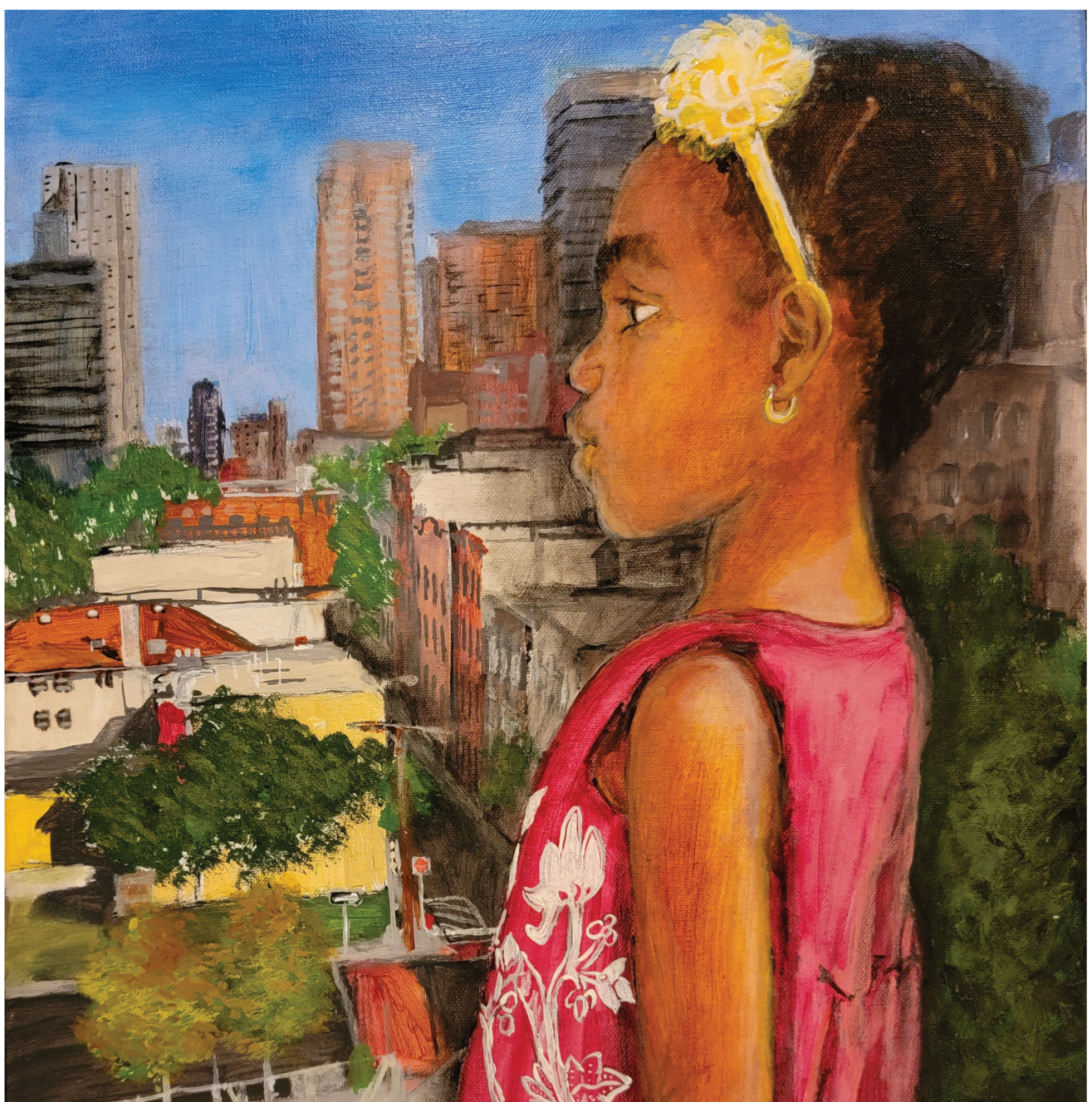
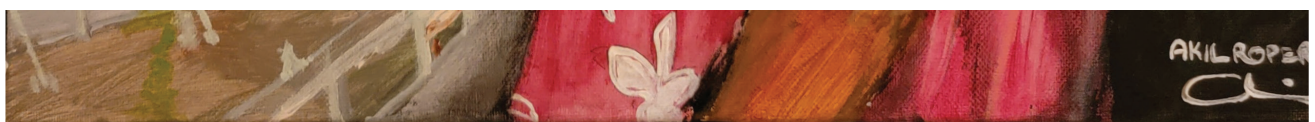


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A Journal for Family Well-Being | Summer 2022



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Family Integrity & Justice Quarterly

A Journal for Family Well-Being

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Investing in Communities is an Act of Justice

Jerry Milner and David Kelly

A family's ability to remain together should never hinge on their zip code, race, or economic status. Yet when we look across the country, state-by-state and county-by-county, there are clear patterns—clusters on maps where most children that enter foster care are from. We've seen these maps compared to historic maps of redlining in specific communities and the shapes and borders are a near match. Geography also affects which children are removed from their families when looking at locations of American Indian populations. These places hold in common a history of government-planned isolation, planned disenfranchisement, and lasting disadvantage.

There are other places that may have once thrived and are now forgotten or places that have never truly prospered.

As diverse as these places and their families and communities are, they have something deeply important that unites them; they are the homes of parents that love their children.

In urban centers in the northeast, midwest, and deep south, on the west coast, in Appalachia, throughout Indian Country, on the borders, and everywhere in between, families living on the margins economically are most likely to come into contact with the child welfare system. And it is their children who populate the child welfare system in the United States disproportionately.

The simple fact is certain communities are affected more by the way we operate child welfare in the United States than others—poor communities and particularly poor communities of color.

For as long as we've been in the field of child welfare, we've heard the common refrain that communities must step up, that the child

protection agency can't do it alone. Likewise, there is growing recognition that communities know what their families need most, and it is becoming increasingly popular to hear the importance of sharing or shifting power to communities and community-led design.

So far, these remain largely words—void of meaningful action or investment.

When it comes to investing in communities and shifting power to communities, tokenism and superficiality continue to rule the day, no matter the sector.

Rather, it's been treated as a nice idea, deemed less important than testing treatment approaches and evidence-based services that are remedial rather than preventative. Something folks may nod their head to in a public setting or even verbalize a commitment to but have not mobilized around. Efforts have been piecemeal, tentative, or temporary—the equivalent of dipping toes in the water.

In child welfare, we've often tried to squeeze the concept of community-based support and services into the mold of what current child welfare consists of—responding to reports of abuse and neglect, separating children, and providing convenient, standardized, and predictable services. As a field, we have yet to explore the concepts behind community-based supports and services and their relationship to child and family well-being and involvement in the child welfare system.

Very few federal child welfare dollars go to true community-based supports or services. For example, the amount of federal dollars appropriated for the Community Based Child Abuse Prevention Program (CBCAP), specifically devoted to primary prevention, is minuscule compared to the multi-billion dollar foster



Greeting (Mother Theresa and Gandhi), NYC

© Anisa Rahim

care program under Title IV-E, specifically devoted to paying to separate children from their families.

