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El Sistema Fracturado: The Need for Latine Foster Parents

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Executive Summary

- “Every child deserves a safe, stable and permanent family and all families deserve the opportunities and supports to raise their children safely and successfully in their own homes, communities and cultures,” said Dr. William C. Bell, president and CEO of Casey Family Programs. [1]
- The purpose of the foster care system is to protect children and to ensure that decisions impacting their lives are made in their best interest. States have attempted to reform their child welfare systems, but more reforms continue to be needed.
- One in three children in the United States (U.S.) will be part of a child welfare investigation by the age of 18.[2] Figure 1 displays the demographics of the 390,000 children in the U.S. foster care system as of November 14, 2024.[3] Latine children make up 26% of the children in the U.S. and are 22% of children in foster care across the country. [4]
- Latine, Black, and American Indian/Alaskan Native families disproportionately experience poverty, which increases their likelihood of being reported to child protective services than families with more resources due in part to racial biases.[5]

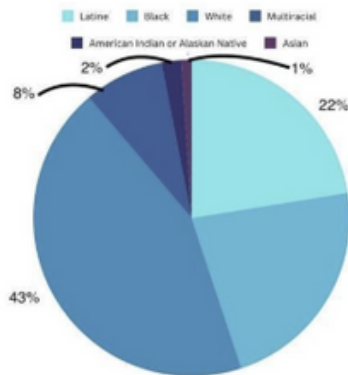


Fig. 1: 390,00 Children in the United States Foster Care System

- With the continued growth of Latine children within the foster care system, this brief analyzes the increase and the correlation of the need for Latine foster parents while seeking reform.

Background

An investigation by Child Protective Services is the start of a child entering the foster care system.[6] The court orders the child's removal from their home due to neglect, abuse, or abandonment by their guardians. [7] Children are then placed into the physical custody of the State with a licensed foster family, a relative, or a group home. The priority is to reunite the child with their parents or relatives. If this is not possible, the next step is to find an adoptive family.

Children enter the foster care system due to their caregivers

being unable to safely care for them. Reasons include abuse, neglect, abandonment, and substance abuse. Neglect is the most common reason that leads to an investigation.[8] Neglect has been found to be linked to poverty, leading to more reports for child abuse and neglect toward communities of color in comparison to White families.[9] Human Rights Watch conducted research and in-depth interviews of child removals by the US child welfare system in California, New York, Oklahoma, and West Virginia.[10] The people who were interviewed described how circumstances related to poverty, “including housing instability and inadequate resources, were used as evidence of parental unfitness—either to support neglect allegations or justify family separation or termination of parental rights.”[11]

Under the *parens patriae doctrine*, States have a critical responsibility to intervene in family matters for the protection of children when necessary.[12] However, *The Trials of Gabriel Fernandez* details the story of the shortcomings in Los Angeles County's child welfare system that sparked strikes and protests demanding reform after the death of eight year old Gabriel Fernandez at the hands of his caregivers.[13] It was in his memory that the Los

Angeles County Department of Children and Family Services implemented reforms, including hiring over 3,500 social workers, achieving a 5:1 ratio of supervisors to social workers, and dispatching a Deputy Sheriff and social worker together on calls that involve suspected child abuse or neglect. [14] Demand for the county to enact reforms to protect children continued after the deaths of Gabriel Fernandez, Noah Cuatro, and Anthony Avalos, where the county had case oversight. [15]

These cases highlight the need for child welfare reform while simultaneously upholding State responsibility that prevents these types of situations from happening.

