

## ORIGINAL ARTICLE

# Child welfare policy and services in Korea

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## Abstract

Over the past 20 years, the Korean government has developed child welfare laws to respond to an increasing number of child maltreatment cases and create a centralized child welfare delivery system. However, the system remains fragmented and under-developed due to a lack of understanding of child maltreatment and limited government support. Further, few studies have comprehensively reviewed the system. This study examines the Korean child welfare system, identifies challenges for child welfare policies and services, and discusses the implications for future policy; the results can be used to improve the safety, permanency, and well-being of children and families in Korea. The analysis shows that the government has prioritized family preservation over removal from families, even in substantiated cases of abuse. However, ensuring the safety of children in Korea will require not only working to preserve families but also developing and implementing better options for in-home services and out-of-home placement.

## KEYWORDS

adoption, child maltreatment, child protection, foster care, international study, Korean child welfare

## INTRODUCTION

Although Korea has experienced rapid economic growth, the nation's public spending on family benefits is still relatively low compared to other Organisation for Economic Co-operation and Development (OECD) countries. However, Korea has recently implemented a relatively large increase in support for families with children, including a new child allowance program for all children under age 7, regardless of their parents' income or asset levels (OECD, 2020). One of the driving forces of this change is a sharp increase in the number of reported child maltreatment incidents in Korea (National Child Protection Agency [NCPA], 2019).

During the past two decades, establishing an indigenous Korean child welfare system has been a critical policy goal, and the government has made a wide range of changes in child welfare services. Traditional cultural norms have perpetuated the belief that child maltreatment should be handled

by individual families rather than the government. Therefore, family preservation services have been prioritized over removal from families and out-of-home placements, even in substantiated cases of child abuse. However, it is not clear that taking this family-focused approach to child welfare adequately meets the needs of children and families if doing so deters reports of child maltreatment and does not help achieve the goal of family preservation services due to the lack of out-of-home options or permanency planning services.

This approach may be even more problematic during the COVID-19 pandemic because the pandemic places more responsibility for taking care of children in the hands of individual families and results in less community surveillance and support. According to the National Center for the Rights of the Child (NCRC, 2020a, June 5), reports of child maltreatment in Korea have decreased since the onset of the pandemic. Between February and April of 2020 (the months of Korea's first wave of COVID-19), reports of child

maltreatment in the nation decreased by 20% compared to the same time period in the preceding year, falling from 9,568 to 7,607. However, there is some evidence that the child maltreatment risk and the incidence of child maltreatment have actually increased and the apparent decline is the result of underreporting during the COVID-19 pandemic due to social distancing, school closures, and interruptions in social services (Bhopal et al., 2020; Bradbury-Jones & Isham, 2020; Campbell, 2020; Liu & Doan, 2020). This situation increases the need to focus public attention on vulnerable families, especially children who may have been exposed to child maltreatment, and highlights the need for a public child welfare system to improve the safety and well-being of children.

This study examines the Korean child welfare system from 1991 through the present, identifying the pertinent policy challenges and outlining the implications for future policy and services. Although there is an emerging body of research on child maltreatment (Ahn et al., 2017; Hahm & Guterman, 2001; Kim et al., 2013; Lee et al., 2016) and the child welfare system in Korea (Choi, 2020; Chung et al., 2018; Kim, 2017; Lee, 2015, 2019; Ryu, 2017), these issues have been understudied. Furthermore, most prior research focuses on specific aspects of the legislative process and the child protection system (Lee, 2019); no studies have provided a complete review of the child welfare system in Korea. This study extends this emerging line of research by providing a most updated review of changes in both the policy guiding Korean child welfare services and the structure of the welfare system and a thorough account of the current policy and system. The study has implications for other non-Western countries; the Korean example illustrates the difficulties involved in developing a culturally sensitive definition of child maltreatment and establishing a new child welfare system as well as the importance of having culturally competent social work professionals.

## METHODS

To describe the Korean welfare system from 1991 through the present, this study reviews the cultural and institutional context of the nation's child welfare system, changes in related laws and policies, the definition of child maltreatment, the factors associated with child maltreatment, and child welfare administration and finances. To conduct a comprehensive exploration of these topics, we reviewed related laws, government reports regarding institutional arrangements and budgeting, and empirical and conceptual research on child welfare policy and services written in Korean or English. In particular, the subsection of the factors associated with child maltreatment provides a comprehensive review of the related empirical literature using data from children in Korea. In addition, to further identify the pertinent policy challenges and

the implications for future policy and services, we critically analyzed each of the following three areas of the Korean child welfare system: child protection services, foster care, and adoption, a division that follows the tradition of the literature. The study ends with a discussion of the implications of our examination for child welfare policy and services in Korea and beyond.

## CONTEXT OF CHILD WELFARE IN KOREA

Several aspects of Korea's cultural history and traditions have led to a child welfare system that is underdeveloped, fragmented, and under-resourced (Ahn et al., 2017; Choi, 2020; Chung et al., 2018; Kim, 2018; Ryu, 2017). First, several aspects of Confucian tradition and philosophy have influenced the child welfare system. Hierarchical family systems rationalize gender and age inequality and emphasize filial piety and familism (Hahm & Guterman, 2001). Cultural beliefs stress that children are essentially the property of their parents (Lee, 2019), and thus have inhibited government intervention in child maltreatment. Because family harmony is highly valued, families tend to conceal child maltreatment. Further, neighbors, school staff and teachers, and professionals are often reluctant to report suspected domestic child maltreatment because such matters are considered "private."