Recent attempts to increase the availability of “prevention” services to keep families safely together, as in the Family First Prevention and Services Act (FFPSA), limit the funding to circumstances in which a family is already in trouble and children are on the verge of entering foster care. Even then, they are only eligible for a pre-determined menu of clinical treatments that have met increasingly high standards of evidence of effectiveness. Hardly any of these eligible services have been tested on the families most over-represented in foster care, Black and Indigenous families, yet we offer them anyway. And, in placing our focus on clinical interventions alone, we ignore the social conditions, historical trauma, and debilitating demands on poor families to hold

it all together. In essence, it is the opposite of a community-based approach to supporting children and families before child welfare is needed. It is another example of writing prescriptions for symptoms and failing to examine the causes of pre-existing conditions. In this case, those conditions are societal, but their threat to physical health and emotional well-being is just as strong as any disease.

When three-quarters of the substantiated child maltreatment reports each year are for various forms and widely divergent definitions of neglect, when most of those reports are tied somehow to poverty, when one quarter of children entering foster care do so solely due to overly broad definitions of neglect—funding a system continuing to treat only the symptoms of conditions we have failed to address makes little sense. It yields the precise results we now see in child welfare: long separations from

family, siblings separated, and exceedingly poor outcomes for those approximately 20,000 youth who leave foster care due to age each year after spending most of their growing up years in a series of foster care placements.

These results speak for themselves. It's time for all of us to step up to make sure communities have what they need to play their vital roles. That means more flexibility in funding, directing funding elsewhere, and trusting that communities can be there for families. It begins by addressing our own hubris as decision-makers and believing that communities and families are able to identify what would be helpful and how it should be available.

During our years in the Children's Bureau, we visited and observed enough programs around the country to know that there is a better route to helping families stay together, strong, and safe. There are better ways to build upon the strengths of communities to support families that are hopeful and healing because they are grounded in culture, healing, and wellness, not family separation. We saw first-hand the approaches used by the Port Gamble S'Klallam Tribe in Washington State, the [San Mar Bester Community of Hope](#) in Maryland, the [Bring Up Nebraska initiative](#), the [Center for Family Life](#) in Sunset Park, Brooklyn, NY, and others.

Each of the efforts is an example of networks of supports, in different communities, that are bravely taking on the core conditions that bring families to the attention of the child protection system so that children can remain safely with their families right in their own communities. They are places that proactively provide a

wide range of familial supports, including legal assistance, childcare, tutoring, after-school care, peer support, aid with concrete needs including housing, and numerous other community supports. These places convinced us that it indeed still existed and even more strongly. They are places that build upon strengths and help fill gaps that families trust. This is the power of community!

This issue of the *Family Integrity & Justice Quarterly* is intended to take us beyond the notion of the community "stepping up" and taking responsibility for families' well-being. It is intended to highlight the need to invest in communities to support families and begin making up for the harm approaches to date have done to families and their communities.

This issue also provides much-needed insight into how and why we should engage with communities and pursue true co-design to help create conditions that strengthen families. Additionally, it is a clarion call to consider the damages to families inflicted by a system that is funded open-endedly to separate children from parents and minisculely to support them in staying happily together.

We can, in fact, do better for our children and families when we invest in the power of their voices, self-determination, and communities. So long as we allow status quo funding approaches and policies to limit our imaginations and commitment to replacing outdated ways of work, we will be stymied. But, as we press forward to demonstrate that there is indeed a better way, we may just realize the consequence of policy and funding that follows the practice and outcomes.



Mother and Child, Philadelphia

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FOREWORD

Lexie Grüber-Pérez

For decades, people impacted by the child welfare system have demanded to be included in the redesign of these institutions. It seems their calls are finally being heard. Terms like ‘user-centered design,’ ‘lived experience engagement,’ and other euphemisms for citizen participation have entered the favored lexicon of child welfare leaders. Even major child welfare funders, whose proclamations drive the direction of public policy, have urged these leaders to co-design with communities.¹

In this journal, you will hear from leading organizers and advocates about the need to shift decision-making power to the communities most acutely impacted by the child welfare system. Calls for redistribution of power to people with lived experience are borne out of the revered American values of democratic participation and self-representation. Few would object to such fundamental ideals. But enthusiasm for inclusion wanes when newly included voices speak truth to power.

Beyond calls for inclusion, our authors make clear that countless families have been destroyed in the name of ‘child safety.’ They argue child protection systems often function as family policing agencies that do little to protect children from ongoing abuse and nothing to prevent maltreatment. These writers call for bold, transformative changes to law, for new federal financing investing in communities, and for reparations for destroyed families.

How can we make sure these calls are answered, and this movement is successful? By ensuring they resist the timeless challenge facing movements: co-optation. Co-optation is a term used to describe the process by which powerholders neutralize threats to the status quo. By adopting a movement’s language and hiring its leaders, powerful institutions are able to rebrand themselves and insulate themselves from criticism and accountability without delivering any material reform.

The power dynamics between challengers to the status quo and powerholders—those with the power to enact the change that challengers seek—are complex. Sometimes co-optation is intentional. Yet casting co-optation as a malicious strategy deliberately wielded by powerful individuals to marginalize dissent is overly simplistic. It is more often the case that well-intentioned individuals within powerful institutions genuinely embrace change, but, despite the best intentions, their efforts still result in co-optation. Co-optation tendency to masquerade as, or insidiously grow from, earnest efforts at collaboration is what makes it such a persistent threat to progress.

So, what can we learn from those who came before us, saw similar challenges, fought similar fights, sometimes won and sometimes lost? In this foreword, we will examine scholarship that analyzes the work of advocates and organizers from past generations to help us understand how movements are demobilized and co-opted. By better understanding this power interaction, we can equip ourselves to see the warning signs of co-optation and ensure that it is the status quo—not the movement—that is abolished.

Investing in Community Power: A Tried-and-Tested Idea

The idea of federally funded community empowerment may sound new and radical, but it has already been enacted into law over half a century ago. The Economic Opportunity Act of 1964, the centerpiece legislation of the ‘War on Poverty,’ required that new anti-poverty programs be “developed, conducted,

¹ “Child Welfare Co-Design.” Casey Family Programs, 18 Apr. 2022, <https://www.casey.org/codesign-lived-experience/>.

² Economic Opportunity Act of 1964, Pub L. No. 88-452, § 202(1)(3), 78 Stat. 505, 516 (1964).



