UCLA Pritzker Center
For Strengthening Children and Families

A Brief History of the U.S. Child Welfare System and Racial (In)Equity

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This research brief summarizes how the United States child welfare system has evolved over time and the role of racial marginalization in its development. This brief is the first of three foundational research syntheses that examine racial inequity within the United States child welfare system. Future syntheses will document patterns and changes in racial disparities and disproportionalities over time (Brief 2) and highlight evidence-informed strategies shown to promote racial equity within the child welfare system (Brief 3).

Background

The modern child welfare system (CWS) is a multidisciplinary network with the stated goals of protecting children from maltreatment, supporting parenting, and ensuring child wellbeing.[1,2] The child welfare system also relies on other sectors, such as healthcare, education, public benefits, and law enforcement. Despite its stated aims, the child welfare system in the United States has historically marginalized various populations, directly harming Black and Indigenous families through both policy and practice. This has contributed to persistent inequitable experiences and outcomes.

Function of the Child Welfare System

Involvement in the child welfare system typically starts when suspected abuse or neglect is reported to child protective services (CPS). Child protection agencies assess whether each report meets the standard for reasonable suspicion and warrants an investigation. Evidence is gathered by investigators to determine whether the allegations are substantiated, unfounded, or remain inconclusive. The child welfare agency may then open a case, often with court oversight, to monitor child safety, provide parenting resources, and connect families to support. Service completion, child safety, and the risk of future harm are reevaluated periodically to determine whether the child can reside under the care of their parent(s) or legal guardian(s).

History of the Child Welfare System in the United States

The current child welfare system functions differently from its nineteenth century ancestor and its evolution highlights how racial groups have been marginalized over time. The system in its earliest form can be traced back to the mid-1800s. Before then, children were viewed largely as property of their parents, and there was minimal government oversight or involvement in family life.[3,4] During the early 1900s, rapid growth of major cities across the country contributed to increasing family poverty. As a result, tens of thousands of children whose parents could not financially provide for them were unhoused.[4]

Early efforts to promote the welfare of these children were organized by private charities and non-governmental organizations. They offered social programming and residential options, sometimes in exchange for labor.[4,5] Child wellbeing gradually became tied to broader social conditions that required collective responses. This ideological shift occurred within the context of the children's rights movement, which also addressed issues such as child labor, school attendance, and pensions for widows and single mothers.[6]

As the twentieth century progressed, the U.S. government took on a more significant role in monitoring families and promoting child wellbeing. Examples include the establishment of the Children's Bureau in 1912 and the passage of the Social Security Act in 1935.[1] These efforts

created programs including the Aid to Families with Dependent Children (AFDC) program.[6,7] Later, societal approaches to child wellbeing shifted away from addressing social conditions onto identifying and stopping the occurrence of child maltreatment. As more children were removed from their families of origin due to reports of abuse and neglect, national attention shifted again toward reducing lengthy foster care placements. Despite dominant framing of child welfare as a social good and national responsibility, protections and provisions have not been extended equitably to all racial groups; this resulted in marginalization in some instances and oversurveillance in others.

Racial Marginalization within the Child Welfare System

While the earliest version of the child welfare system in the United States acknowledged a connection between child wellbeing and poor social conditions, structural racism was largely ignored as a factor contributing to these poor conditions. Black, Indigenous, and Latine communities have been explicitly harmed by the child welfare system in many ways including: forced family separation, inadequate access to supports and services, oversurveillance, failure to reunite children with biological parents, and the devaluation of family and cultural practices. Indigenous and Black communities experienced these harms since the system's beginning, fueled by dispossession and settler colonialism through practices like residential boarding schools.

The forced separation of Indigenous children from their families is key to understanding the inequitable historical experiences of the nation's child welfare system. From the early nineteenth century through the late twentieth century, the United States government funded federal boarding schools that explicitly sought to assimilate children into white Protestant social norms, eradicating Native cultures and dispossessing Indigenous land.[4,8,9] Over 60,000 Indigenous children attended more than 400 residential schools across 37 states.[4,9,10] Children taken from families, forced to perform physical labor, prohibited from speaking Native languages or practicing traditional religions, and received English-only instruction centered on Protestant Christian teachings.[4,8,9] Many children in these government-run boarding schools endured physical, sexual, and emotional abuse; and the inadequate food, clothing, and medical care provided to them often led to illness and death.[9] In the mid-twentieth century, federal programs like the Indian Adoption Project prompted mass removal of Indigenous children for placement with white foster and adoptive families. By 1970, an estimated 25 to 35 percent of Indigenous children were removed from their families, nationally.[11]

The Indian Child Welfare Act of 1978 was enacted to curb these practices and recognize tribal authority over custody decisions; yet it lacked an enforcement mechanism and compliance was inconsistently monitored.[4] As a result, Indigenous children continued to be removed at high rates compared to other racial and ethnic groups.[8,9,12] This history of Indigenous family separation exemplifies the racialized legacy of this nation's child welfare system.

Child welfare system involvement within Black communities reflects a distinct but parallel process of racial violence, marginalization, and dispossession perpetrated by the government and private entities. Forced family separation was an essential practice to maintain slavery. Black enslaved families could be separated as a form of punishment and laws forbade the reunification of families unless it was to the benefit of slaveholders.[13] The existence of slavery and the dehumanization that came with it legally excluded Black families from public assistance programs and no protections existed to prevent their exclusion from private programs. Then, as the children's rights movement took shape, Black children were systematically excluded from Progressive Era child welfare efforts. Many charities and non-government service providers excluded Black children and their families, contributing to their disparate involvement in the emergent juvenile criminal-legal system.[5,6]

The 1935 Social Security Act allowed states to deny aid and services to families considered "immoral" or "unsuitable." Enforcement of such provisions targeted Black families by relying on racist stereotypes about family structure, morality, and home suitability, especially among blended families and when children were born outside of marriage.[7] When Black families did receive interventions, they were of poor quality, limited in quantity, and often experienced as punishment rather than help.[5]

Some legal efforts sought to address these discriminatory practices. For example, the Flemming Rule, established in 1961, required states to provide families with due process protections and supportive services when their homes were deemed unsuitable (Lawrence-Webb, 1997).[7] As with concurrent public school integration, states were slow to implement this policy and worked to actively subvert it well into the 1970s.

Subsequent legislation expanded the reach of the child welfare system and introduced new mechanisms of structural bias by broadening the definition of child

maltreatment and creating opportunities for cross-system policing of families. The 1974 Child Abuse Prevention and Treatment Act established mandated reporting requirements, which hold professionals operating within and outside of the child and family service sector accountable for reporting suspected child abuse and neglect.[1,3] Critics argue that the legislation lacks clarity in defining maltreatment, which has contributed to disparate surveillance of Black children and families that persists today.

Despite these well-documented anti-Black child welfare practices within the United States, no federal legislation has explicitly addressed the structural racism that shapes Black families' inequitable experiences of the child welfare system. Nevertheless, practitioners, policymakers, scholars, and institutions have consistently advocated for the wellbeing of Black children and their families. Examples over time include: (1) the Carrie Steele-Pitts Home, founded in Atlanta in 1888, was one of the first orphanages for Black children and continues to serve youth today through residential programs and life skills training; (2) the National Association of Black Social Workers has advocated for Black families and the professionals who support them since the 1960s, while challenging discriminatory laws and inequitable policies; (3) in 2024, the Minnesota legislature enacted the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (Bill SF716) to prevent removals and encourages placement with kin through heightened legal standards.[6]

The Racial Equity Hub for Child Welfare Reform aims to amplify and contribute to this work.

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