A second aspect of the Korean context that has limited the role of the government in securing child welfare is traditional cultural norms that emphasize a stronger role for the family and a weaker role for the government in matters of family and child welfare (Wang, 2012, as cited in Xu et al., 2018). The prevailing belief is that children should be protected within the immediate and extended family.

Third, the limited child welfare policy reflects an absence of a centralized government administration. The child welfare system relies on multiple local government and non-government agencies that are not well connected with regard to sharing information about cases and delivering services. Child welfare laws place responsibility for child welfare services in the hands of multiple government ministries and local governments. The National Center for the Rights of the Child (NCRD), which was established in 2019, is formally designated as the focal organization for service delivery; however, related government departments and local governments are still accountable for providing child welfare services, and there is no central coordinating government body. As a result, the policies and services aimed at advancing children's interests are delivered by different government bodies and local entities that are widely spread, fragmented, and sometimes stymied by "silo" selfishness. Furthermore, the existing departments of the government are organized and divided in ways that reflect the interests of adults and adult

groups, while the interests of children are not well coordinated. The recent trend of the devolution of public services for local authorities, coupled with weak civic advocacy for children in Korea, has also contributed to the fragmentation of child welfare services in the nation. Furthermore, staff members and resources are still under-supported, and out-of-home placement options are limited. In addition, official child welfare data still remain very limited in Korea.

## Korean child protective legislation and polices

In 1991, the Korean government ratified the United Nation (UN) Convention on the Rights of the Child; however, child maltreatment was not perceived as a public issue that the government should address until the 2000s. In 2000, a significant amendment to the Child Welfare Act initiated the formal public child protection system in Korea. The amendment defined child maltreatment (Article 2), established public child protection agencies (Article 24), outlined an explicit procedure for mandatory reporting, and listed those who have mandatory reporting responsibilities (Article 26). Since the passage of the amendment, child protection has become systematized. The National Child Protection Agency (NCPA) was established in 2001 and monitored the system until 2019, when it was replaced by the NCRC. The NCPA developed measures to monitor and evaluate the activities of local child protection agencies, collected data from local Child Protection Service (CPS) agencies and the police, published annual child maltreatment reports, and worked to increase public awareness to prevent child maltreatment. Local CPS agencies, which were also established in 2001, are funded by the governments and receive reports of alleged child maltreatment, investigate, and provide services to support victims and prevent child maltreatment. The number of CPS agencies has increased over time;<sup>1</sup> there are currently 67 local CPS agencies in Korea (Ministry of Health and Welfare [MOHW], 2020a).

In 2013, an extremely tragic case<sup>2</sup> and several subsequent incidents increased public awareness of the system's limitations. In response, the Korean government enacted the 2013 Special Act on the Punishment of Child Abuse (implemented in September 2014), which strengthened the mandatory reporting system by simplifying the system for reporting suspected child maltreatment and increasing the number of mandatory reporting categories.

The 2016 amendment to the Special Act strengthened the penalty for mandatory reporters failing to report suspected child maltreatment and added measures to protect those who make a report. There has been criticism that the resulting law focuses too much on charging suspected perpetrators with a crime, and thus has unintentionally led the police to frequently dismiss reported child maltreatment cases, even some severe cases (Kim, 2020), because they are hesitant to treat a “private” matter as a crime.

The 2018 major revision to the Child Welfare Act established the NCRC, which replaced the National Child Protection Agency (NCPA), the National Foster Care Support Center, and the National Adoption Center and five other public programs that serve children (NCRC, 2020b). NCRC took over responsibility for providing integrated services for child maltreatment prevention, activation of foster care, and support for local child welfare services. In addition, the government recently announced a plan to transfer all child protection services performed by local CPS agencies (which are mostly non-governmental agencies) to local governments (Ryu et al., 2018). The 2020 amendment to the Special Act mandated that all decisions made in the process of providing child welfare services must be grounded in the best interests of the child.

## Definition of child maltreatment in Korea

The current Korean Child Welfare Act (Article 3) states: “the term ‘child abuse’ means that any adult, including a child's protector, does harm to the child's health or welfare or commits physical, mental, or sexual violence, or cruel acts that are likely to impede the child's normal growth, or the child's protector abandons or neglects the child” (Child Welfare Act, No. 14224, 2016). Article 17 of the Welfare Act lists specific prohibited acts including trading children; sexual abuse or having a child engage in lewd acts; physical abuse; emotional abuse; abandoning a child or neglecting their basic protection and needs; exhibiting a child with a disability for public viewing; instructing a child to beg; and using money and goods provided for children for other purposes (Child Welfare Act, No. 14224, 2016).<sup>3</sup>

Defining what constitutes child maltreatment is a social process. In Korea, the influence of Confucianism led to the popularity of punishment-oriented childrearing practices among parents, which is reflected in the current definition of child maltreatment in the Child Welfare Act: corporal punishment may not be considered child maltreatment if it does

<sup>1</sup>The NCPA does not receive reports directly. Local CPS agencies receive reports and investigate cases of alleged child maltreatment, although they still have limited compulsory investigation authority.

