U.S. does value children's rights, but that some politicians are concerned about economic responsibilities and cultural opposition.

Similarly, time limits for reunification are arbitrary and economically motivated. Time limits do not serve families or children. The only disadvantage to ending time limits is cost-effectiveness. However, reducing recidivism and setting families up for permanent success reduces costs as well. Claims about the children's best interests naturalize time limits, and the state offers no other alternatives to parents. Time limits normalize the transformation of parents through the completion of judge-appointed tasks, that is institutional extortion. In his work with a street-youth named Darius, Mark Dolson (2015) described how processes of normalization are about reaching “a state of economic well-being through becoming productive, self-governing, and employable” (153). Like others that Dolson cites (e.g., Lyon-Callo 2001; Goode 2009; Povinelli 2011; Maki 2011), he concludes that "retraining, discipline, and the overcoming of self-obstacles" (153) are distinctive features of welfare programs. Bureaucratic foster care processes render parents as deficient and in need of training and discipline to *become* proper parents, and I would add citizens. Terminating parental rights is functionally a threat to coerce parents into becoming—not just better parents—but better neoliberal citizens. Time limits on reunification are arbitrary hurdles to disadvantage impoverished families and punish parents who fail to prove their “fitness” fast enough.

Fourth, kinship foster caregivers—often grandparents, for example—are a unique subset of foster caregivers that need to be supported socially and economically. Similarly, informal kinship caregiving can be facilitated (as mentioned above) by adopting models of flexible guardianship that help families adapt quickly without bureaucratic nightmares. Allow families to legally and flexibly share children again (Stack 1974; Payne-Price 1981). Kinship flexibility would take the stigma out of needing help without hampering

bureaucratic systems, such as schools or medical care, and make possible again kinship forms lost since bureaucracy became the primary structure of governance.

Reforms for Fostered Youth

First, stop objectifying youth and treating them like damaged goods. Listen and take their needs seriously when they advocate for themselves and encourage them to advocate for themselves. A nascent area of scholarship, put forward by Lauren Silver (2019), called transformative childhood studies (TCS) argues scholars and youth activists go beyond youth engagement and activism to prioritize justice for youth in a variety of institutional settings. Begin with the assumption that acts of rebellion or resistance are expressions of unmet needs that youth do not know how to, or cannot, articulate. Do not expect youth to be grateful to any adult or caregiver because they did not put themselves in this situation, and they deserve better from adults. Do not medicate minors to make them compliant—it is immoral. Do not move them around for the convenience of adults; put their needs first. Children have civil rights as subjects of government (Holzscheiter, Josefsson, and Sandin 2019). Prioritize their health care needs, preventative medicine, and education. Fostered youth should participate in foster placement assessments. If a youth alleges abuse or neglect by any foster caregiver, in-home, or institutional, investigate it with the same scrutiny that kin receive.⁷⁰

Second, provide youth with independent legal representation in any situation that they or an adult deem necessary. As the ultimate guardian of a fostered child, the state is responsible for funding that legal counsel. Being in the custody of the state is not the

⁷⁰ This vulnerability is another reason foster caregivers should be employees paid a professional wage: when they open up their homes, they open up themselves and families to unusual risks.

same as being protected by a parent, and therefore, fostered children need special protections.

Third, taking permanent custody of a child or youth obliges the state to do everything for that child a parent would do. This responsibility should include facilitating that child's dreams and future to the same degree a reasonable parent would. While college scholarship programs are one way the state does this, they are flawed programs because the state knows many long-term fostered youth struggle with high school graduation. Another example of what this might look like is enabling economic futures through bonds, savings, and personal spending allowances that are separate from state maintenance payments to foster caregivers for necessities. In short, *parens patriae* obligates the state to guide fostered youth toward future success.

Conclusion

Foster care is not broken. It was never designed to protect or help: it was always and continues to be a system for managing impoverished and destitute children and families while investing as little effort, time, and money as possible on those people. It does not seek to change their economic conditions. Foster care is a system to motivate impoverished parents to simulate middle-class ideals. It does this by the threat of and actual child-taking, that is to say, by implicit violence and institutional extortion. This dissertation outlined economic motivations that lead to state domination of certain families, but the primary reason is reducing welfare enrollment and state-dependence. Taussig (1984) also indicated that economic rationale drove the culture of terror he described. The state punishes parents who cannot or do not manage to adapt to a middle-

class habitus with child-removal, which also serves as a warning to other parents who might not try hard enough to conform. By taking possession of children, the state has another opportunity to mold impoverished children into embodying middle-class norms. As Duncan Kennedy (1982) pointed out, the master of the law is the state, not the People; the law reinforces state interests, including its capitalist interests (599). Moreover, judges, just like other members of society, are influenced by popular notions of the time (Kennedy 1985, 996), and neoliberal doctrine is no exception.

Fostered children are vulnerable and end up in foster care through no fault of their own. Their families lose them to the system because of economic constraints far more often than criminal abuse or neglect. If American citizens value children as much as we say we do in our popular culture and rhetoric, then helping fostered children should be a goal that is not politically divisive. The best way to do this is to keep families together.

