



TEXAS PUBLIC POLICY FOUNDATION

# RESEARCH

OCTOBER 2020

by Andrew C. Brown, J.D.  
*Distinguished Senior Fellow of Child  
& Family Policy*

Charissa Huntzinger  
*Campaign Director,  
Government for the People*

## Lessons from COVID-19: The Importance of Meaningful Contact between Foster Youth and Parents

### Key Points

- Frequent contact with parents is critical for healthy child development.
- A lack of enforceable statutory requirements in Texas for the frequency and timing of visitation contributed to the denial of contact between foster youth and their families.
- Court hearings in which decisions concerning the reunification of foster youth with their families are taken should be considered essential.

### Executive Summary

Across the country, child welfare agencies and courts with jurisdiction over child protection cases suspended in-person visitation between children and parents and postponed important reunification hearings in response to the COVID-19 pandemic. While the decision to err on the side of caution in the early days of the pandemic is understandable, these restrictions negatively impacted children in foster care and their families. Moreover, in many parts of the country, the restrictions remain in place, further exacerbating the harm.

Research shows that frequent contact with parents is critical for healthy child development, and the involuntary separation of children from their parents, even if only for a short time, causes emotional distress. Prolonged separation can lead to chronic mental and behavioral health issues. Children in foster care are particularly vulnerable as they often struggle with complex trauma on top of the distress associated with being removed from their families. For this reason, in-person visitation between children in foster care and their parents is considered a clinical best practice.

This paper examines the importance of maintaining meaningful in-person contact between foster youth and their parents and analyzes the impact of the child welfare system's response to the COVID-19 pandemic. It discusses lessons learned from the pandemic and makes recommendations for how policymakers and child welfare professionals should respond to those lessons to ensure that children can remain with their families whenever safely possible.

### Introduction

The COVID-19 pandemic disrupted life for nearly every American. Particularly impacted, but often overlooked in the analysis of government's response to the crisis, are children in foster care and their families. Foster youth are a vulnerable population, often experiencing complex trauma, grappling with the emotional and psychological effects of separation from their birth families, and sometimes suffering from maltreatment while in care. For these youth, it is critical that their time in the system be as brief as possible and informed by best practices for minimizing trauma and promoting their mental and emotional well-being.

Across the nation, however, child welfare departments and family courts issued orders that ran contrary to those goals, prolonging the stays of many children in foster care and limiting their ability to maintain meaningful contact with

*continued*

their families. In Texas, for example, child protection courts began suspending “non-essential” hearings as well as in-person visits between children and parents during the first weeks of March 2020 ([Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families \[Children’s Commission\], n.d.](#)). Despite instruction from the U.S. Department of Health and Human Services Children’s Bureau strongly discouraging states from “issuing blanket court orders reducing or suspending family time” ([Milner, 2020, p. 3](#)), many courts (e.g., [Child Protection Court of the Rio Grande West, 2020](#); [Second Region Child Protection Court No. 2, 2020](#); and [Bosque County Court at Law, 2020](#)) continued issuing and extending such orders.

Although the impulse to err on the side of caution during the early days of the pandemic is understandable, decisions concerning which services are essential and continuing extensions of orders suspending in-person contact among family members are revealing about the child welfare system’s priorities. The system’s response to the COVID-19 pandemic provides an opportunity to reevaluate these priorities and make changes to create a more compassionate system that prioritizes the rights and well-being of foster children and their families.

## Contact with Parents Is Critical to Healthy Child Development

In accordance with [Texas Family Code Section 153.002](#), the “best interest of the child” is the paramount concern in any state action involving issues related to child custody, possession, and access. Yet, as exemplified by state actions taken in response to COVID-19, the child welfare system often seems to place a lower priority on maintaining the attachment between children in foster care and their parents. Such actions run contrary to decades of research on the importance of the parent-child connection to healthy child development.

The significance of this connection is rooted in attachment theory, which was originated in the mid-20th century by British psychologist John Bowlby. According to Bowlby ([1977](#)), “attachment theory is a way of conceptualizing the propensity of human beings to make strong affectional bonds to particular others” ([p.201](#)). It also explains “the many forms of emotional distress and personality disturbance, including anxiety, anger, depression, and emotional detachment” that occur when the bond is disrupted due to involuntary or unwilling separation of individuals who are bonded to one another.