<sup>2</sup>A stepmother abused and tortured her husband's two daughters (7 and 11 years old).

<sup>3</sup>In addition, there are two other prohibited acts listed by Article 17 that are not listed here: having a child do acrobatics that are harmful to the child's safety for entertainment, and mediating rearing of a child by any person who is not an authorized intermediary agency.

not cause noticeable harm to children. Koreans' perceptions of which acts constitute child maltreatment have changed over time in concurrence with changes of family structure and other contextual factors. For example, although there is no official empirical evidence, anecdotal evidence suggests that the proportion of families who exercise corporal punishment has declined; in addition, all corporal punishments are now prohibited in Korean schools. Within the home, however, corporal punishment is left to the judgment of families (although corporal punishment is legally prohibited for children under age three).<sup>4</sup> Child neglect is defined much less clearly (Ryu, 2017). Neither laws nor conventional regulations suggest a clear minimum standard of care, reflecting a relatively broad societal acceptance of potentially neglectful behaviors such as leaving young children at home alone for hours.

There is no validated measure that reflects the Korean definition of child maltreatment; most Korean studies have employed measures developed in other countries (Han et al., 2006). Using self-reports from a nationally representative sample of caregivers and children, Hong et al. (2000) estimated that 43% of Korean children experience child abuse. Critics responded to this high figure by arguing that the definition of child maltreatment did not reflect the cultural context of Korea. Using the Child Physical and Psychological Maltreatment (CPPM) measure,<sup>5</sup> Ahn and colleagues (2017) found that 25.3% of Korean children had experienced physical or psychological maltreatment in 2011. In 2018, the NCPA estimated that among child abuse victims in Korea, 70.4% experienced psychological or emotional abuse, 57.0% experienced physical abuse, 17.6% were neglected, and 6.5% were sexually abused. For the first three types of abuse, at least 80% of cases were committed by the parents of the focal child (NCPA, 2019).

## Factors associated with child maltreatment in Korea

Ahn and colleagues (2017) reported that household income is negatively associated with the risk of child maltreatment, especially child neglect. Similarly, parents' socio-economic status is also related to child maltreatment outcomes (Jeong, 2005). Poverty and living in a large city are both associated

with a heightened risk of child maltreatment (Oh, 2003). Under the influence of patriarchal culture, the likelihood of husbands physically abuse their wives is higher in Korea than in other industrialized countries (Doe, 2000), and there is some evidence that mothers who experienced violence by husbands are more likely to engage in child maltreatment than those who did not have such experiences (Kim, 1998). The family structure also affects the risk of child maltreatment. Children in single-parent families experience a higher risk of child maltreatment (NCPA, 2019), in part because these families tend to experience a lack of time and financial resources (Berger, 2004). In 2018, families with single parents constituted 8% of all families with children under age 18, but 25.4% of Korean CPS cases (NCPA, 2019).

A series of studies in Korea have reported on the characteristics of both maltreated children and perpetrators (Jeong, 2005; Kim, 2007; Lee & Lee, 2002; Nho, 2002). Among substantiated abuse cases, 73.5% of perpetrators are the biological parents of the child (43.7% are fathers and 29.8% are mothers) (NCPA, 2019). Among all perpetrators (parents and others), 58.5% are male, while 26.5% are in their 30s and 45% are in their 40s (NCPA, 2019). Abusive parents may experience mental and emotional distress, for example, hysteria, obsessive-compulsive disorder, anxiety, depression, and schizophrenia, at higher rates than non-abusive parents (Jeong, 2005).

Jeong (2005) reported an increased risk for child abuse among daughters whose parents had wanted a son, although Choi and Hwang (2020) later found that this preference has weakened over time. While earlier studies reported that boys were more likely to be victims of abuse than girls (e.g., Kim & Ko, 1987), recent research has found that girls are more likely to be victims than boys overall (NCPA, 2019), but boys experience a higher risk of physical abuse than girls (Ahn et al., 2017). Other factors associated with an increased risk of child maltreatment include being born prematurely and having mental health issues, a chronic disease, or a disability (Jeong, 2005; Lee & Lee, 2002). Adopting an ecological system perspective, Hong and colleagues (2011) concluded that micro-factors (parent-child relationship, intergenerational transmission of abuse, and domestic violence), mezzo factors (parent-teacher relations and teacher's perceptions about watching for child maltreatment at home), and macro-factors (the drinking culture in Korea) all influence child maltreatment risk in Korea.

## Child welfare administration and finances

Korea is in the process of developing a more integrated system of child welfare services. The Ministry of Health and Welfare (MOHW) is the government body that is ultimately responsible for planning and managing child

<sup>4</sup>A series of cases in which child abuse led to murder resulted in the governmental actions in July of 2020 to remove the parental rights to punish their children that were previously stated in the Clause 915 of Civil Law.