Lexie Grüber-Pérez

and administered with the maximum feasible participation of residents of the areas and members of the groups served.”² The essence of maximum feasible participation can best be summed up by Senator Robert F. Kennedy’s testimony before Congress urging the passage of this bill:

“The institutions which affect the poor [operate] far outside their control. They plan programs for the poor, not with them. Part of the sense of helplessness and futility comes from the feeling of powerlessness to affect the operation of these organizations. The community action programs must basically change these organizations by building into the program real representation for the poor. This bill calls for, “maximum feasible participation of residents.” This means the involvement of the poor in planning and implementing programs: giving them a real voice in their institutions.”³

The law established over a thousand federally funded Community Action Agencies that administered local community action programs.⁴ Federal dollars flowed directly to these grassroots organizations, bypassing state and local governments.⁵ Communities used federal dollars to fund direct action, including rent strikes and sit-ins, and developed new programs, like [Head Start](#). Low-income community members served on the Community Action Agencies’ boards and were employed to administer programs.⁶ It was a first of its kind of federal experiment in allowing those served by the welfare bureaucracy some ownership and administration of it.

The effort to ensure maximum feasible participation was short-lived. Threatened by the newly empowered poor, policymakers worked to progressively defund and dismantle these community-based anti-poverty programs. What began as a genuine attempt to empower the poor turned into “participation without redistribution of power, [allowing] the power holders to claim that all sides were considered but make it possible for only some sides to benefit. It maintain[ed] the status quo.”⁷

Maximum Feasible Participation ... or Manipulation?

Co-optation theory can help us understand why “maximum feasible participation” failed. Co-optation refers to the process by which powerholders respond to a threat to the status quo by neutralizing or absorbing movements that seek change.⁸ Social movements that are co-opted will work with powerholders but gain no advantages from this partnership.⁹ ‘Powerholders’ are defined by scholars as individuals within powerful institutions—such as government agencies, foundations, and nonprofits—with the power to make decisions that challengers to the status quo seek.¹⁰ The following sections use foundational co-optation theory to illustrate a three-stage model of how co-optation emerges in child welfare reform spaces.

Stage One: A Threat to the Status Quo Emerges

Co-optation begins when community mobilization presents a threat to the status quo.

³ United States, Congress, House Committee on Education. Economic Opportunity Act Amendments of 1967. Government Printing Office 1967.

⁴ Rubin, Lillian B. “Maximum Feasible Participation: The Origins, Implications, and Present Status.” *The Annals of the American Academy of Political and Social Science*, vol. 385, 1969, pp. 14–29. JSTOR, <http://www.jstor.org/stable/1037533>.

⁵ Bailey, Martha J., and Nicolas J. Duquette. “How Johnson Fought the War on Poverty: The Economics and Politics of Funding at the Office of Economic Opportunity.” *The Journal of Economic History*, vol. 74, no. 2, 2014, pp. 351–388.

⁶ Naples, Nancy A. “Contradictions in the Gender Subtext of the War on Poverty: The Community Work and Resistance of Women from Low Income Communities.” *Social Problems*, vol. 38, no. 3, 1991, pp. 316–32, <https://doi.org/10.2307/800602>.

⁷ Sherry R. Arnstein (1969) A Ladder Of Citizen Participation, *Journal of the American Institute of Planners*, 35:4, 216–224, DOI: 10.1080/01944366908977225

⁸ Coy, Patrick G., and Timothy Hedeem. “A Stage Model of Social Movement Co-Optation: Community Mediation in the United States.” *The Sociological Quarterly*, vol. 46, no. 3, 2005, pp. 405–35. JSTOR, <http://www.jstor.org/stable/4120946>.

⁹ IBID.

¹⁰ Markus Holdo (2019) Cooptation and non-cooptation: elite strategies in response to social protest, *Social Movement Studies*, 18:4, 444–462, DOI: 10.1080/14742837.2019.1577133

Powerholders may respond to this mobilization with genuine support for the movement's call to action. Yet, good intentions alone may be insufficient to mitigate the likelihood of co-optation. The tendency towards co-optation is, to a certain extent, inherent to the structures of interaction between challengers to powerful institutions and powerholders themselves.¹¹

Stage Two: Co-optation Occurs to Neutralize the Threat

Co-Optation of Language

Movements are defined by their rallying cry, the unique words and phrases used to encourage people to unite and act in support of a particular goal. Language may be intentionally provocative to draw attention to the cause. By co-opting a movement's language, powerholders can perform solidarity with a movement while simultaneously diluting its effectiveness and radical nature. This tactic may enable powerholders to redefine a movement's language, distancing it from the revolutionary ideas that it initially evoked. Take, for example, the co-optation of the terms 'reimagine' and 'transformation' used by activists calling for the abolition of the child welfare system.¹² Foundations, system leaders, and organizations use these terms to describe fundamentally different goals. Co-opting and redefining language defuses and dilutes demands for change. As said by famed community organizer Saul Alinsky,

"Action comes from keeping the heat on. No politician can sit on a hot issue if you make it hot enough."¹³ Extinguishing heated calls for legislative change snuffs out any chance for meaningful policy change.

Co-Optation of People

Powerholders will also seek to neutralize a movement by co-opting its members via direct inclusion in decision-making or employment. In labor organizing, this is referred to as "labor busting." In more colloquial terms, it is called buying people off.¹⁴ Co-optation of people can occur even when powerholders are earnestly working to build consensus with and foster representation of the community. But consensus and co-optation can appear nearly identical in bodies marked by stark power imbalances.

One tactic is "channeling."¹⁵ Powerholders will create centralized, orderly discussion and decision-making channels and invite individuals with lived experience to participate.¹⁶ These channels include advisory boards, committees, and other workgroups. Channels replicate, not replace, the unequal balances of power between system leaders and those directly impacted by the system. Substantive power over the structure and mandate of channels is held by powerholders, while responsibility for administrative functions is shared with people with lived experience.¹⁷ One pervasive example of how this plays out in practice is that advisory boards are structured so that child welfare system leaders retain sole oversight

The Cycle of Co-optation

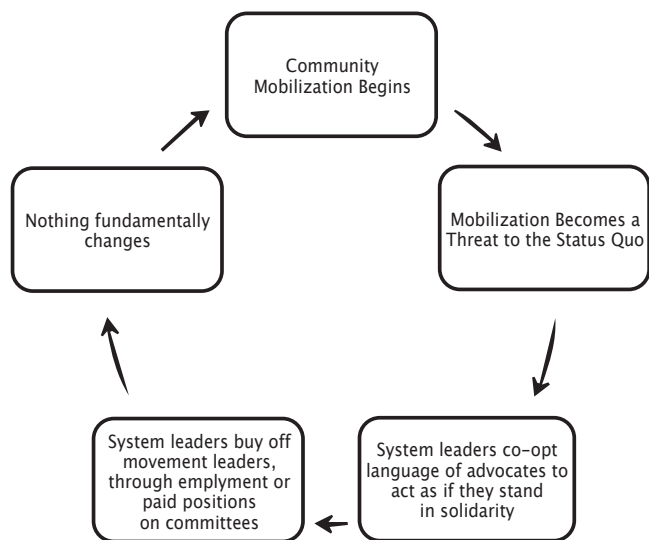


Illustration by Author

¹¹ Coy, Patrick G., and Timothy Hedeon. "A Stage Model of Social Movement Co-Optation: Community Mediation in the United States." *The Sociological Quarterly*, vol. 46, no. 3, 2005, pp. 405-35. JSTOR, <http://www.jstor.org/stable/4120946>.

