

Teenage Mothers and Their Children: What Is the Return Policy of Child Protective Services?

The media has saturated us with information and images of unaccompanied immigrant children being separated from their mothers. The heartbreak of these scenes is poignant. It is no less so for the thousands of children who are U.S. citizens who are removed from their parents. In particular, how frequently does a single teenage mother get reunified with her child once Child Protective Services (CPS) has removed them? If the child is returned, how long does that usually take?

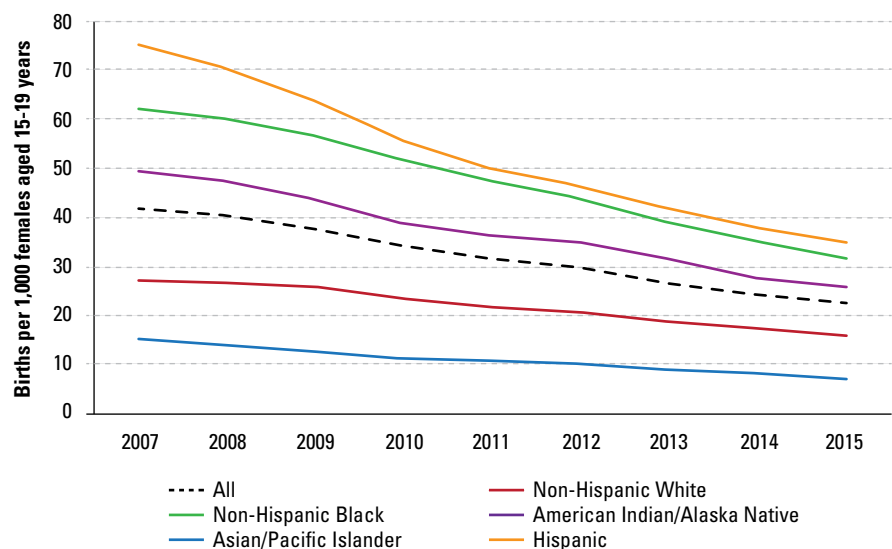
According to the Adoption and Foster Care Analysis and Reporting System (AFCARS), of the children exiting foster care during FY 2016 (n = 250,248), 51 percent or 125,975, were reunified with their parent(s) or primary caretaker.¹ But in terms of teenage mothers reunified with their children once CPS removed them, there seems to be no reliable national data.

The Centers for Disease Control and Prevention (CDC) reports that in 2015 “a total of 229,715 babies were born to women aged 15–19 years, for a birth rate of 22.3 per 1,000 women in this age group.”² With some local geographical exceptions, the teenage birth has clearly been declining. In graph form, the trend is depicted in Figure 1.

The CDC goes on to report that, “Teens in child welfare systems are at higher risk of teen pregnancy and birth than other groups. For example, young women living in foster care are more than twice as likely to become pregnant than those not in foster care.”³

We generally believe that maturity comes with age. Yet even for the most organized and savvy parent,

Figure 1. Birth Rates (Live Births) per 1,000 Females Aged 15-19, by Race and Ethnicity, 2007-15



Source: Martin JA, Hamilton BE, Osterman MJK, et al. Births: Final data for 2015. Natl Vital Stat Rep 2017; 66(1):1-70

successfully nurturing a young child is a challenge. For teenage mothers the trials are especially daunting. Among the struggles teenage mothers face are poverty, drug use, depression, eating disorders, and an assortment of physical, emotional, developmental, and cognitive problems. It is no wonder that CPS may need to get involved, often having to remove a child from their parent—presently, approximately 700–800 times each day.⁴

Ordinarily, CPS only removes a child when it unequivocally needs to protect the child from maltreatment. This is usually done by either court order obtained prior to removal or subsequent to an emergency removal.

In either case, the presumed goal is to return the child to their parent. This presumption is in accord with the U.S. Supreme Court’s plurality ruling in *Troxel v. Granville*: “The liberty interest at issue in this case—the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court.”⁵

I contacted a number of researchers and attorneys regarding the frequency and time it takes to return a child to their single teenage mother once the child was removed by CPS. The responses ranged from “infrequently

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Reference Notes

1. Indian Health Service Hospital Check-In Redesign, <https://www.youtube.com/watch?v=qFPiNuUJKWc>;
2. Ibid.
3. Shueh, Jason (November 25, 2014). IDEA lab injects entrepreneurial tactics into federal health services. Government Technology, Retrieved from <http://bit.ly/2PBcduo>

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who have kept the court informed of their whereabouts ... and who have responded to the agency's notice ... indicating a willingness to provide an adoptive home for the child unless the relative has been previously ruled out by the court as a suitable ... permanency resource for the child (emphasis added).” The Court of Appeals held that, “Given this ‘relatives first’ consideration, we discern that when the legislature required a relative to be ruled out by the court, it intended that ruling to be explicit. To permit implicit conclusions based on other proceedings is inconsistent with the public policy favoring relative placement.”

Regarding the second issue, the Court of Appeals held that, “By basing its decision that grandmother failed to establish a prima facie showing on the erroneous legal conclusion that grandmother had been previously ruled out as a placement option, the district court abused its discretion. This conclusion is driven by our earlier analysis that a district court must issue a ruling expressly excluding a relative as a suitable placement option in order to be considered ‘ruled out by the court’ pursuant to Minnesota Statutes section 260C.07, subdivision 2(5).”

English mathematician and philosopher Alfred North Whitehead said,

“We think in generalities, but we live in detail.” Applied to adoption law, this could not be more true. 📖

Daniel Pollack is professor at Yeshiva University's School of Social Work in New York City. He can be reached at dpollack@yu.edu; (212) 960-0836.

Reference Notes

1. Annie E. Casey Foundation Kids Count Data Center. 2017. Children in Kinship Care. Retrieved from <https://datacenter.kidscount.org/>
2. U.S. Census Bureau. 2017. American Community Survey 1-Year Estimates. Retrieved from <http://bit.ly/2IVQgVt>
3. State of Minnesota, In Court of Appeals, A18-1228 (2018).

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and swiftly” to “frequently and slowly.” Despite our policy and legal commitment to keep a child with their parent, insufficient evidence has been collected regarding whether or not this commitment has been fulfilled in the particular fact scenario under discussion. Further critical analysis is necessary to determine baseline data and consequent viable evidence-based policies. 📖

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We generally believe that maturity comes with age. Yet even for the most organized and savvy parent, successfully nurturing a young child is a challenge. For teenage mothers the trials are especially daunting.

Reference Notes

1. The AFCARS Report (2017). Preliminary FY1 2016 Estimates as of Oct 20, 2017, 24, p. 3. Retrieved from <http://bit.ly/2VmyaCR>
2. See <http://bit.ly/2UCs5hd>
3. Boonstra, H.D. (2011). Teen pregnancy among women in foster care: a primer. Guttmacher Policy Review, 14(2).
4. Chill, P. (June 25, 2018). Hundreds of U.S. children taken from home. *Hartford Courant*. Retrieved from <http://bit.ly/2vmkbhC>
5. 530 U.S. 57, 65 (2000) (plurality opinion). See also *Meyer v. Nebraska*, 262 U.S. 390 (1923) and *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).