

History of the American Child Welfare System

2150 BC – The Hammurabi Code is the first known compilation of civil law. In the sections regarding parent-child relationships, children owed a duty of respect to their parents, and if children fulfilled this duty, they were entitled to receive minimum care and treatment from their parents. If the child's duty was violated, the parent owed the child nothing.

800 BC – The Hebrew Code fully supported the concepts of the Hammurabi Code, including the parent's proprietary interest in the child, and the child's absolute respect to his parents. The tenets of the parent-child relationship did not end when the child reached adulthood; they remained in effect until the father died.

753 BC – Roman law, incorporating the doctrine of *patria potestas*, established the unilateral and almost unlimited right of the father. The power of the *paterfamilias*, or male head of the family, was not controllable by law. This is an early expression of a pervasive cultural value of parents' rights superseding those of their children.

476 to 711 AD – Formed with Roman, Germanic, and newly emerging Christian influences, the Visigothic Kingdom in Europe was unusual in its humane treatment of children. The primary difference from earlier statutes was that the Visigothic Code stressed the **duties rather than the power of the parent**. Parents were given authority to use **reasonable** physical discipline, but were not permitted to exceed what was considered reasonable.

Medieval England – Early English law was strongly influenced by Roman law in that it permitted infanticide, the sale of children in times of poverty, and upheld the parent's right to fully control his children. However, children were emancipated at majority and had the right to own property. Children had some legal rights. The "guardian ad litem" or court-appointed advocate of the rights of the child, was established during this period.

Later English Law – The doctrine of *parens patriae* (literally "father of his country") evolved from case law and defined the relationship between the parent and the child as a trust. The right of the parent was endowed by the Crown (state) because it was assumed that the parent would faithfully discharge his duties on behalf of the child. If the trust was not faithfully discharged, it would be incumbent on the Crown to intervene and protect the child's interest. The state acted as guarantor of the trust.

Child Welfare in the United States

1628 – Stubborn Child Act, enacted in Massachusetts, provided that a stubborn or rebellious child could be put to death.

1874 – A volunteer caseworker in New York City learned about an eight-year-old girl named Mary Ellen, who was frequently beaten.

1875 – The New York Society for the Prevention of Cruelty to Children was created.

Late 1800s – The first child care institutions were founded to provide safe shelter for children rescued from poor houses and mental institutions.

1912 – The U.S. Children’s Bureau was established to create a federal agency that could represent the interests of children. As a result of this legislation, many public and private child welfare agencies were established.

1950s – Professionals began to recognize that the needs of children could be better met in family settings than in institutions, and foster family homes began to replace orphanages as the primary child placement resource.

1970s – The “permanency planning” movement was initiated to correct the problem of foster care drift.

1978 – The Indian Child Welfare Act assigned sole responsibility to tribal governments for child welfare and adoption decisions regarding children of Native American descent.

1980 – Public Law 96-272, the Adoption Assistance and Child Welfare Act, required child welfare professionals to make “reasonable efforts” to prevent placement of children in substitute care through provision of supportive and therapeutic services to strengthen families, enabling them to retain care of their children.

1994 – The federal Multi-Ethnic Placement Act (MEPA) prohibited use of race, color, or national origin as the sole factors used in making placement decisions for children.

1996 – Interethnic Placement Act amended MEPA and stated that placement decisions for children could not be denied or delayed at all due to considerations of race, color, or national origin.

1997 – The Adoption and Safe Families Act further strengthened the child welfare system’s responsibility to provide a timely, permanent family for children in care.

1999 – The federal Foster Care Independence Act (Chaffee) increased funding and services to children leaving foster care up to the age of 21.



2008 – The Fostering Connections Act increased health, education and permanence opportunities to children in care up to age 21.