Definitions

Cultural competency: Behaviors, attitudes, and approaches people take to effectively work in cross-cultural scenarios. It involves recognizing your cultural assumptions and understanding how they differ from the beliefs of others. [16]

Neglect: When a parent or caregiver fails to provide adequate food, clothing, hygiene, nutrition, shelter, medical care, or supervision in ways that threaten the well-being of the child. [17]

Unaccompanied Minors: Children who have no lawful immigration status in the U.S. and who have no legal guardian who can provide care and physical custody. [18] Unaccompanied minors are placed in a shelter facility, transitional or long-term foster care, heightened supervision facility, secure facility, or other care facilities. [19]

The Office of Refugee Resettlement (ORR): The agency charged with the care and placement of unaccompanied minors who are in custody because of their immigration status. [20]

Long-Term Foster Care (LTFC): Allows the foster parent to provide a stable home on a more long-term basis for children. [21] Includes reuniting immigrant children with a family member or until adoption takes place. [22] An unaccompanied minor is placed in LTFC if ORR determines that the child will be in custody for an extended period. [23] Many of these youth are from Latin America and may live with a family and attend public school. [24]

Problem Analysis

• **The Need for Latine Foster Parents**

- As of 2020, there were 214,421 licensed foster homes in the U.S. with California representing the highest number at 37,870. [25] A person interested in becoming a foster parent goes through a process that typically takes between three to six months. [26] Foster parents must meet and maintain their respective State certification requirements. [27]
- There is no exact number on how many foster parents are Latine nor how many speak Spanish. Data from various states indicate that there is a significantly lower percentage of Spanish-speaking foster parents in comparison to the proportion of Latine children in the foster care system. [28] When foster children do not understand the primary language spoken by their foster parents, it impacts communication and understanding. Therefore, diligent recruitment for more Latine foster parents can change the course of a child's life as they are critical for the development of these children. It is invaluable for foster parents who have diverse foster

children to be culturally competent, including learning the language spoken by their foster children.

- In Milwaukee County, Wisconsin, there is a challenge matching Latine foster children with families who speak Spanish. [29] 7% of foster families in Milwaukee County identify as Latine while 13% of foster children are Latine. [30] In Waukesha County, as of October 2024, there were no Latine or Spanish-speaking foster families. [31] Michelle Jones Lim, the Foster Care and Kinship Services Supervisor, stated that the absence of Spanish-speaking foster families can make trauma worse for children, "It's not knowing what people are talking about or expressing feelings when you already don't know how. It would be a huge void for them." [32] To address this, Children's Wisconsin launched a Spanish webpage to meet the growing demand for Spanish-speaking foster parents. [33] During Hispanic Heritage Month, Waukesha County raised awareness of this need and encouraged potential foster parents to step forward. [34]
- Araceli Carreon has first-hand experience living with three different foster families who did not speak Spanish or understand the Latine community. [35] Now advocating for more Latine families in North Texas to become adoptive parents or foster parents, she believes that, "A Hispanic child who arrives in a home where they do not speak his language and do not understand his culture is in danger of losing his identity, his roots. We Hispanics have a beautiful

culture. Let's make sure our children never lose it.”[36] In Texas, 4,700 children are waiting for adoption, and 44% are Latine.[37] Andrea Harrison, the Regional Director for Buckner Children and Family Services stated that, “There is a high number of Hispanic children that are coming into foster care, and it's just a really important thing for them to be embraced in a culture they feel comfortable.” [38]

- In September of 2022, Latine children represented 23% of children waiting to be adopted. Like Black children, Latine children are “waiting longer for adoption, indicating potential systemic delays that extend their time in foster care.”[39] 20% of Latine children, 16% of Black children, and 51% of White children were adopted in 2022, indicating a higher likelihood of White children exiting foster care to adoption. [40]
- Age and race impact time spent in foster care before adoption. See data from 2017-2019 conducted by the Department of Health and Human Services (HHS): [41]

◦ **Lifelong Trauma**

- One third of children have more than three placements and many age out of foster care, with almost half of youth who exit foster care experiencing homelessness by the age of 26.[42] Of these children, 21% are Latine; similar to the U.S. population of Latine children. [43]
- Reports find that children experience poor outcomes long after they exit the foster care system, including greater involvement with the criminal legal system, less educational achievement, and less long-term financial success than their peers who do not experience the foster care system. [46]

- The mere separation of a child from their family and their community imposes trauma that lasts a lifetime, well into adulthood. Youth of color experience worse outcomes than their White counterparts as they exit care. A child's cultural identity directly impacts a child's sense of belonging and well-being. For foster youth who are subject to trauma and instability, having foster parent(s) who are culturally competent is essential to cultivate a supportive home.