Bowlby’s research focused on children and the impact that periodic separation from their parents, primarily their mothers, had on their short-term and long-term development. Throughout his long career, Bowlby ([1982](#)) explored the attachments children develop with significant people in their lives and the varying manifestations of distress children exhibit when separated from the primary caretaker with whom they have developed a strong attachment ([pp. 670-673](#)). The symptoms of this distress, Bowlby noted, are seen even when the child is in the care of a less preferred caregiver, such as a nanny or relative, and can linger after the child has been reunited with the attachment figure ([Bowlby, 1982, pp. 672-673](#); [Bowlby & Robertson, 1952, pp. 11-12](#)). Bowlby’s research demonstrated that in certain cases, “deviations in the development of attachment behaviour” can lead to serious, ongoing mental health issues ([Bowlby, 1977, p. 202](#)).

Building on Bowlby’s groundbreaking research, others have sought to evaluate the effect that separating children from their parents through the child welfare system has on the mental health and emotional well-being of foster children. In one such study, McWey et al. ([2010](#)) found that children in foster care who had more frequent contact with their parents did measurably better than their peers with less frequent contact ([pp. 1342-1343](#)). Specifically, this study found that children who had no contact with their biological mothers while in foster care had clinically significant higher rates of negative externalizing behaviors, like physical aggression or verbal bullying, than their peers who had more frequent contact. The study further found that frequent contact with a parent while in foster care resulted in marginally lower levels of depression ([pp. 1343-1344](#)).<sup>1</sup> Based on the results of their study, McWey et al. recommended that states establish “more consistent, clear standards for ‘frequent’ visitation,” noting that “children who had at least weekly contact with their biological parents” demonstrated the best outcomes ([p. 1343](#)).

## The Impact of COVID-19 Lockdowns

Lockdowns and social distancing mandates issued in response to the COVID-19 pandemic have had wide-ranging impacts on individual mental health ([Panchal et al., 2020](#)). This is particularly true for children in foster care who, as discussed, entered the pandemic already struggling with the effects of attachment disruption in addition to other adverse experiences.

Although the mental health impact of the COVID-19 pandemic and government responses to it has yet to be

<sup>1</sup> The study did note, however, that girls who had “some” contact with their biological parents had the highest levels of depression. This phenomenon was not seen in boys whose depression levels decreased with more frequent contact.

fully understood, considerable research has been done on the effect quarantine and other emergency scenarios have on mental health. In February 2020, just as the first cases of local transmission of COVID-19 were identified in the U.S., the weekly peer-reviewed medical journal *The Lancet* published a rapid review of available research on the psychological impacts of quarantine to inform policymakers who were beginning to wrestle with lockdown decisions ([Schumaker, 2020](#); [Brooks et al., 2020](#)). This review highlighted key lessons learned from a variety of studies of diverse populations who had lived through previous pandemics, natural disasters, and terrorist attacks. These studies revealed that children are particularly vulnerable to mental health issues and internalizing and externalizing problems such as posttraumatic stress symptoms, depression, panic, and aggressive behavior ([Rubens et al., 2018, p.338](#)).

For example, children under quarantine were found to have experienced PTSD scores four times higher than among their peers who were not subject to quarantine ([Brooks et al., 2020, p. 913](#)). Considering that children in foster care already suffer from higher than average rates of PTSD—with some studies showing that PTSD rates among foster care alumni are up to twice as high as for U.S. war veterans, at 25%—the threat of quarantine to foster youth becomes shockingly clear ([Pecora et al., 2005, p.1](#)).

The challenges youth face in crises like a pandemic are affected by their connection with their parents. Disaster exposure has been shown to increase a child's dependence on adults, which for foster youth without a strong attachment figure may be complex ([Sprague et al., 2015, p. 434](#)). The quality of a parent-child relationship and a child's ongoing interaction with the parent during and immediately after a time of crisis may mitigate negative mental health outcomes in children associated with the crisis. For example, one study of children in Sri Lanka who survived the 2004 Indian Ocean tsunami found that symptoms of PTSD and depression were less severe among children who had positive relationships with their mothers ([Wickrama & Kaspar, 2007, p. 721](#)). Similarly, Gil-Rivas et al. (2007) found that the level and quality of parental involvement was linked with the severity of distress experienced by children in response to the terrorist attacks of September 11, 2001. Children whose parents directly engaged with them by helping them work through their emotions in positive ways reported lower distress levels than children whose parents recommended that they seek advice or help from others ([pp. 1066-1067](#)). Researchers hypothesized that the higher distress levels associated with the latter more "hands-off" response partly resulted from a perception among children that their parents were unavailable.