To call foster care broken is misleading because it assumes there was a time when its focus was on helping families. Decades of changing public opinions and values have made many changes to foster care policies, some for the better. If, as members of a state, we value families and children, then we need to commit to reforms that will reimagine foster care as we know it.

I have maintained that foster care is not broken because it is not actually designed to improve the lives of fostered children or their families. It functions in that it does what systems designed to manage impoverishment have always done. Poverty prevents people from conforming to social conventions and ideals in a capitalist and neoliberal society. Neoliberal focus on economic outcomes and individual responsibility also obscure the responsibility of government toward citizens. We pay taxes, make up the military and

police forces, and submit to laws and authority in return for protection, care, and freedom from oppression. In other words, neoliberalism muffles the social contract. Impoverished families are entitled to the same care in return for their submission to the state as the middle class and wealthy. Indeed, with neoliberal rolling back of welfare protections, the burden of the social contract on impoverished families expands as they comprise the frontlines of military force, while the wealthy pay fewer taxes and increase wealth through decreased legislation that could protect employees specifically and the public generally (e.g., privacy rights, environmental hazards).

Americans, and many other affluent countries, have constructed a socioeconomic system—neoliberalism—that blames people for their poverty and denies structural contributions that lead to poverty and its effects. I have demonstrated how bureaucratic apparatuses may further disguise how all of this happens so that it not only seems benign, but it seems good. “Fixing” foster care—creating an actual system of care—begins with dismantling oppressive and discriminatory aspects of neoliberalism. Judges, social workers and other professionals, foster parents, kin, and fostered youth all have a role in this; but they are not exclusively responsible for this system. Society requires a system(s) for managing poverty. The state governs those systems. And the state is comprised of members of society. In other words, we are all responsible for these social systems—because we have human obligations to one another and because it is society that demands these systems exist. I propose an idealistic, but imaginable and possible, change to how one of these systems works.

The transformation of foster care should be two-fold. First, the 75 percent of children and families involved due to endemic poverty should not be involved with foster

care at all. We should have other systems of social welfare to ameliorate poverty. The state has an obligation to care for its members and address the causes of poverty to prevent families from being separated. It is a violation of civil liberties to separate families in non-criminal cases. Therefore, most families and children could be helped by social services designed to address the causes of individual impoverishment through community social work. For example, if a family is struggling with homelessness or unsafe housing, coordinate resources that keep the family together by providing temporary family shelter until a suitable housing arrangement is possible. If the problem is unemployment, coordinate with parents to get temporary financial aid through their crisis period and help with appropriate employment or education programs. Community social work is also more capable of coordinating services for nuanced problems like parental disability, physical and mental health care. In other words, the majority of families and children do not need to experience the trauma of foster care involvement when their needs can be addressed through already existing and improving current social welfare programs. Families should be addressed intact; we help children by helping the whole family.⁷¹ Foster care should be redesigned to meet only the needs of the 25 percent of children who are wrongfully abused and willfully neglected.

Second, a modern foster care system that is recreated to meet the needs of this minority must begin with these foundational aims: (1) to provide fair, legal protection and due process in order to legally terminate parental rights; and (2) to treat children and youth in foster care with dignity, respect, and care beyond what their kin could have done for them. These aims seek to prevent human, civil, and Constitutional rights violations. In

⁷¹ As discussed elsewhere, this could be more cost-effective than the current system which treats all cases the same. Moreover, family wholeness has bipartisan appeal.

order to separate children from their parents, criminal abuse and neglect must be evident and proven. Short-term foster care would provide for the care of children and youth during the criminal proceedings. The state should have to prove criminal negligence or abuse in order to permanently separate families. This increases the difficulty of separating families on the basis of poverty alone and puts the burden on the state to prove allegations of abuse or criminal neglect. While there is potential for abuse of this system, it is the responsibility of legal scholars to ensure that equitable and just standards are created to prioritize family wholeness and child well-being. Moreover, this justice should be blind to socioeconomic status. For example, if psychological abuse is sufficient to criminally prosecute an impoverished family, it should likewise prosecute those who are more affluent. The material comfort and capital of the parent is irrelevant if definitions of abuse and criminal neglect are clear.

Children and youth should be allowed fluid entry and exit of the system in coordination with child welfare. Foster care should not be a confinement system. It should provide opportunities, not remove them. A shift to attending to opportunities right now, meeting the child's need right now, takes some of the emphasis off "outcomes" and supports what children need now. Similarly, if a child or youth alleges abuse or neglect, those allegations need to be taken seriously by adults—regardless of the social status of the accused adult and the minor should receive the full protection of the state during (and possibly after) the investigation. Some might argue that children offer unreliable testimonies and are unreliable witnesses; I would submit the same can be said for many adults.

These two aims prioritize human rights and the well-being of children and youth right now, not their future productivity or social value. They work toward improving the lives of children, not just managing them or their behavior. The time has come to dispense with ideas of child-rescue and focus on facilitating the well-being of families. I am advocating for two systems to fix the “broken” one. Both are oriented toward well-being, equity, and justice.

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