<sup>5</sup>The CPPM measure is based on a common self-report measure of child maltreatment called the CTS-PC, which was developed by Straus and colleagues (1998) and adjusted for the Korean situation (e.g., excluding sexual abuse for cultural reasons).



welfare services. In the past, a range of separate public agencies helped the MOHW implement child welfare policies and services including CPS, adoption, foster care, and others. However, a 2018 revision to Child Welfare Act established the NCRC, a public agency under the MOHW, in July of 2019, to replace these separate public agencies and help establish and implement more integrated child welfare policies and services. The NCRC is now primarily responsible for overseeing the delivery of child welfare services offered by local governments and local agencies and evaluating the related programs nationwide. Although this change is an improvement in terms of the integration of the delivery of child welfare services, NCRC is not a government department, but rather a public agency.<sup>6</sup> Thus, its effectiveness depends on institutional and legal support; to successfully manage child welfare services, NCRC must retain its independence and have access to the resources and authority needed to implement and monitor child welfare policies at the national level. The new system is currently under development, and thus, its actual function is as of yet unknown.

Most local CPS agencies are run by non-profit organizations that are contracted by local governments. Korean CPS workers have limited authority to investigate cases of suspected child maltreatment, while the criminal justice system, including police and prosecutors, still conducts much of the work of child protection services. Thus, while local governments are expected to take over the job of providing CPSs by 2020, it is uncertain how these services will be coordinated within and across jurisdictions. Furthermore, given the job rotation system in the civil service in Korea, guaranteeing the staff's expertise about and sensitivity to child welfare issues will be a critical challenge. The central government should provide a plan and support for staff education and supervision.

Experts report that the lack of coordination of placement services between CPS agencies and local governments is one of the most critical challenges in the child protection system (Ryu, 2017). Under the current system, CPS agencies become involved in child maltreatment cases only when there is an alleged perpetrator. In other cases, for example, when children have been abandoned, have been left alone due to their parents' death, poverty, or unemployment, or have run away, local governments often contract with non-profit organizations to provide child welfare services (e.g., in-home services, foster care, and housing in group homes). In most of these cases, children enter the out-of-home care system without any interaction with CPS. Recent legal changes will shift the responsibility

for both CPSs and local child welfare services to local governments by 2020; however, successful reform will require additional laws that address the support, control, coordination, and monitoring of local governments' services and connect these services to the national network.

In addition, Korea's budget for welfare, especially child protection services and out-of-home care, is very small compared to those in other OECD countries. Public expenditures on child protection services and other child welfare services were about \$63 million in 2018 or about 0.057% of the total public expenditure on children and adolescents (Choi, 2018).<sup>7</sup> Furthermore, the organizations that provide in-home and out-of-home care services are insufficient in both number and diversity.

The budgets of many local CPS programs are drawn from an unstable special fund instead of general tax revenues. These budgets are determined by the Ministry of Justice, not the Ministry of Health and Welfare, which is generally responsible for the implementation of the child protection system. In addition, the budget for most out-of-home care (except for foster care) and support for adopted children comes from another special fund, which is collected from the public lottery business and managed by the Ministry of Economy and Finance. The budget for foster care services, as well as financial support for children who have aged out of the child welfare system, comes from general tax revenues and is managed by the Ministry of Health and Welfare.

The potential effect of the integration of the child welfare system may be restricted by the devolution of financing for child welfare services to local governments. Korea has transferred the responsibility of CPSs and out-of-home care to local governments, and thus the budget for foster care and monitoring adopted children has shrunk over the last few years (Choi, 2020). For example, local governments are now fully responsible for the monthly financial support for foster care families (MOHW, 2020b). MOHW does not finance this program any longer, although the agency provides a guideline for local governments' monthly support for foster care families: about \$300–\$500 per child depending on the age of the child. For children currently in foster care, MOHW only provides a matching fund to local governments for psychotherapy, if needed, as well as premiums for accident insurance for these children (MOHW, 2020b). The devolution of financing may increase disparities in child welfare services across local governments. Furthermore, due to the lack of central government support for out-of-home care options, the potential for future service increases seems restricted. As noted above, implementing and managing a successful child welfare system

<sup>6</sup>A public agency is not the same as a non-profit organization because it is created as the result of a law that mandates the government to establish it. All funding for the agency comes from the central government, and its staff members have responsibilities similar to those of government employees.

<sup>7</sup>Authors' calculation based on Choi (2018). The calculation used the exchange rate on June 18, 2018: 1105.8 won for one US dollar.

will require increasing the budget for child welfare services and the central government's active support (not only the guideline) to increase out-of-home care options.

## CHILD WELFARE POLICY AND SERVICES IN KOREA

### Child protection services

In 2017, Korean CPS agencies received 34.5% of child maltreatment reports (51.3% if additional reports made during field investigations, such as abused siblings, are included); the police received 48.2%; and other public and private organizations received the remaining 0.6% (NCPA, 2018). In 2016, 32.0% of all reports received were made by mandated reporters, and in 2018, 27.3% of all reports were made by mandated reporters (NCPA, 2017, 2019). When a maltreatment report is received, protective service workers or the police, or the two together, initiate an investigation. The 2013 Special Act on the Punishment of Child Abuse states that an investigation should be conducted “immediately,” especially if the alleged victim's age is three or younger, but does not mandate a specific timeline; in practice, the initial investigation is usually conducted within a few hours. In 2016, an average of 2.1 investigations were conducted for each case of suspected child maltreatment (NCPA, 2017).