◦ **Racial disparities**

- The overall proportion of Latine children with reports of maltreatment has more than doubled in the last 20 years, and the population of Latine children who enter the foster care system has similarly risen.[47]
- Increased immigration enforcement, between 2001-2015, contributed to the increase of Latine children in foster care between 15 and 21 percent.[48] Given the current administration's immigration proposals, this is a trend worth reporting on today. Thus,

Fig. 2 Median number of months in foster care for adopted children, by age at entry and by race in 2017–2019

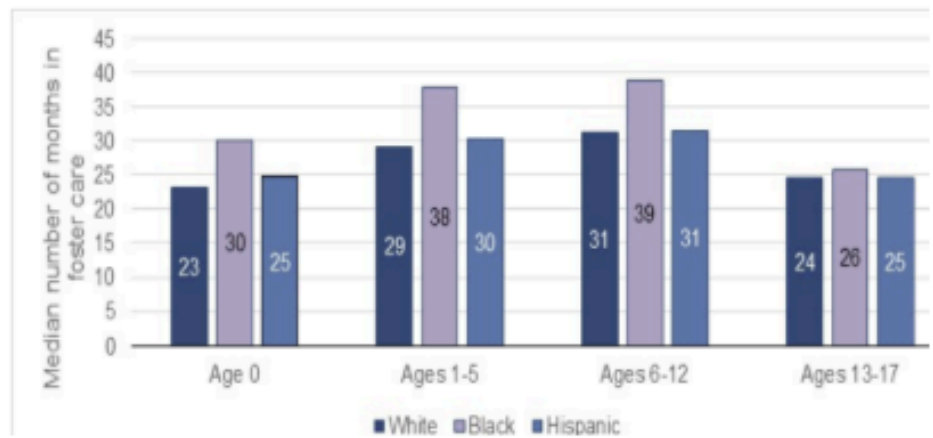
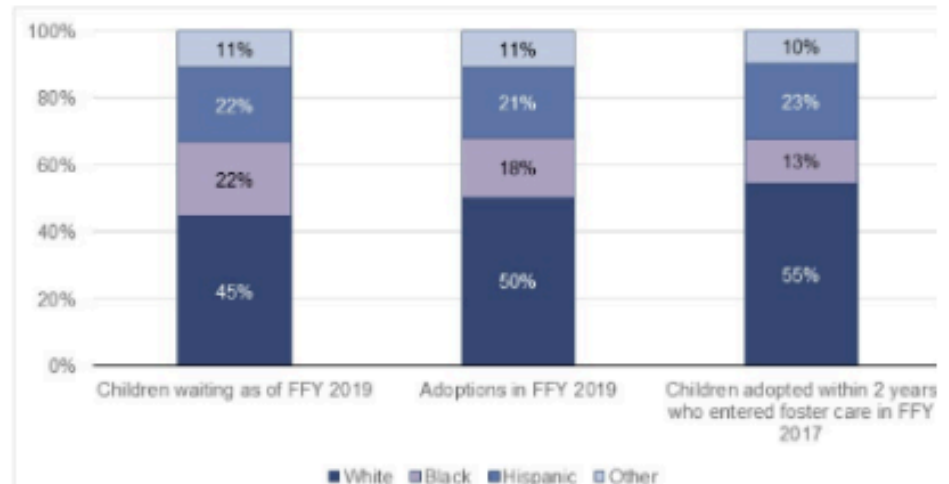


Fig. 3 Demographics of the foster care and adoption populations in the most recent time period



it is critical to shed light on all children within the foster care system, regardless of immigration status. A study found that unaccompanied minors may experience prolonged grief and discomfort for years due to the loss of relationships in their home country and new relationships when they arrive in the U.S.[49] Experts need to include unaccompanied minors who enter LTFC within their research.

- These structural issues impact racial disparities in the child welfare system. The navigation within the foster care system may be inaccessible to parents seeking to reunify with their children due to language barriers, poverty, cultural bias, status, and more. The intersection of poverty, immigration, and racialization results in insufficient knowledge and resources to navigate a system that does not take these families' circumstances into consideration.