¹² Detlaff, Alan, et al. "The Power of Co-Opting: Language Is Changing, But Will It Change The Status Quo?" *Upend Movement*, 7 Apr. 2022, <https://upendmovement.org/2022/04/07/language/>.

¹³ Alinsky, Saul David. *Rules for Radicals*. 1972.

¹⁴ Alinsky, Saul. (2010). *The War on Poverty—Political Pornography*. *Journal of Social Issues*. 21. 41 - 47. 10.1111/j.1540-4560.1965.tb00482.x.

¹⁵ Coy, Patrick G., and Timothy Hedeon. "A Stage Model of Social Movement Co-Optation: Community Mediation in the United States." *The Sociological Quarterly*, vol. 46, no. 3, 2005, pp. 405-35. JSTOR, <http://www.jstor.org/stable/4120946>.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

over the initiatives' funding. Money—a critical form of power—is withheld from people with lived experience, although this is a supposed exercise in power-sharing.

Within these channels, powerholders may also reorient individuals towards more moderate reforms. Rules may dictate, for example, that the body cannot engage in activities that are central to a movement's work. In the world of child welfare, this might mean that a channel developed in response to calls to change neglect statutes may dictate that the group does not engage in lobbying, despite it being a central tactic in advocating for legal change. Alternatively, powerholders may create focus groups or convene advisory boards as a means for rubber-stamping reforms that are palatable to their own agenda. Since these channels often have no formal governance mechanisms to ensure that feedback is integrated into the plan forward, powerholders may exploit these individuals for their endorsement and subsequently discard their advice.

Invitations to join decision-making channels may be hard to pass up. Inclusion may appear to be an opportunity to leverage the credibility, resources, and political connections of more powerful institutions to secure movement wins. It's especially tempting when that inclusion is well-compensated. Compensation is an intractable problem within asymmetrical power relations. Paying lower-income individuals for their time can ensure equitable inclusion, prevent financial barriers to participation, and honor their expertise. But funding structures that place authority for releasing funds solely with powerholders may intensify asymmetrical power relations.¹⁸ I have seen this firsthand. In my younger years, when money was tight and I was a fledgling advocate participating in well-funded working groups, I feared dissenting from powerholders would mean risking the financial compensation I desperately needed.

Another paradoxical challenge of inclusion is the psychology of procedural justice. Individuals who participate in decision-making are more likely to feel ownership over the process and resulting decisions, even when the outcome is not fully satisfactory to the individual.¹⁹

Ultimately, these channels that begin as responses to radical calls for change result in a moderated plan for reform. This can best be illustrated by the endless creation of new working groups and committees on racial equity in the wake of George Floyd's death. Sociologists studied one such partnership, which was a collaboration between community members and a child welfare agency to design and implement a solution to the overrepresentation of Black children. After a robust analysis, they concluded that it was “symbolic and the result of diversity without inclusion, that caused further exploitation of the Black community [and] resemble[d] tokenist approaches rather than meaningful and effective ways for addressing overrepresentation and racial disparity.”²⁰

Stage Three: Mobilization Ends Due to The Illusion That Powerholders Are Addressing Their Demands

The final stage of co-optation is “salience control.”²¹ The use of the movement's language fosters trust within the community. The inclusion of community members—what some have called ‘a good face in a high place’—gives the illusion that they are the recipients of redistributed political power. Powerholders outwardly appear to be adequately addressing the demands, which erodes the movement's salience. The set of injustices that originally galvanized the movement remain intact. Nothing fundamentally changes.

¹⁸ Boatswain-Kyte, Alicia & Trocmé, Nico & Esposito, Tonino & Fast, Elizabeth. (2021). Child protection agencies collaborating with grass-root community organizations: partnership or tokenism?. *Journal of Public Child Welfare*. 1-27. 10.1080/15548732.2021.1891184.

¹⁹ Rick L. Lawrence, Steven E. Daniels & George H. Stankey (1997) Procedural justice and public involvement in natural resource decision making, *Society & Natural Resources*, 10:6, 577-589, DOI: 10.1080/08941929709381054

²⁰ Boatswain-Kyte, Alicia & Trocmé, Nico & Esposito, Tonino & Fast, Elizabeth. (2021). Child protection agencies collaborating with grass-root community organizations: partnership or tokenism?. *Journal of Public Child Welfare*. 1-27. 10.1080/15548732.2021.1891184

²¹ Coy, Patrick G., and Timothy Hedeon. “A Stage Model of Social Movement Co-Optation: Community Mediation in the United States.” *The Sociological Quarterly*, vol. 46, no. 3, 2005, pp. 405-35. JSTOR, <http://www.jstor.org/stable/4120946>.

Conclusion

We have the once-in-a-generation opportunity to right the wrongs of child welfare. Our authors' calls to action are how we make that happen. Heeding their calls will require dynamic changes to law, to policy, and to our own internal belief systems about the value of people on the margins. These demands for change will be met with fierce opposition by those who reap compensation, high status, or other forms of power from current system structures.

If we do not acknowledge the ways in which individuals and institutions have been shown to act to protect the status quo, collaboration with communities is, at best, a waste of resources. At worst, it is an abuse of the communities we purport to serve.

We should not leave our review of the research believing that co-optation is a deterministic process. Movements can resist co-optation.

Movements can bring about a more just, humane world. As sociologists Patrick Coy and Timothy Heeden wrote in their stage model of co-optation, “the social dynamics of co-optation are not made up of some inexorable force progressing toward a preordained and complete co-opting of challenging movements.”²²

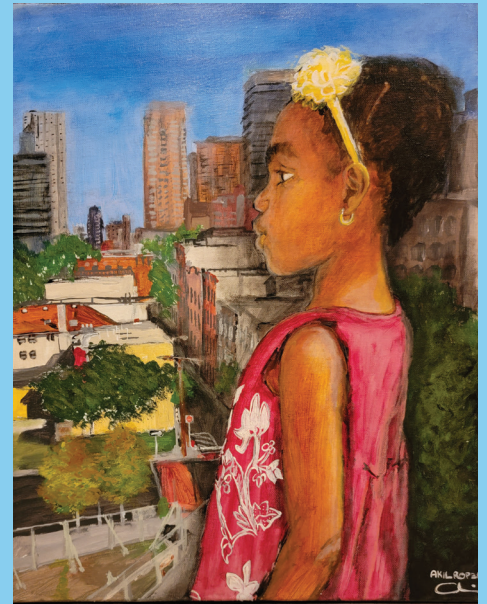
My intention in this foreword is to encourage you, the reader, to remain aware of and vigilant to co-optation, and begin to equip you with the tools to identify when it is happening. There is one last element needed: your courage.

²² IBID.

Lexie Grüber-Pérez is an incoming Service Design masters candidate at the Royal College of Art in London. She previously served as the Senior Advisor to the Associate Commissioner of the Children's Bureau during the Biden Administration.