COVID-19 has created a particularly stressful environment for children in foster care. Considering the lack of typical social and emotional learning experienced in school or other social contexts, the indefinite delays and cancellation of family visitation, along with the psychological impacts of the pandemic itself, the system must champion resources that can help youth with trauma. As the research shows, parental interaction can positively influence youth mental health. Therefore, child welfare agencies and courts must prioritize regular family visitation schedules.

## Greater Clarity and Consistency Needed

[Texas Family Code Section 263.107](#) requires the Department of Family and Protective Services (DFPS) to work with each parent of a child in its temporary managing conservatorship to develop a visitation plan that facilitates regular contact between the parent and the child. While [Texas Family Code Section 262.115\(c\)](#) requires DFPS to ensure that a visit occurs "not later than the fifth day after the date the department is named temporary managing conservator of the child," the code is largely silent on the frequency or circumstances of visits.

The DFPS Child Protective Services Handbook provides some clarification, stating that children and parents have "a right to maintain regular contact with each other at a minimum of twice a month" ([DFPS, 2017](#)). The department's *Child and Family Visitation Best Practice Guide* (2015) provides additional detailed guidance for caseworkers on scheduling and managing visitation. To the department's credit, this guide opens by emphasizing the importance of maintaining regular family visitation for the well-being of children while in care and recommends face-to-face contact as frequently as 2-3 times per week in the case of young school-age children ([DFPS, 2015, pp. 1-2, 16](#)).

Although these policies and procedures are in line with the overwhelming weight of research on attachment theory and the impact loss of parental contact has on the mental health of children in foster care, the lack of enforceable requirements for visitation in code has proven problematic. Family courts responsible for overseeing child welfare matters have issued and continue to issue varying orders on in-person visitation and which hearings are essential ([Milner, 2020](#); [Wiltz, 2020](#)). This has led to inconsistency not only between states but even among jurisdictions within a state ([Children's Commission, 2020](#)). As discussed above, inconsistencies in these decisions carry real-world, sometimes life-altering, consequences.

In addition to the lack of enforceable requirements for visitation, the code also complicates issues in the factors that it allows to be considered when making decisions regarding

visitation. [Texas Family Code Section 263.107](#) requires the department to consider safety, the age of the child, and the desires of the family when putting together a visitation plan. However, it also allows factors such as resources available to the department and location to influence the frequency of visitation. Thus, despite the department's own guidance and the overwhelming weight of research on the importance of frequent contact for healthy child development, the code allows visitation to be restricted based solely on factors wholly unrelated to a child's best interests. This means that a child's right to maintain bonds with his or her family may be subordinated to matters of department convenience or inadequate case planning.

The response of child welfare agencies and courts to the COVID-19 pandemic has emphasized the need for greater clarity and consistency in statutory requirements impacting contact between children in foster care and their families. As policymakers consider the many important decisions they will have to make in response to lessons learned from the COVID-19 pandemic, providing this clarity should be a top priority.

## Recommendations

- Amend the Texas Family Code to:
  - Declare that court hearings governing the reunification of children in foster care with their families are essential and may only be limited under the most extraordinary circumstances.
  - Define limited circumstances under which reunification hearings and visitation may be canceled or postponed.
  - Provide greater clarity on the frequency and timing of in-person visits between children in foster care and their families.
- During visitation planning, give the highest priority to maximizing in-person contact between children and parents.
- Prohibit any limitation of in-person contact between children and parents based solely on factors like department resources, location, and others that are unrelated to the best interests of children.

## Conclusion

Early childhood relationships between parent and child are critical for healthy childhood development, from academic performance to behavioral health. While this is especially true for infants between birth and 5 years of age, even teenagers are recommended to see their parents weekly ([Partners for Our Children, 2014, p. 2](#)). Regular and healthy visitation not only benefits youth in care but also has an effect on family reunification and the amount of time a child must spend in foster care.