Conclusion and Policy Recommendation(s)

All children deserve to be in a loving and supportive home. Diligent recruitment of Spanish-speaking or Latine foster parents and eliminating disproportionately long wait times for Latine foster children must be a priority for child welfare reform. Many families are well-qualified to foster and to adopt children. The Latine and communities of color, must be intentionally informed of these opportunities.

Recommendations leading to *more children* having a permanent home:

1. Partnerships between agencies and national, local, or statewide Latine organizations for ongoing diligent recruitment.
2. Storytelling is an ingrained tradition within the Latine community, it is a tool that agencies and the media can use to highlight foster care and adoption stories.
3. Foster Parent(s) with children whose primary language is not English, should be encouraged and supported to take courses in Spanish, Indigenous languages and so forth.
4. Recruit more Spanish-speaking staff who can conduct classes and services in Spanish, since it's been shown to be more effective than having interpreters.[50] This would ensure compliance with the Multiethnic Placement Act of 1994, which requires agencies to engage in diligent recruitment of foster and adoptive parents to reflect the racial and ethnic diversity of children.[51] Spanish-speaking staff can provide orientation materials, answer questions, teach preparation classes, conduct interviews and home visits, all a step toward cultural competence. [52]
5. Jurisdictions can model the Juntos Con Los Niños campaign.[53] Los Angeles County's first Spanish-language foster parent recruitment campaign that eliminates cultural barriers impacting Spanish-speakers from becoming foster parents. [54]
6. Research on this issue under Title IV-B of the Social Security Act that authorizes research that leads to the improvement of child welfare practices and outcomes.

Endnotes:

- [1] Los Angeles County Department of Children and Family Services, Sept. 9, 2020. <https://dcfs.lacounty.gov/los-angeles-county-to-take-part-in-national-effort-to-reimagine-child-welfare/>.
- [2] Human Rights Watch, US: Child Welfare System Harms Families, Nov. 17, 2022. <https://www.hrw.org/news/2022/11/17/us-child-welfare-system-harms-families>.
- [3] Sevita, 72 Foster Care Statistics for 2024, Nov. 14, 2024. <https://blog.sevitahealth.com/foster-care-statistics>.
- [4] See John, R. S. (2024). Latinx children in the child welfare system. In Y. R. Harris & G. J. O. Carpenter (Eds.), *Children of color in the child welfare system: Psychological research and best practices* (pp. 99–117). American Psychological Association. <https://doi.org/10.1037/0000369-005> (States with high Latine populations, such as California, Texas, Arizona, New Mexico, Nevada, Colorado, Florida, New Jersey, Illinois, New York, Connecticut, Rhode Island, and Massachusetts have an overrepresentation of Latine children in the child welfare system).
- [5] Child Welfare Information Gateway, Addressing Disproportionality. <https://www.childwelfare.gov/topics/equitable-practice/addressing-disproportionality/?top=246>.
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[7] Children's Right, The Child Welfare System, Fact Sheet, January 2023.

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[8] Human Rights Watch, "If I Wasn't Poor, I Wouldn't Be Unfit," The Family Separation Crisis in the U.S. Child Welfare System, November 17, 2022.

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[10] Id.

[11] Id.

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[13] The Trials of Gabriel Fernandez (Netflix 2020).

[14] Los Angeles County Department of Children and Family Services, Statement from the Department of Children and Family Services on "The Trials of Gabriel Fernandez" Netflix Documentary Series, March 3, 2020. <https://dcfs.lacounty.gov/statement-from-the-department-of-children-and-family-services-on-the-trials-of-gabriel-fernandez-netflix-documentary-series/>.

[15] Los Angeles Times, Children keep dying. Why can't L.A. County protect them?, Jan. 19, 2022. <https://www.latimes.com/california/story/2022-01-19/dcfs-la-county-noah-cuatro-anthony-avalos-gabriel-fernandez-full-coverage>.

[16] Foster US Kids, The Importance of Cultural Competence in Foster Care. <https://www.fosteruskids.org/blog/the-importance-of-cultural-competence-in-foster-care#:~:text=Cultural%20Competence%20in%20the%20World,back%20out%20of%20foster%20care>.