On The Cover

The cover art was created by Akil Roper. Akil Roper was born and raised in New Jersey and is a social justice advocate, artist, and community member. You can contact him and see his work at akilroperart.com and on Instagram @akilroperart.



**"HONORING
THE POWER OF
FAMILIES AND
COMMUNITIES"**





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My Perspective

Aprille Smith

In 2012, the unimaginable happened: The Division of Youth and Family Services (DYFS now known as DCPD) removed my children from my care because I was a victim of domestic violence and was also severely depressed and suicidal. After their removal, I lost everything: my family, my sanity, my integrity, and my home. How did this happen? How could this happen to our family?

This Wasn't Supposed to Be My Life

My ex-husband and I married at a very young age. Our parents were supportive and fully provided for us both emotionally and financially. They tried to give us everything we needed and did what they could to nurture our dreams.

My mother was a highly educated, strong Black American woman, who had me later in life as a single parent. I was also raised with the help of my grandmother and my mother's very best friends, who were effectively an extended family. We were not rich, and we lived in government housing. My mother saved and tried to offer me every opportunity to succeed in life, such as sending me to private schools. Through her, I thought I could be and do anything.

After high school, I enrolled at Morgan State University, a historically black college or university (HBCU), where I majored in telecommunications and minored in music (I had high aspirations of working in the entertainment business). I always wanted to be an entertainer even when I was young girl.

At first, school felt right. I had an amazing group of friends. I was on the Dean's list throughout my first year. Even with everything going well, I started to suffer from serious depression and anxiety, though I was not diagnosed until later. By the end of my sophomore year, the depression and anxiety intensified and started

to take a hold of my life. I started sleeping late, skipping class, withdrawing from my friends, and ended up on academic probation. So, I decided not to return to school and got a job at a local housing authority.

At 20 years old, I became involved with a young man and eventually became pregnant with my oldest daughter. Unfortunately, he abandoned me during my pregnancy and that is how I became a single mother. I was upset, but I had a lot of family support, which allowed me to continue to pursue my dreams in music. My mother would not let me give up on my dreams.

While I was working on my music career, my friend introduced me to a producer she was working with. The young producer graciously allowed me to bring my infant daughter with me to the studio to work on a music demo. He would play with her and let her play with the equipment. We eventually started dating and he became a fixture in my daughter's life. They loved each other and she even referred to him as "daddy."

I later married the young producer and he embraced both my daughter and me into his life. We moved into his father's house in an upper middle-class neighborhood. I became pregnant with our second child. I thought we were the perfect family and that all our dreams would come true.

Domestic Violence in Our Home

Our fairytale didn't last forever. A few years later, after our fourth child was born, my husband became emotionally distant. My husband often became extremely preoccupied with his career. I was left trying to raise our children with little support and unstable income. We couldn't afford our home and pay our bills solely on his income. We often had to rely on family members for financial



Aprille Smith



Original Artwork from April Lee

support; I did not work, as I primarily focused on raising our children. Financial constraints led to tensions in our marriage. He often would take out his frustrations on me with physical violence. I stayed in our marriage for our children. I wanted our children to have a father—unlike my experience.

Our family was crumbling inside and out. We were unable to care for our home due to financial setbacks and the domestic violence in the home. There were days that we could not care for our yard. The township constantly cited us for violations and served us with summons to appear in court because of lawn maintenance and noise complaints. We started to become a target for our neighbors. An older man from the township constantly harassed me about the toys left on my porch. It felt like we were the unwanted Black family in the neighborhood. The constant and unnecessary interference by our neighbors and municipality

devolved into rage in our home. My husband unfortunately took out his frustrations on me with his fists.

Thoughts of Suicide

The fighting between my husband and me became more intense and physical. I often felt like he was abandoning us. I often became depressed and on more than one occasion suicidal. As a result, I made the difficult decision to separate. When my youngest was about 3 and my oldest was about 13, I sent them to stay with their aunt in Pennsylvania for the summer, until I could figure out how to separate from my husband.

Needless to say, the abuse continued as the separation enraged my husband. He refused to cooperate with me at all, even with the children. He would blow up if he had to care for the children while I was out. He often

would harass me at work all throughout the day. I tried to seek mental health assistance, but I did not have adequate health insurance to cover the cost. No services near me accepted Medicaid.

All of this turmoil at home and at work caused me to become mentally exhausted. I often would have suicidal thoughts where I contemplated slitting my wrists. One day after a heated argument during dinner preparation, I locked myself in the bathroom with a knife to slit my wrists. Alarmed, my husband instructed my daughter to call the police. Fortunately, I could not go through with it because the knife was too dull.

Because I knew the cops were going to come and possibly take me away from my children, I told them to eat quickly before the police came. After that conversation, I decided to run away and let them be in the care of my husband. Little did I know, he had some outstanding warrants for his arrest for unpaid traffic tickets. I walked onto some train tracks and contemplated ending my life there, but I couldn't do it because it was selfish. Why cause harm and inconvenience to the people on the train? These were my thoughts.

The police then found me at the scene of my suicide attempt at the train tracks. Eventually, a black female officer forcibly subdued me, and I was taken to the local police station and locked in a brick room with a window and a heavy steel door. I heard my husband, the female officer, and another officer all laughing together. I yelled at them through the wall because I wanted to know where my children were. The officer said they were in foster care. I was so distraught that I began to scream profanities at my husband and the officers. They released my husband, but I was still being held. The chief said he wasn't allowed to let me go, because I was being charged for assault with a deadly weapon. My husband had told the police that he thought I was trying to attack him with the knife. The chief was familiar with our family because of previous domestic violence altercations. I felt like my life was over and no one cared. I couldn't trust anyone—the police, my husband, and DYFS for taking my kids.

The Mental Health and Medical Community

That whole ordeal with the arrest and incarceration made me feel less than human. No one asked me if I was okay, if I needed support, or what was wrong. I felt like an animal in a cage. The female officer took me to the county jail the next day. However, the intake officer declared me mentally unstable based on how I answered the intake questions. I remember feeling scared, panicked, and worried about my kids. They subsequently had to transfer me to East Orange Hospital for a psychiatric evaluation. Because the psychiatric unit was at maximum capacity, I was put in a separate psych ward where I discovered I had severe iron deficiencies, which exacerbated my anxiety and depression and caused irrational behavior. As such, my suicidal thoughts, depression, and anxiety most likely were also related to my medical condition and health issues. Everyone, my husband, the police, and DYFS, were treating me like I was just crazy, but I was actually physically sick along with suffering from mental health issues.

Neither the hospital nor DYFS made any efforts to contact my family while I was in the psych ward. My mother wanted to care for my kids while I was gone, but DYFS would not give the children to her or their aunts. No one in my family was allowed to take custody of my children, which was devastating.

I spent two weeks in the hospital without seeing or hearing from my children.