The current Child Welfare Law grants the police and prosecutors extensive authority to investigate, while granting CPS workers a more limited investigative ability.<sup>8</sup> However, under the 2013 Special Act on the Punishment of Child Abuse, CPS workers can ask the police to accompany them on field investigations in order to enhance their investigation ability. In 2016, 56.6% of investigations were conducted by a CPS worker(s) alone; 27.3% were conducted by CPS workers and the police; 10.7% were conducted by the police alone; and 3.8% were conducted jointly by CPS workers, the police, and public social workers.<sup>9</sup> Because CPS workers conduct

the majority of investigations alone, their limited authority to investigate is an important issue for the Korean government to address.

Once an investigation has been completed, the case is classified as either substantiated (i.e., child maltreatment occurred), unsubstantiated, or early support (unsubstantiated but support from CPS is needed). In 2018, 73.4% of cases were substantiated, 19.1% were unsubstantiated, and 7.1% were early support cases (NCPA, 2019). A CPS worker files a field report about each case, and then a team makes a final decision about substantiation and develops a plan for support and/or legal actions to pursue court orders.

CPS agencies provide a variety of programs and services for children at risk of maltreatment and their families. These services, which tend to be in-kind benefits rather than cash benefits, include intake counseling, individual counseling (including home visits), group counseling, medical and psychological tests, medical services, and various therapies (e.g., art therapy and play therapy). In addition, CPS agencies offer services aimed at strengthening families, temporary care services, and urgent care for children. Finally, CPS agencies can pursue legal mandates to protect a child (e.g., restricting the perpetrator's access to the child, court orders that protect the child).

Counseling services are the primary services provided by CPS agencies. In 2018, 63.9% of children involved in the system received counseling, and another 11.4% received psychological therapy, while only 7.3% received family-strengthening services. Few cases result in providing the child alternative, stable, long-term shelter in the aftermath of serious abuse. According to a NCPA (2019) report, 82.0% (20,164) of child maltreatment victims remained in their homes in 2018, while the rest were separated from caregivers. Among the latter group, 28.3% (1020) were returned home after a short time. In addition, 32 children died in 2018.

In 2018, 973 children received care in the 65 temporary shelters connected with local CPS agencies. According to a NCPA (2019) report, of the 678 children who exited temporary shelters in 2018, 45.1% stayed less than a month, 23.5% stayed 1–3 months, 11.9% stayed 3–6 months, 12.5% stayed 6–12 months, and the rest stayed over a year. Of the same group, 51.2% returned to their homes, 38.3% were placed into institutional/residential facilities, 1.2% were placed in foster care, 2.8% were placed in the care of relatives, and the rest (6.5%) were categorized as “other” (NCPA, 2019, p. 30). These percentages reflect Korea's focus on family preservation services, which has resulted in many children remaining or reunifying with their parents even when abuse was substantiated.

### Foster care

In Korea, the out-of-home care system is separate from the CPS system. In 2018, 4538 children were contacted by official

<sup>8</sup>For example, CPS staff are limited to making observations and asking questions specifically related to the protection of the child who is alleged to have been maltreated (Special Act on the Punishment of Child Abuse, Article 11), while the police have the authority to conduct a complete investigation. Although the 2020 revision to the Special Act on the Punishment of Child Abuse and Neglect Crimes granted the CPS workers the ability to investigate suspected child maltreatment cases, it is uncertain whether CPS workers will be able to actually use this new ability given the public perception that these workers may not have the authority to intervene in “private” family matters and the lack of substantive support for CPS workers. Further, the 2020 revision to the Special Act requires the police and CPS workers to report child welfare outcomes to the head of the local government.

<sup>9</sup>Public social workers are local government employees who specialize in social welfare in the region.

authorities (e.g., police, CPS staff, social workers) because they experienced child maltreatment or abandonment, were runaways, or were lost (i.e., they wandered away from their parents by accident) (KOSIS, 2020b); 86.3% (3918) of these children were placed in out-of-home care, while the rest were returned to their home immediately. Children were placed in out-of-home care for several reasons: parents were not married and felt unable to raise a child (8.2%), a family breakup (18.8%), child maltreatment (36.1%), running away (5.9%), death of parents (7.2%), poverty (5.1%), parental illness (2.3%), abandonment (8.2%), and being lost (0.5%). These children were placed into several types of care: 62.5% were placed in residential/institutional care, 23.9% were placed in foster care, 4.4% were placed for adoption, and 9.1% were placed in temporary foster care while waiting to be adopted.

An official report on foster care (KOSIS, 2020a) showed that in 2018, 11,983 children were in the formal foster care system. Of these children, 7.8% were placed in non-relative foster care, 66.3% were placed with grandparents, and 25.9% were placed with other relatives.<sup>10</sup> By comparison, in 2018, 46% of children in the US foster care system lived with non-relative foster families (U.S. Department of Health and Human Services, 2019). Thus, informal kinship care plays a vital role in the public child welfare system in Korea, while non-relative foster care is much less developed and supported in Korea than in the United States. Further development of the foster care system is an area of concern for children in need of out-of-home care.

