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Beyond Placement: Foster Care Impact on Criminality.

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Today, forensic psychiatrists are tasked with treating some of the most vulnerable populations, ranging from incarcerated pregnant women to individuals with serious mental illnesses who have been deemed unrestorable. Included among these groups are children and adolescents placed within the foster care system. Just as these youth are faced with an unfortunate, new reality, child and adolescent/forensic psychiatrists are charged with providing compassionate and competent care, all the while helping to address trauma, unstable family relationships, and other significant stressors that have led to their current circumstances. In 2024, a staggering 328, 947 youth fit this description. (1) Fortunately, this number has declined over the years, with significant decreases seen across most demographics. (1) However, overrepresentation persists, particularly for youth of color. For example, Black and Indigenous children are more likely than White children to interface with child protective services and enter out-of-home care. (2) In addition, national data shows that Black children are 2.5 times more likely to be placed in foster care. (3) While African-American youth constitute just 14% of the youth population in the U.S., they make up 22% of the youth in care. (4) Such disparities are also reflected in those youth in the foster care system who subsequently become adopted: Children who are White are more likely to be adopted out of foster care, with 48% of completed adoptions being of White youth. (5)

Far prior to entering the foster care system, these youth, regardless of ethnicity, have already encountered numerous psychosocial stressors and barriers, such as economic insecurity and low educational attainment, and have experienced trauma and neglect. Although the foster care system is meant to be a source of refuge from adverse experiences, instances of starvation, lack of access to mental health, sexual and physical abuse, and other distressing exposures have been well identified and reported. Yet, another unintended experience of some youth in foster care has been incarceration. One study indicated that over 17 % of all state and federal prisoners have spent time in a foster home or institutional care. (6) According to data cited in the National Youth in Transition Database (NYTD), nearly 43 % of respondents completing the survey at the age of 19 or 21 reported being incarcerated for at least one night by age 21. (7) While it is key to recognize that the foster care system presents with

unintended, unsafe consequences for some youth, these same outcomes vary, depending on the type of foster placement.

The major types of foster placement include emergency placement, kinship care, and non-kinship care, which includes group homes, residential treatment facilities, therapeutic foster homes, and foster homes. Disparities exist among the different types of placement, as well as differences in the risk of delinquency. Based on data from the Adoption and Foster Care Analysis and Reporting System (AFCARS), approximately 11% of placements or 40,000 children were in “group homes” or “institutions”, also known as congregate care, in 2023. (8) Group home placements are more likely to be a member of a minority group, an older adolescent, and male. (9) Additionally, children in group homes are more likely to have a history of behavioral problems that require a higher level of supervision. Group homes are frequently thought of as a “last resort” placement option due to high costs and perceived associations with poor outcomes. However, studies investigating outcomes of children in group homes show mixed results. In a study comparing records from the Department of Children and Family Services (DCFS) and arrest data from the Department of Probation in Los Angeles, it was found that risk of delinquency is two and a half times greater for adolescents in group homes compared to the foster care (foster home) setting. (10) Similarly, when comparing “dual-system involvement” utilizing data from child welfare and probation departments in Los Angeles, rates of delinquent behavior were significantly higher among children in group homes compared to children in other foster care experiences. (11) In other studies, findings varied depending on variables accounted for and outcomes measured. In a study of Pennsylvania youth entering out-of-home placement, the association between group home placement and delinquency was present but weaker than prior studies suggested when accounting for pre-existing delinquent behavior. (12) Finally, a prospective study that followed children in Los Angeles from time of admission to DCFS found that children in group homes were more likely to be arrested for non-violent crimes but not for violent crimes. (13) Given the diversity of group homes’ settings and residents, the association between group homes and delinquency is understandably complex and difficult to study. Still, there have been policy changes attempting to shift care away from the group home setting. For instance, since 2018, federal reimbursement for children in group homes has been limited to two weeks unless the setting is a “qualified residential treatment program” which must be licensed, have nursing staff, and include treatment plans for the residents. As group homes often do not meet these qualifications, funding has reduced. (14) Investigating other factors that may contribute to the association between foster care and delinquency may clarify if policies such as these are beneficial.

Group home placement does not render immunity from the possibility of delinquency. Emergency placement is another form of foster care placement. In cases with concerns

for immediate danger to the child, emergency placement can be pursued. These placements are time-limited, often lasting less than a few days, while attempting to find a more stable alternative, such as reunification or long-term foster placement. Given the short duration of stays, research regarding emergency placements is limited. However, this can be an emotionally difficult and uncertain time for youth, with the potential to impact future delinquency, indicating a gap in the current literature.

When a viable option, placement with relatives is often preferred to non-kin foster placement. Benefits of this placement type include continuity of environment, family connections, and facilitated contact with biological parents. Early research into delinquency risk and kinship care is mixed, with some demographics benefiting from kinship placement, while other groups have an increased risk of juvenile justice involvement. (15) The difference in outcome is thought to be partially due to the decreased level of support offered, compared to non-kinship care, urging improvements in programming for kinship placements. Fortunately, with increasing emphasis on kin placement across the last few decades, more recent research has found that kinship care is associated with fewer placement disruptions as well as reduced delinquency risks. [16,17]

An unfortunate experience of youth within the foster care system is placement instability. Placement changes are frequent with only 41% of youth in foster care for greater than 24 months having had less than two separate placements. (18) These moves can occur for positive reasons, such as moving to a less restrictive setting or moving to be re-united with siblings, or can be precipitated by negative factors, such as further episodes of neglect and abuse, or youth behavioral issues. Whatever the reason, placement instability leads to disruption in education, removal from primary role models and support systems, and development of attachment issues. In the long term, 90% of youth with five or more foster placements will interact with the criminal justice system during their time in the foster care system. (19)

The literature on foster care and incarceration has shown that there is an association between placement instability and adult criminality, regardless of a youth's baseline problematic behavior. (20) Given the evidence supporting a stable environment for a child, policymakers have made efforts to increase stability, including emphasizing placement in kinship care, which is associated with fewer placement changes. However, in 2021, 1 in 10 youth failed to achieve permanency prior to exiting the foster care system. (18) It's important to note that rates of incarceration are heightened among youth who remain in foster care at age 17. This observation and similar ones have led to the belief of the existence of a "foster care-to-prison pipeline". (21) This "common pathway" from the foster care system to incarceration alleges that, due to the disproportionate, adverse experiences of youth in the foster care system, there exists an increased risk for foster youth interfacing with the criminal justice system. However,

the data is inconclusive and conflicting. Findings from several reports counter such a relationship between foster care placement and incarceration. In fact, some studies have reported an increased risk of incarceration among youth who reunify with their families. Regardless of the contradicting results, stakeholders agree that prospective, longitudinal studies following youth who enter and exit the foster care system is necessary to determine if such a pathway truly exists, among which forms of placement, and, if so, among which specific groups of youth. Is such an association dependent upon the age of entrance into foster care? What about the educational attainment of foster care youth? What other variables should be considered? When sincere correlations are clearly defined, effective interventions, along with preventative measures can be implemented. Child and adolescent/forensic psychiatrists working with youth in any type of foster setting not only desire better life outcomes for youth treated within the system but are prepared to advocate and push for a climate that propels them to pathways of excellence, not incarceration.

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