After my hospital stay, I was transferred to the county jail where I was stripped searched and had to undergo a humiliating cavity search. In jail, I refused to eat because the food was slop on a piece of bread. I felt like I was being treated less than human. I was so ashamed and depressed. I slept the entire time, until I was called to court. I sunk deeper into my depression. I was released because my husband dropped the charges. I hadn't been in jail long enough, so they didn't process my belongings, which included my purse with all my cash, keys, phone, and my bank card. Everything was lost or taken and the officer in charge sent me away in tears with a bus card.

That stay in jail, although 36 hours long, felt like an eternity. Not once did anyone ask if I was okay.

While at the hospital, jail, and psych ward, I felt so isolated, and no one tried to help me or understand what it felt like to have your children taken. I was just a crazy, angry black woman to the mental health community and to the police. Everyone thought I deserved to be there and that my children were being saved from me.

DCPP and the Court Did Not Help Me or My Family

After the arrest, hospital stay, and release, I couldn't get in touch with my mom or my children. So, I headed back to my home in the suburbs. Once there, I called my mom, and we eventually went to the DYFS building where I briefly saw my children. They were taken because I was believed to be mentally unstable. There were no efforts or attempts by DYFS to help me stop the separation. After they were taken, I was asked to do a million things from getting to therapy, to getting a restraining order and filing for divorce, to securing housing and getting a job. I was asked to be “less crazy” and “less angry.” DYFS never took time to understand me. They thought, if I was being abused, why didn't I leave my husband? If I was depressed, just be strong and get therapy for your children. I was expected to be well and strong but without anyone trying to help me get there.

At the court, I felt like the judge hated me. He was mad that I was still married and not divorced. He thought I was trying to get back with my husband. He was mad that I wasn't in all the therapies ordered (I couldn't go because there were waitlists or they were too far away). I wasn't allowed to talk in court. If I talked in court, the judge would roll his eyes at me. He didn't see me as a mother fighting for my children—he saw me as an angry and crazy black woman trying to get my husband back. I was so ashamed and felt like I was nothing every time I went to court.

The Foster System Community Failed Us

I found out that DYFS split my children up. The boys were placed with an older woman. My girls were placed in extremely traumatizing situations. The first night my middle daughter was placed in a very nice home, but she wasn't with her siblings. She spent the whole night crying. It still breaks my heart when I think about what the situation has put her through. My oldest daughter was placed with her baby sister in other homes. The girls were eventually reunited, but the foster homes that they were placed in, which totaled about three, were constantly a problem. Since my oldest was about 13, she was overprotective of her siblings and fought with the foster family to ensure that they were treated well. In one home, my girls were exposed to other girls around their age who used vulgar and explicit language, especially in reference to their body parts. I was very upset with the system, not only because they took my children away from their family, but because they put them in unsafe homes. My girls never felt like they were part of the foster home's family. They were never truly accepted or loved by these strangers. They also took my children away from all their extended family—their aunts, uncles, and cousins. They were separated and disconnected.

T.S., A Friend Who Became a Foster Parent to Save Us

The children were still attending school in their hometown. I was still allowed to speak to them on the phone and visit with them two days a week at a parenting facility provided by DYFS. My son's friend's mother, T.S., found out what was happening to me and my family. She fought and asked to be the foster parent for the whole family. She reunited my sons and daughters into one home. Although I was extremely embarrassed that the whole town knew my business, I was very grateful that I was getting the help that my family so desperately needed. I had almost lost all hope in humanity, but this woman literally saved my family's lives and well-being. T.S. was my hero. She became my children's biggest

advocate and foster parent, along with my sister-in-law, until I eventually won my case, moved into a bigger house with my mother, and took care of my children.

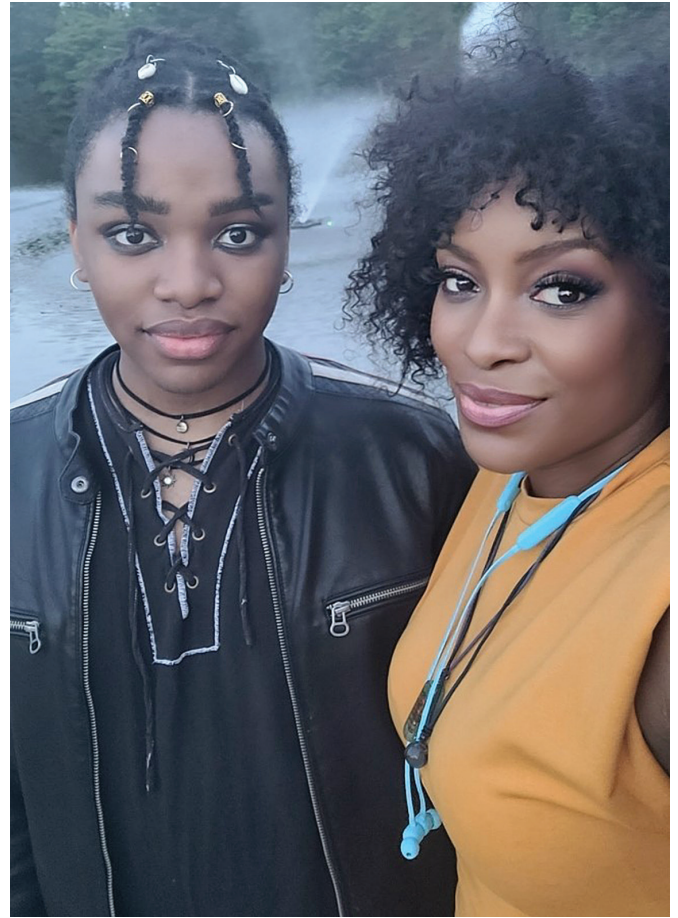
T.S. started to support me and help repair our family. She would let me have family time in her home like how we used to live together in our old house. I would come over almost every day after the kids were placed with her. We would watch movies and order pizza. This changed our lives. I felt supported and loved and my children started to heal once we were back together.

After some time, my children were returned to me and my DYFS case was closed. I am now divorced and have a good relationship with my children's father. We work together for our children. All my children are active in arts and music. But it's far from a happy ending because I still deal with anxiety and depression. I panic every time a stranger knocks on the door.

What Communities Need to Know and Do Better

What I wish would change? I wish that the system would have tried harder to place my children with a relative instead of traumatizing them further by splitting them up and placing them with strangers. I wish there was a place in my community where I could have received the help I needed. I wish the Medicaid system would try to find out why therapists and psychiatrists in my neighborhood refuse to accept Medicaid. I wish it wasn't so hard to get help for utilities or homecare needs. Although it's a little simpler, as of late, I wish it was easier to get a job that helps people work around their family's hours. I wish there was a way to find legitimate at-home careers, affordable childcare, and activities. I'm sure the justice system has changed significantly since our case but being a woman of color who suffered from mental trauma made me feel like a criminal in their eyes. They should have recognized that I was suffering and that I needed help, not punishment. I should not have been treated like a criminal simply for being depressed. I wish I was bubble-wrapped and insulated from everyone—my neighborhood, DYFS, police officers, and the mental health

community. I hope and wish that no one has to go through what I went through, and that people will hear my story and change things.