Compared to institutional/residential care, foster care is a more favorable placement option for improving children's outcomes (Kang et al., 2014). Children in institutional care suffer learning delays and experience difficulties at school (Sung et al., 2001), and adolescents who age out of institutional care have difficulty in adjusting to school and employment (Kang et al., 2009). Foster care provides children with more “family-like” setting and more attentive care, which

can lead to increased stability, security, and a psychological sense of belonging, compared to institutional/residential care (Schulman & Behrman, 1993). Despite these advantages, relatively few children are in foster care in Korea.

Traditionally, institutional care, such as orphanages, were the only out-of-home care option in Korea. In 2003, the United Nations Committee on the Rights of the Child encouraged the Korean government to establish out-of-home care services with “more family-like” care (Kang et al., 2014). In response, the Korean government established 17 family foster care support centers. In 2005, the government revised Child Welfare Law to provide legal support for family foster care. However, on the whole, there has been limited improvement in Korea's foster care options, and the child welfare system continues to rely heavily on kinship care (KOSIS, 2020a). Notably, the potential for kinship care to serve as a significant permanent option for children also remains limited because the grandparents and relatives of children who enter out-of-home services may be economically vulnerable, but according to the current policy in Korea, grandparents who are poor cannot be part of the formal child welfare system. Similar to the kinship care program in the United States (Xu et al., 2020), only a small compensation is provided to grandparents and relatives providing foster care in Korea. In addition, although grandparents or relatives who are poor and excluded from the formal child welfare system may be eligible for other public assistance programs, these programs interfere with the integration of the child welfare system. Additional policies should be considered to provide more financial support to grandparent care providers, which would help meet not only grandparents' needs but also children's needs while they are placed with grandparents. In addition, a specific program geared toward grandparents' physical and mental health needs related to caring for children should be considered.

One reason for the slow development of foster care is cultural resistance to raising children from other families (Kang et al., 2014), which is perhaps a result of Korea's Confucian culture. The idea of serving as a foster care home or adopting a child is still not familiar to many Koreans. Policy practices, which are reinforced by and affirm cultural influences, have also been responsible for the slow development of foster care in Korea. The perspective of children and their interests have not been the focus of policy design and implementation. Furthermore, rearing children has been considered a private matter, and thus it has been assumed that a child left alone by their parents would be taken care of by grandparents or relatives without much government support. As a result, public authorities' responsibility to ensure the welfare of children has not received much public attention and has not been prioritized in policy development.

Additional policies must be implemented to strengthen and improve the family foster care system in Korea. The current monthly foster care payment of about 120,000 won

<sup>10</sup>The formal foster care system in Korea includes: grandparent foster care, other-relative foster care, and non-relative foster care. Not all children who live with their grandparents or other relatives are counted in this system because in order to be part of the official system, their caretakers must apply for the benefits provided by regional governments and must meet the following requirements: the Child Welfare Act Regulation (Article 2) requires a formal foster care family to have a certain level of income, enough to support the child; to have the capacity to provide the child with care and education to grow as a healthy member of society; to acknowledge the child's freedom of religion; to be young enough so the gap between the caregivers' age and the child's age is less than 60 (with an exception that the Minister of the region can make when judging whether a family is an adequate environment for a child's care); and to have four or fewer children including foster care child(ren). There are no available statistics on how many children who are separated from their parents live with their grandparents or other relatives in Korea, so no statistics on the proportion of these children who are part of the formal child welfare system are available.

(about \$100) per child, along with medical assistance and support for accident insurance premiums, is not enough to help foster families meet the financial cost of raising a child. The Korean government should increase the benefit level significantly and should initiate more active outreach, recruitment, and training for foster care providers to expand the pool of foster care parents. In addition, CPSs and out-of-home care services (including foster care) should be more closely linked in terms of both service delivery and data generation. Finally, there is evidence that children who enter the out-of-home care system stay for more than 8 years, on average, and typically do not return to their original homes (Kang et al., 2014). While this may be partially due to the selection of particularly difficult cases, it also shows that meeting the goal of family preservation requires a lot of work.

## Adoption

Because adoption involves family formation and parenting practices (Child Welfare Information Gateway, 2020; Pecora et al., 2009), which are strongly influenced by cultural practices, Korea has a unique history of practices and policies related to adoption. Between the early 1950s and the 1970s, adoption was used to provide permanent homes for war orphans and children abandoned due to destitution (Bergquist et al., 2007; Condit-Shrestha, 2018). The subsequent decades saw an increasing demand for adoption to function as a key component of the continuum of child welfare services (Lee, 2007). However, even in this period, adoption was approached mainly from the perspective of potential adoptive parents—for example, a childless couple wanting to adopt a child to form a “normal” family with children or to maintain a family line—rather than from the perspective of the best interests of children (Woo, 2002).

In general, Koreans have avoided adoption based on cultural beliefs and norms, and thus few domestic adoption options have been available. A cultural tradition that prioritizes family cohesion, family lines, and family honor over an individual family member's wellbeing and that emphasizes the importance of having biologically related children (especially the first son of the family) fulfill the requirement of ancestor worship has prompted Koreans to avoid adoption, and consider it only as a last option for childless couples. When families do adopt children, they often keep the adoption secret. Based on Confucian beliefs, there is a negative stigma attached to adopting a child who is not a biologically related family member (Lee, 2007).

