Module 3: Introduction to Child Welfare
Chapter 2: Historical Context for Child Welfare Practice

You may think history an usual topic for foundation training; however, a brief overview of child welfare history will help you realize that most official efforts in child protection have happened only relatively recently.

Overview
In this chapter you learn:

- Historic influences on today’s child welfare practice
- Major turning points in child welfare law and practice.

Child Welfare in History
Following is a historical progression of major events in child welfare.

1500s: Guardian ad litem
Current child welfare laws have European origins; however, prior to colonization, American Indian tribes had existing government and social welfare systems.

United States child welfare history is based on early English law, which gave parents the rights to fully control their children. To protect the limited rights of children during this era, the English legal system established the concept and role of guardian ad litem (GAL) or court appointed "next friend." Guardians ad litem continue to play a pivotal role in today’s child welfare system by representing the best interests of the child in court proceedings.

1500s: English Common Law: Parens patriae
English law included the doctrine of parens patriae, literally “parent of the country.” Parens patriae defined the relationship between the parent and the child as a trust. The right of the parent was endowed by the state because it was assumed the parent would faithfully discharge his or her duties on behalf of the child. When the natural parent or guardian failed in parenting duty, the state could intervene at its discretion to protect the child's interest. Eventually, it became the state’s duty to intervene when a child's rights were jeopardized. The doctrine of parens patriae continues to be recognized and applied in court proceedings for children within the United States.

1628: Early American Law: Stubborn Child Act:
Early American law grew out of English law. Initially, little protection was offered to children.

For example, in Massachusetts, the "Stubborn Child Act” of 1628 stipulated that a stubborn or rebellious son old enough to understand – but who would not obey his parents – could be put to death.

However, there were societies with community social norms and practices that assured children were cared for, even without formal legal protection. For example, in many African and American Indian groups, children were historically viewed as the responsibility of the entire community. 

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community. If children were orphaned or needed care, extended family and community members assumed responsibility for their well-being.

**Freedmen’s Bureau**
From 1865 to 1872 the Freedmen’s Bureau served African Americans who were transitioning from slavery to freedom. However, this agency was not able to provide child welfare services. The child welfare needs of African American children were met by extended families, local churches and communities.

**The Society for Prevention of Cruelty to Children**
The first major movement and philosophical shift in the United States to protect children occurred in 1874 with the well-known case of Mary Ellen.

Mary Ellen’s case led to the founding of the Society for the Prevention of Cruelty to Children in 1875.

Mrs. Wheeler, a volunteer church worker, was visiting an elderly woman in the tenements of New York City when she learned about an 8 year-old girl named Mary Ellen who had been indentured at the age of 18 months. Mary Ellen was frequently beaten and her cries for help were often heard throughout the neighborhood. Authorities told Mrs. Wheeler they could not intervene because there were no laws protecting children.

Mrs. Wheeler sought the help of Henry Birgh and the New York Society for the Prevention of Cruelty to Animals. The case was taken to court under animal protection laws and the child's guardian was sentenced to one year in jail. Mary Ellen was placed with Mrs. Wheeler.

Sallie A. Watkins, of the National Association of Social Workers, refutes the long held belief that Mary Ellen was taken before the court as an ‘animal’ in order to receive protection. Ms. Watkins states Mary Ellen was brought before the court as a child, not an animal, in need of protection and this situation led to the founding of the Society for the Prevention of Cruelty to Children in 1875.

**1880s – 1940s: Orphanages and Boarding Schools**
In the 1880s orphanages were founded to provide safe shelters for children to rescue them from deplorable conditions in poor houses and mental institutions. Orphanages remained a primary child welfare institution well into the 1940s.

At the same time, American Indian children were systematically removed from their families and placed in boarding schools, where they often endured severe abuse and neglect. Former Army Captain Richard H. Pratt began the boarding school system. The purpose of the boarding school was to assimilate American Indian children into European culture through forced education, removal from their families and the stripping of tribal culture and language. More than 100,000 American Indian children were forced to attend these schools.

**1912: U.S. Children’s Bureau**

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Child welfare services were first addressed by public policy in the early 1900s. In 1912 the U.S. Children's Bureau was established to create a federal agency to represent the interests of children; this led to the establishment of public and private child welfare agencies.

1950s: Family Foster Homes
In the 1950s professionals began to recognize family settings, not institutions, as a better method for meeting the needs of children. This philosophical shift in policy and practice led to family foster homes, rather than orphanages, being the primary child placement resource. Rescue, however, was still the goal of care.

1960s: Battered Child Syndrome
In the early 1960s Dr. C. Henry Kempe and his associates identified Battered Child Syndrome and described the scope of the child abuse problem. Expanded knowledge of the prevalence of child abuse led to development of a forensic model to be used in child protection abuse and neglect investigations.

1960s: Foster Care Drift
Research during the 1960s and early 1970s identified a phenomenon called foster care drift, the placement of children in a series of temporary foster homes with no expedient plan for permanent family placement. A disturbingly large percentage of these children exhibited serious developmental and psychological problems, apparently as a result of changing and impermanent placements. They lost all contact with their birth families and were emancipated from agency care with no permanent family ties. It was becoming evident that the cure of long-term foster care was often as damaging to children as the problem it was designed to remedy.

1970s: Family Preservation: Permanency Planning
In the early 1970s the permanency planning movement was initiated to correct the problem of foster care drift. Permanency planning is a process of comprehensive case planning directed toward achieving permanence for children. While initial efforts were intended specifically for foster children, the concept was eventually broadened to include all children served by the child welfare system. Permanency planning continues to be an important part of social work today.

1980: Adoption Assistance and Child Welfare Act
In 1980 the federal government passed the Adoption Assistance and Child Welfare Act (AACWA) to assure permanent homes for children and to strengthen the ability of families to care for their own children. This legislation created the foundation of current child welfare practice.

1997: Adoption and Safe Families Act
The Adoption and Safe Families Act (ASFA) of 1997 was passed to promote the adoption of children in foster care. Some of the major provisions of this act were the incorporation of “safety of the child” to each step of the case plan and review process; acceleration of permanent placements so children did not languish in foster care; clarification of reasonable efforts; and shorter time limits for permanency decisions.
2006: Child and Family Services Improvement Act
In 2006, the Child and Family Services Improvement Act was passed. This act requires all states to establish standards for the content and frequency of caseworker visits for children in foster care.

Today, the philosophy of child welfare has shifted dramatically from the rescue of children to protection of children in their own homes and preservation of the family.

Summary
Today we see the influence of decades – even centuries – of child welfare assumptions, policy and practice in human services.

The combination of protecting children and providing permanent families is the foundation of child welfare services.

Next Steps
Continue to build your training binder with documents and printouts from this chapter. File this chapter transcript in your binder, behind the Module 3 Transcript tab.

If you would like to learn more about Mary Ellen’s story, visit the American Humane Society at http://www.americanhumane.org/about-us/who-we-are/history/etta-wheeler-account.html

Consult with your supervisor regarding any questions about the content of this chapter.

When you are ready, begin Chapter 3.