Quincy and Aprille Smith

Aprille Smith is a proud mother and community organizer in New Jersey. She hopes to continue her efforts in supporting parents and children who have experienced the child welfare system.

Butterfly

By Quincy Smith

there's irritable distant
Between this feeling
As if past was not true
And the me I once knew
And now I feel it
Tingling upon my skin
A memoir of healing
And this intuition of height

But that's the changes of a
butterfly



Quincy Smith

From a Child to a File: Why Parents, Families, and Communities are the Agents of Change in Children's Lives, not Governments and Services

Kevin Campbell, Raif O'Neal, and Elizabeth Wendel

A Child as a File

Few Americans know much about the creation of the modern welfare state. Our references and understanding are shaped primarily by our personal experiences or professional affiliations with welfare systems and programs. Many have said our history matters; some have warned that those who ignore history are doomed to repeat it. Unfortunately, there are few more significant examples of the wisdom behind these words than the decades of effort and failure to reform social welfare systems in Western democracies.



What can explain the repeated harms of governments, charities, and institutions over decades of effort to deliver on the promise of just and dignified social and health systems?

William Beveridge, a revered figure in the United Kingdom, is seen as the father of the modern welfare state in postwar democracies. Beveridge was the Director of the London School of Economics before leaving for Oxford University. Beveridge published a plan for cradle-to-grave social insurance for Britain in October 1942. However, his most cherished contribution today was creating the National Health Service. Lord Beveridge

was also a member of the Eugenics Society and believed in "improving the human race" by controlling reproduction.^{1,2}

The trouble with Beveridge and what would become the American postwar welfare state begins here. Beveridge believed, like other eugenicists, that the poor, indigenous, stateless, persons with disabilities, persons with mental health conditions, women who conceived outside of marriage, and those convicted of crimes were subhuman and could not become fully capable and contributing members of society. America's elite and powerful agreed with him. Thus, the welfare state must create social welfare bureaucracies, both public, private, and church-run, operated by those from higher classes who would become the case managers of the poor—substituting their values and fully human capabilities for those afflicted with the 'pauper gene'.^{3,4}

This view of a postwar world without anyone poor, indigenous, or descended from enslaved people became central to the 'opportunity' for building a new America without the poor.

¹ Antwerp University. "1942 William Henry Beveridge: Architect of the Welfare State." *History of Social Work*, 2019, https://historyofsocialwork.org/eng/details.php?cps=14&canon_id=134.

² Beveridge, W. "Social Insurance and Allied Services. 1942." *Bulletin of the World Health Organization*, World Health Organization, 2000, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2560775/>.

³ Platt, Lucinda. "Beatrice Webb, William Beveridge, Poverty, and the Minority Report on the Poor Law." *LSE History Beatrice Webb William Beveridge Poverty and the Minority Report on The Poor Law Comments*, 2018, <https://blogs.lse.ac.uk/lsehistory/2018/02/23/beatrice-webb-william-beveridge-poverty-and-the-minority-report-on-the-poor-law/>.

⁴ MacKinnon, Mary. "Poor Law Policy, Unemployment, and Pauperism." *Explorations in Economic History*, Academic Press, 15 Nov. 2004, <https://www.sciencedirect.com/science/article/abs/pii/S0014498386900070>.

America welcomed Beveridge and his report with great anticipation; he visited the White House at the urging of Eleanor Roosevelt and embarked on a nationwide speaking tour. In an ironic twist of history, Beveridge had briefly worked at Toynbee Hall, a settlement house in London, and was deeply affected by social work. The full implementation of his report occurred in 1948, the same year the National Association of Social Work was founded in the United States. Social work would have a central role in Beveridge's vision of the welfare state institutions' surveilling and limiting the consequences and costs of the poor, disabled, elderly, and children in a privileged society.

Is the welfare state broken, or was it made this way? Beveridge was an economist who propagated a pseudoscience known as eugenics. The undeserving poor, a legacy of the poor laws, should be viewed through a more modern lens of 1942 American and British "Positive" eugenics: subhumans lacking the capacities to become fully human. The new welfare state must be a well-run bureaucracy to manage the poor as a societal problem; ultimately, the solution would be to end affected groups by limiting their reproduction.⁵

How would American policymakers use Beveridge's social welfare bureaucracies in the highly racialized mid-20th century? What consequences did these eugenics-influenced ideas have on creating the so-called war on poverty entitlement programs 16 years later? Like building a house on an irreparably flawed foundation, reforms of the welfare state institutions would be no better than cosmetic upgrades, centered on the theory that governments exist to solve social problems instead of the actual agents of change: parents, families, and communities.⁶

Here are some examples on a timeline from 1970 to 2018:

⁵ Lansley, Stewart. "In the Shadow of the Poor Law." *History Today*, 2022, <https://www.historytoday.com/archive/behind-times/shadow-poor-law#:~:text=The%20Poor%20Law's%20central%20principle,a%20deliberate%20attempt%20at%20deterrence>.

⁶ Anda, Robert, and Laura Porter. "Self-Healing Communities." *Robert Wood Johnson Foundation*, 18 Oct. 2017, <https://www.rwjf.org/en/library/research/2016/06/self-healing-communities.html>.



Kevin Campbell



Elizabeth Wendel

1970s: Passage of the Family Planning and Population Research Act. Indian Health Services physicians sterilized as many as 25 percent of Native American women of childbearing age by 1976. As a result, the 1980 census showed that Native women had a birth rate of half that of other American women. During this time, Indian children were forced into non-Native families through the adoption scoop from 1945 to 1973.

In January 1974, President Richard Nixon signed the landmark Child Abuse Prevention Treatment Act (CAPTA), which created a role for the federal government to provide funds and oversight for state child welfare systems. In addition, the act authorizes and provides a structure for the civil prosecution of adults for the offense of child abuse and neglect. The resulting conflation of the physical abuse of children with neglect associated with poverty reflects a new movement toward pathologizing parents accused of child maltreatment; rather than confronting the reality of institutional and systemic inequality in America and situated responsibility within marginalized parents and children.

1980s: Thatcherism and Reaganomics. Margaret Thatcher and Ronald Reagan persuaded neo-conservatives and neo-liberals that the Beveridge welfare state was overgenerous and contributed to people's growing dependence on the welfare state. They led the anti-welfare state movement, embraced by conservatives and liberals alike, which introduced mass privatization of government services and created what has become known as the poverty industry. Thatcher blamed long-dead Lord Beveridge, and Reagan cited black mothers, or as he and his Democratic allies called them, "Welfare Queens."

1990s: Bill Clinton became president. During Clinton's eight years in office, the left and right enacted laws responding to new threats. These laws included a response to crack cocaine, Hilary Clinton's embrace of the unproven concepts of 'Children Without a Conscience' and 'Super-predators.' Supported by then-Senator Joe Biden, and the result was mass incarceration of African American men, women, and other vulnerable groups. This mass incarceration of parents combined with growth-hungry private

poverty and prison industries increased the size of the foster care system, making it increasingly unfordable. As a result, Congress created the Adoption and Safe Families Act in 1997, followed by the Multi-ethnic Placement Act, speeding up the termination of parental rights and making hundreds of thousands of children separated from low-income and minority families available for adoption by their foster parents. In addition, the word 'permanency' would take root, creating a new rationale for the public good done by breaking vulnerable families apart.