The legal process of adoption is regulated by two main laws: the Korean Family Law and the Special Adoption Assistance Act. The Family Law, which was enacted in 1958, followed “the best interests of the family” principle by specifying that the primary purpose of adoption was to provide

the means to maintain family lines and estates (Lee, 2007). The law recognized adoption as a private family matter that entailed minimal government intervention or supervision. A 1990 revision of the law eliminated several of the provisions that focused on maintaining family lines as the sole purpose of adoption (Kwon, 1997, as cited in Lee, 2007).

The passage of the Special Adoption Assistance Act of 1961 brought about major changes to the adoption of homeless children in Korea, but its primary goal was to promote international adoption as a way to find permanent homes for Korean War orphans and children who had been abandoned (usually for economic reasons). As South Korea began to achieve drastic economic improvement, people began to criticize the practice of sending Korean children to foreign countries, which some saw as separating children from not only their birthparents but also their racial, cultural, and national communities (Bartholet, 1993). This criticism was not driven by concern about the wellbeing of children (Lee, 2007) as much as national embarrassment about sending thousands of children abroad. In response, the government initiated several efforts to reduce the number of international adoptions.

One such effort was the 1994 revision of the Special Adoption Assistance Act. The revised law emphasized the interests of the child and recognized adoption as a key component of child welfare services (Kwon, 1994). In addition, the law mandated that all adoptive placements must be approved by a licensed adoption agency, and required adequate investigations of adoptive parents before placement as well as post-adoption services such as supervision and follow-up assessment of children by a licensed adoption agency. Furthermore, the government began providing adoption subsidies to adoptive parents in Korea to encourage domestic adoptions. In 2012, a second major revision to the Special Adoption Assistance Act gave local governments responsibility for the implementation of adoption policy.

While research outside Korea has found that, relative to residential care and foster care, adoption has long-term benefits for children, such as stability, security, and a psychological sense of belonging (Newton et al., 2000; Oosterman et al., 2007; Schulman & Behrman, 1993), there is little empirical research on how adoption affects child outcomes in Korea. No studies have empirically examined the potential costs and benefits of open adoption for children, birthparents, and adoptive parents in the Korean context.

Despite governmental efforts to encourage domestic adoption, it is still not a popular placement option for children who come under the protection of the government. Lee (2007) found that during the preceding 10 years, only 10%–17% of children who needed out-of-home care were adopted. As noted above, among the children who entered out-of-home care in 2018, only 4.4% were placed for adoption, while 9.1% were placed in temporary foster care while waiting to be adopted (KOSIS, 2020b).



Improving domestic adoption will require expanding and strengthening the foster care system in Korea because foster care placements can serve as an important pathway to adoption, especially for children with special needs (Bergquist et al., 2007). Becoming a foster parent may ease the anxiety of taking responsibility for a child who is not biologically related (Lee, 2007). With regard to policy decisions about international adoption, changes must be based on the best interests of children rather than emotionally charged arguments, national pride, ideologies, and ad hoc evidence (Sarri et al., 1998). Whether international adoption is preferable to domestic institutional care from the perspective of the child's welfare (and, if so, under what circumstances) remains an open question. If the government discourages international adoption, it must strengthen domestic options for adoption and foster care. Effective policy and evaluation will require empirical evidence about these issues.

More evidence about open adoption in the Korean context is also necessary. The potential benefits of open adoption include preventing identity confusion among adoptees (Silber & Dorner, 1990); however, potential concerns include prolonging separation and grief and interfering with the bond between adoptive parents and the child (Lee, 2007). Empirical research on the effects of open adoption will allow policy makers and practitioners to weight the benefits and risks of open adoption in the Korean context.

## IMPLICATIONS FOR CHILD WELFARE POLICY AND SERVICES IN KOREA

Children in Korea report the lowest level of happiness among children from 22 OECD countries (Ryu, 2017). Korea is a highly competitive society (Yoon, 2018) in which private education often starts early in childhood and increases stress for both parents and children, which in turn increases the risk of child maltreatment.<sup>11</sup> Economic crises, increases in family separation, and increases in the social isolation of caregivers may have contributed to the increase in reports of suspected child maltreatment (Ahn et al., 2017).

Child protection services in Korea have always prioritized family preservation (NCPA, 2019), which has resulted in many children remaining with their parents even when the parents were abusive. The high rate of Korean child maltreatment victims who are returned to their homes may be

partially driven by the shortage of out-of-home placements. Given Korea's specific cultural tradition and general situation, it is particularly important to increase advocacy for children's rights of survival, protection, development, and participation, as reflected in the UN Convention of the Rights of the Child.

The family-focused approach to child welfare in Korea can adequately meet the needs of children and families only if reports of child maltreatment are made appropriately and followed by adequate investigations, in-home and out-of-home care services and placements, and permanency planning services. To strengthen the family-focused approach and make it serve the goal of family preservation, the nation must provide a clear definition of child maltreatment, further develop a system that receives and investigates reports of child maltreatment and integrates the delivery and financing of the child welfare system and the national data network, increase resources for children and families, and educate and train effective workers to perform the expected roles, the details of which we discuss below.