[17] Human Rights Watch, "If I Wasn't Poor, I Wouldn't Be Unfit," The Family Separation Crisis in the U.S. Child Welfare System, November 17, 2022. <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare>.

[18] Id.

[19] Id.

[20] Office of Refugee Resettlement, Placement in ORR Care Provider Facilities 1.2.6 Long-Term Foster Care, August 1, 2024. <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-1>

[21] Foster VA, How to foster immigrant children separated from parents, <https://www.fosterva.org/blog/how-to-foster-immigrant-border-child-separated-from-parents#:~:text=Regular%20foster%20care%20provides%20a,journey%20as%20a%20foster%20parent>.

[22] Id.

[23] Office of Refugee Resettlement, Placement in ORR Care Provider Facilities 1.2.6 Long-Term Foster Care, August 1, 2024. <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-1>

[24] See Lutheran Family Services Rocky Mountains (In the LTFC program in Colorado, it is designed to serve 24 youth in total. Once a youth in the LTFC achieves legal status, they may become eligible for the Unaccompanied Refugee Minors program, where 75-80 unaccompanied minors are being served). <https://www.lfsrm.org/Long-Term-Foster-Care#:~:text=The%20LTFC%20program%20allows%20the%20youth%20to,between%20the%20ages%20of%2013%20and%2017>.

[25] Sevita, 72 Foster Care Statistics for 2024, Nov. 14, 2024.

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[27] The Annie E. Casey Foundation, Foster Care Explained, April 7, 2024.

[https://www.aecf.org/blog/what-is-foster-care#:~:text=A%20E2%80%8B"fos ter%20child"%20is,degree%20of%20loss%20or%20trauma](https://www.aecf.org/blog/what-is-foster-care#:~:text=A%20E2%80%8B).

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[30] Latino News Network, Spanish-Speaking Foster Parents in Demand, Feb. 8, 2024. <https://latinonewsnetwork.com/community/spanish-speaking-foster-parents-in-demand/>.

[31] Kaylee Staral, Waukesha County FOster Care Needs Hispanic and Spanish-speaking foster parents, Oct. 8, 2024. <https://www.tmj4.com/news/hispanic-heritage/waukesha-county-foster-care-needs-hispanic-and-spanish-speaking-foster-families>.

[32] Id.

[33] Id.

[34] Id.

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(Araceli Carreon expresses her experience of living with families who did not understand her culture. "It was very difficult for me; they spoke to me in English, and I didn't understand anything. They made me food that I wasn't used to. I was used to eating tortillas and beans, not meatloaf. To this day, I hate meatloaf.")

[36] Id.

[37] Id.

[38] Id.

[39] Penny Lane Centers, Race of Children in Foster Care: Understanding Disparities and Statistics, 2022. <https://www.pennylane.org/resources/race-and-foster-care#:~:text=Black%20children%20are%20overrepresented%20in%20foster%20care,.all%20children%20in%20foster%20care>.

[40] Id.

[41] Kalisher, Allon, Jennah Gosciak, and Jill Spielfogel. "The Multiethnic Placement Act 25 Years Later: Trends in Adoption and Transracial Adoption." Washington, DC: Office of the Assistant Secretary for Planning and Evaluation, November 2020.

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[45] Id.

[46] Foster US Kids, The Importance of Cultural Competence in Foster Care. <https://www.fosteruskids.org/blog/the-importance-of-cultural-competence-in-foster-care#:~:text=Cultural%20Competence%20in%20the%20World,back%20out%20of%20foster%20care/>.

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<https://aspe.hhs.gov/reports/multiethnic-placement-act-transracial-adoption-25-years-later>.

[52] Id.

[53] Los Angeles County Launches New Campaign to Recruit More Latino Foster Parents for Thousands of Children in Need of Loving Homes, March 11, 2010. <https://dcfs.lacounty.gov/los-angeles-county-launches-new-campaign-to-recruit-more-latino-foster-parents-for-thousands-of-children-in-need-of-loving-homes/>. (Juntos Con Los Niños

<https://www.juntosconlosninos.org>

[54] Id.