As COVID-19 has swept through Texas and district courts across the state issued blanket orders suspending family visitations, the potential impact of canceled contact between parent and child has raised concerns among multiple child advocacy and provider groups over the necessity of maintaining visits. Visitation in the Texas Family Code, and in practice, must be timely, frequent, and difficult to suspend without appropriate show cause. ★

## References

- Bosque County Court at Law. (2020, July 6). *Emergency order regarding visitation in CPS cases*. <http://texaschildrenscommission.gov/media/84481/bosque-eo.pdf>
- Bowlby, J. (1977). The making and breaking of affectional bonds. *British Journal of Psychiatry*, 130(3), 201–210. <https://pdfs.semanticscholar.org/fe8b/82d36a04baa05ea8e66f583935c1e22793cb.pdf>
- Bowlby, J. (1982). Attachment and loss: retrospect and prospect. *American Journal of Orthopsychiatry*, 52(4), 664–78. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1939-0025.1982.tb01456.x>
- Bowlby, J., & Robertson, J. (1952, November 28). A two-year-old goes to hospital. *Proceedings of the Royal Society of Medicine*, 46, 425–427. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1918555/pdf/procrsmed00418-0060.pdf>
- Brooks, S., Webster, R., Smith, L., Woodland, L., Wessely, S., Greenberg, N., & Rubin, G. (2020, February 26). The psychological impact of quarantine and how to reduce it: rapid review of the evidence. *Lancet*, 395(10227), 912–920. <https://www.sciencedirect.com/science/article/pii/S0140673620304608>
- Child Protection Court of the Rio Grande West – Hidalgo and Starr Counties. (2020, July 1). *Second amended emergency standing order regarding parent-child visitation*. <http://texaschildrenscommission.gov/media/84483/hidalgo-starr-2nd-so-visitation.pdf>
- Gil-Rivas, V., Silver, R., Holman, E., McIntosh, D., & Poulin, M. (2007, December 1). Parental response and adolescent adjustment to the September 11, 2001 terrorist attacks. *Journal of Traumatic Stress*, 20(6), 1063–1068. <https://escholarship.org/content/qt48c2w7kz/qt48c2w7kz.pdf>
- McWey, L., Acock, A., & Porter, B. (2010, October). The impact of continued contact with biological parents upon the mental health of children in foster care. *Children and Youth Services Review*, 32(10), 1338–1345. <https://www.sciencedirect.com/science/article/abs/pii/S0190740910001477?via%3Dihub>
- Milner, J. (2020, March 27). *Jerry Milner to child welfare legal and judicial leaders, March 27, 2020* [Letter]. Administration for Children and Families, U.S. Department of Health and Human Services. [https://www.acf.hhs.gov/sites/default/files/cb/covid\\_19\\_childlegalandjudicial.pdf](https://www.acf.hhs.gov/sites/default/files/cb/covid_19_childlegalandjudicial.pdf)
- Panchal, N., Kamal, R., Orgera, K., Cox, C., Garfield, R., Hamel, L., Muñana, C., Chidambaram, P. (2020, August 21). *The implications of COVID-19 for mental health and substance use*. Henry J. Kaiser Family Foundation. <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>
- Partners for Our Children. (2014, December). *Family time visitation in the child welfare system*. <https://partnersforourchildren.org/sites/default/files/Visitation%20Brief%2012-31-14.pdf>
- Pecora, P., Kessler, R., Williams, J., O'Brien, K., Downs, A., English, D., White, J., Hiripi, E., White, C., Wiggins, T., & Holmes, K. (2005, March 14). *Improving family foster care: Findings from the northwest foster care alumni study*. Casey Family Programs. [https://www.casey.org/media/AlumniStudies\\_NW\\_Report\\_FR.pdf](https://www.casey.org/media/AlumniStudies_NW_Report_FR.pdf)
- Rubens, S., Felix, E., & Hambrick, E. (2018). A meta-analysis of the impact of natural disasters on internalizing and externalizing problems in youth. *Journal of Trauma Stress*, 31(3), 332–341. <https://doi.org/10.1002/jts.22292>
- Schumaker, E. (2020, July 28). *Timeline: how coronavirus got started*. ABC News. Retrieved on September 9, 2020, from <https://abcnews.go.com/Health/timeline-coronavirus-started/story?id=69435165>