First, developing a clear definition of child maltreatment that reflects the Korean Child Welfare Act and aligns with Korean culture remains a significant task and will require more case review studies. The lack of a clear definition prevents many cases of child maltreatment from being identified. The current legal definition of child maltreatment is abstract and unclear and thus is open to arbitrary interpretation and leads to the possibility that mental abuse and other types of abuse will be overlooked. In addition, the Korean government has never defined abandonment.

An examination of the Korean child welfare system reveals that the fragmentation of both the delivery and financing of services is a significant policy challenge. While recent legal changes are expected to address some of this fragmentation, there are challenges to successful implementation. The new public agency, NCRC, is responsible for many programs designed to ensure the well-being of children, but, under the current arrangements, these programs receive limited resources and authority to access integrated data and implement and monitor child welfare policies. Local governments are now responsible for hiring CPS workers who receive reports of alleged child maltreatment, investigate these reports, and provide services to support victims, as well as for financing most of the budget for foster care programs and implementing these programs with limited support from the central government. Thus, additional measures should be passed to provide NCRC and local CPS workers the necessary support to fulfill the agency's expected function.

Effective child protection services require workers who investigate and assess child maltreatment to exhibit a high degree of sensitivity and cautiousness and possess highly specialized knowledge and practical skills; thus, it is essential for the system to sufficiently educate and train child

<sup>11</sup>Parents' intense identification with their children and very high expectations of success for their children has led to a highly competitive education system in Korea (Hahm & Guterman, 2001). On a related note, Korea has the lowest fertility rates in the world, due to these factors as well as the increasingly high cost of raising children.

welfare workers. Given the frequent job rotation system in civil service in Korea, ensuring the expertise and sensitivity of the responsible staff to child welfare issues is a critical policy goal. Perhaps creating a team of staff not subject to job rotation can be considered, although these staff would require sufficient compensation and institutional support because child welfare workers are subject to burnout and turnover due to the stressful nature of the job. It would also be helpful for the central government to provide a system for selecting, educating, and supervising the staff for child welfare services at the nation level. While it is important for child welfare workers to have the authority to sanction and penalize individuals for noncompliance, those who are accused must have ways to appeal the decisions of child welfare authorities.

In Korea, there has been a continued effort to build a national administrative data network. Building a nationwide network of child welfare databases that local CPS workers can access is also important. The recent COVID-19 pandemic highlights the necessity of developing a nationwide database accessible to CPS staff, improving communication between agencies and with families, and strengthening efforts to implement preventive measures. When students were not attending school due to COVID-19, teachers and child welfare workers were unable to watch for signs of maltreatment, and in one unfortunate case, a child was abused for months before the child died. In addition, recent studies have found that COVID-19 has exacerbated pre-existing disparities by negatively impacting already vulnerable families; furthermore, the stress families experience due to the pandemic may impact children's well-being and safety (Herrenkohl et al., 2020; Liu & Doan, 2020). Therefore, it is critical to further develop a coherent and unified child protection system that connects the central government and local CPS agencies as well as community organizations and institutions involved in the lives of children.

In addition, increasing the government's budget for child welfare services is important. To increase funding stability, the child protection system must be financed via general tax revenues (rather than special funds). To improve program effectiveness and efficiency, the government body responsible for the implementation of the services should finance these programs' budgets. Furthermore, the budgets for many child welfare services, such as CPS and most foster care, are now the responsibility of local governments (e.g., 100% of the budget for the financial support of foster care families), which may increase disparities in services across regions and limit the potential for budget growth, given the Korean context in which children's well-being is a low policy priority and local governments may be less interested than the central government in issues that receive little public pressure. The absolute magnitude of the budget for child welfare services in Korea remains insufficient.

Implementing the new policy of local governments taking over CPSs will also require more resources and significant institutional investments at the level of central government. Although the explicit goal of the child allowance adopted in 2018 was to overcome the low birth rate in Korea and reduce the child-rearing burden of families, fundamentally, the policy both reflects and reinforces the changing public belief in Korea that raising children is not simply a family affair but also a social responsibility.

Therefore, increasing preventative child welfare services that provide support to families and children, as well as quality in-home and out-of-home care services is crucial. Because there are very few out-of-home placement options for children in Korea, even in substantiated cases of abuse and neglect (Lee, 2007), it is critical to expand and strengthen the foster care system and the domestic adoption system. Doing so will require raising benefit levels for foster care families and implementing more active outreach and recruitment of both foster care families and adoptive families. Although practitioners and policymakers have placed increasing emphasis on evidence-based policy making, there is limited empirical evidence that can inform policy decisions in the field of child protection services in Korea. Because of the nation's unique cultural and policy contexts, applying findings from empirical research conducted in other parts of the world will not guarantee successful results. Thus, collecting and analyzing comprehensive child welfare data should be a high priority for the Korean government and researchers.

Prior studies have found that limited out-of-home placements and services are barriers to achieving permanent solutions for children (Kang et al., 2014). Increasing the available resources and services, including financial support, available to families who provide out-of-home placements would help promote the safety, permanency, and wellbeing of children and their families. Achieving the goal of family preservation for children in need of protection will require adequate resources; without these resources, the family-focused practice or the emphasis on family preservation might deter, rather than help, the development of a system that will achieve the declared goal.

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## DATA AVAILABILITY STATEMENT

Data sharing not applicable - no new data generated.

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