- Second Region Child Protection Court #2. (June 25, 2020). *Third amended emergency order regarding visitation, other in-person contact and out of state travel for children in the conservatorship of the Texas Department of Family and Protective Services in child protection cases pending in Second Region Child Protection Court #2 for Angelina, Brazos, Grimes, Madison, and Walker Counties.* <http://texaschildrenscommission.gov/media/84477/angelina-brazos-grimes-madison-walker-3rd-eo.pdf>
- Sprague, C. M., Kia-Keating, M., Felix, E. D., Afifi, T., Reyes, G., & Afifi, W. (2015). Youth psychosocial adjustment following wildfire: The role of family resilience, emotional support, and concrete support. *Child and Youth Care Forum*, 44(3), 433-450. <https://doi.org/10.1007/s10566-014-9285-7>
- Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families [Children's Commission]. (n.d.). *COVID-19 Resources*. Retrieved on September 8, 2020, from <http://texaschildrenscommission.gov/reports-and-resources/covid-19-resources/>
- Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families [Children's Commission]. (2020, March 23). *Resource letter: for judges and attorneys handling child protective services cases.* <https://tinyurl.com/yxassx24>
- Texas Department of Family and Protective Services. (2017, February). *6415 the right to regular contact.* [https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS\\_pg\\_6400.asp](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6400.asp)
- Texas Department of Family and Protective Services. (2015). *Child and family visitation best practice guide.* [https://www.dfps.state.tx.us/handbooks/CPS/Resource\\_Guides/Visitation\\_Best\\_Practice\\_Guide.pdf](https://www.dfps.state.tx.us/handbooks/CPS/Resource_Guides/Visitation_Best_Practice_Guide.pdf)
- Wickrama, K., & Kaspar, V. (2007). Family context of mental health risk in Tsunami-exposed adolescents: Findings from a pilot study in Sri Lanka. *Social Science & Medicine*, 64(3), 713–723. [https://www.researchgate.net/publication/6712061\\_Family\\_context\\_of\\_mental\\_health\\_risk\\_in\\_Tsunami-exposed\\_adolescents\\_Findings\\_from\\_a\\_pilot\\_study\\_in\\_Sri\\_Lanka](https://www.researchgate.net/publication/6712061_Family_context_of_mental_health_risk_in_Tsunami-exposed_adolescents_Findings_from_a_pilot_study_in_Sri_Lanka)
- Wiltz, T. (2020, May 12). *Despite federal guidance, some states bar in-person foster care visits.* Pew Charitable Trusts. <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/05/12/despite-federal-guidance-some-states-bar-in-person-foster-care-visits>



## ABOUT THE AUTHORS



### **Andrew C. Brown, J.D.**

Andrew C. Brown, J.D., is the distinguished senior fellow of child & family policy at the Texas Public Policy Foundation.

Brown has dedicated his career to serving vulnerable children and strengthening families through community-focused, liberty-minded solutions. As an attorney, he has represented children in the child welfare system, advocated for the rights of parents, and helped build families through domestic and international adoption.

Andrew earned his B.A., *magna cum laude*, in political science from Baylor University and his J.D. from Southern Methodist University Dedman School of Law. He is licensed to practice law in Texas and Virginia. His work on international adoption law and other child welfare issues has been published in leading legal journals and respected media outlets.



### **Charissa Huntzinger**

Charissa Huntzinger is campaign director for Government for the People. Before joining the Foundation as an analyst, she worked at the Michael and Susan Dell Foundation helping support workforce development programs in Central Texas.

Huntzinger has B.A.s in both political science and French from Baylor University. Her honors thesis, "You are Who You Fight: the CIA, Cover Action, and National," was on the evolution of the CIA.

## **About Texas Public Policy Foundation**

The Texas Public Policy Foundation is a 501(c)3 non-profit, non-partisan research institute. The Foundation promotes and defends liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Funded by thousands of individuals, foundations, and corporations, the Foundation does not accept government funds or contributions to influence the outcomes of its research.

The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.