2018: In the most recent child welfare reform, Congress, researchers, and proprietary model authors created the Family First Prevention Services Act to reform foster care and child protection. Prevention would take the form of a required clearinghouse to sanction so-called evidence-based models of treatment, which would be required to use federal money to pay for state-operated programs. Unfortunately, these reforms would ignore the broader, socially constructed determinants of health, racial, gendered, and economic inequality, and centuries-old, community-held wisdom from natural communities. Instead, they would situate responsibility for unrelenting hardships and inequality within people, labeling them as diseased, disordered, or determining their criminality under the pretense that better, scientifically informed services and programs would finally cure the problem of the poor.

The welfare state created and reinvented bureaucracies to operate institutions of many types to keep the problem of poor and unpopular groups from interfering with the prosperity of mainstream European descendants. For over seven decades, reforms have repeatedly situated the responsibility for unlivable lives within marginalized groups, families, and individuals and created programs and services to manage them.

Without national truth-telling and reckoning, innovation and reform have become terrifying words for welfare recipients and allies. Raif's story below illustrates how the hybrid (American/Beveridge) welfare state "innovations" over the past 74 years objectify and dehumanize the people it claims to protect or help.

Raif's (Dumpster's) Testimony

"My father was in prison before I was born; I never knew him; my mother committed suicide when I was fourteen." I said these words in

2011 during the opening scenes of the award-winning documentary *From Place to Place*⁷ film about my first three years of life after aging out of child-welfare custody in Montana. My first night out of group care was also my 18th birthday. That night, I moved under a bridge on the Bitterroot River. The film moves quickly



Raif O'Neil

to showing me traveling on a Greyhound bus to Washington, DC, to screen the movie for members of Congress and industry people. Flying on an airplane wasn't an option; I didn't have an ID. I'm 32 years old now, and I still have problems obtaining state identification which prevents me from working legally.

Years after being in the system, I have had time to reflect on my experience and how it affected my life.

My mom died on a Saturday when I was 14. By the following Wednesday, I was a file on a social worker's desk, on my way to becoming a statistic. There was not a day I was in care that I was a person; I was a problem. The system had group homes to solve it. By the time I left care, I had been in five of these homes. While in these places, I felt responsible for the paychecks of about 75 people. I never felt cared for as a person. I was an object moved from place to place—never a person or child. I knew then that I was an orphan who needed a family and a community of people who would love and welcome me. Instead, I disappeared into an uncaring, self-absorbed bureaucracy that existed because of, not for, children like me. I was alone and would stay that way.

In Montana, a social worker I loved died in a car accident on the way to pick me up for court. A couple of other people were good to me, but they never became the family I was desperate to have. Even so, their kindness made a difference because there was very little of it for me as a ward of the state.

Fourteen years after being ejected from state care, life remains complicated. I still lack a family, education, or support. I have a girlfriend and dogs. I have always loved dogs; they love me no matter what, which has been essential to who I am since leaving the group homes, and they bring meaning and purpose to my life. I also love to work hard. I think as I work about being respected as a good worker who earns his wages. I am especially good at demolition; I like work that brings down things that need replacing.

I have had trouble with the legal system where I live. I was placed on probation five years ago after I pleaded no contest to a charge so that I

could be let out of jail to care for my dogs. The agreement was for three years of probation. But I am still on probation five years later because I can't afford to pay the fines. If I don't pay the court in full by fall this year, I will go to prison for ten to thirty years.

At a Senate gathering on Capitol Hill in 2011, I shared that my superpower is a heart that could swallow everyone in the room. The film cast and crew went to dinner while we were in DC. Everyone ordered food but me—not because it wouldn't be paid for, but because I was used to starving and I needed to keep my calories as low as possible; it helped my stomach pain to maintain a ketonic diet rather than rely on calories from the food I couldn't afford. I have learned to survive with very little. Foster care taught me about having nothing. Friends I have met riding trains taught me a lot about surviving and living on the far edge of American society, the only place I have ever been welcome since my mom died.

To prepare for this article, I imagined two pictures and two questions. The first picture is an image that captures the life I have been living since being removed from my family, community, and church. I imagine a forest fire as big as Yellowstone National Park. I'm running just ahead of the flames; my dogs and the animals in the park are running with me. My mom was Yellowstone for me. So this is my question: Where am I going, and how will I end?

The second picture comes from this: What would it look like if my life was working and things were good for my dogs? It would be a barn-raising; the whole community, whoever is willing, stops and helps. Then, when the barn is raised, we go in and have a party celebrating life together and the work of building rather than tearing it down. So this is my question: Who is on my team celebrating my existence? My thesis for life is to try to build something good. I want my faith to be a part of it, whatever it will be. Whatever happens, I am grateful for the life I have.

⁷ Williams, Paige, Director. *From Place to Place*, 20 Oct. 2021, <https://instituteforfamily.org/from-place-to-place/>. Accessed 2 May 2022.

A Child as a Friend, Teacher, and Community Member

These snapshots of the history of “help” in the United States offer an opportunity to ask wiser questions about what we must solve to achieve a goal of well-being for children and families. Is the challenge getting better at mitigating the costs of accepting and living with inequality or committing to ending structural inequality? This decision raises a question: in which institutions do we want to sustain and invest? Government agencies focused on policing the predictable consequences of inequality and disadvantage or institutions that exist to root out inequality and invest in people as the primary purpose of our democracy rather than the products that build the wealth, health, power, and privilege for a relative few?

Cormac Russell, the author of *Rekindling Democracy*⁸ and prominent leader of Asset-Based Community Development⁹, examines the positioning of ‘help’ and delivery of ‘needs and services’ in four simple prepositions: to, for, with, and by.¹⁰ The ‘to’ view acknowledges help done to people without welcoming their expertise on their own good life.^{11,12} The community, family, or individual is on the receiving end, with decisions and strategies shaped by experts in medical institutions, hospitals, and doctors' offices. The argument is not that those individuals don't have a place in decision-making. Instead, when system-defined experts do things to others, those others are defined as objects rather than the authors and architects of their own lives and communities. When the industry-imposed remedy fails, it is considered a failure of the individual, family, or community rather than the institution. This narrative begets the initial design. It also ignores the inherent strength, value, and potential of help from the individual, family, or community that has had no place in our current social settlement. By design, it fails to ask the question and ignores the family and community experience and capabilities for facing the challenges that most affect their lives.¹³ We must learn that a person or family's life doesn't happen in an expert's office but in the relationships and communities that welcome people and the roles they can fill with their gifts, capabilities, and wisdom by experience.

The reference to the current ‘helping’ system's hallmarks may seem familiar:

1. The focus is binary on the individual and the system, without community, tribe, or family.
2. Community is either forgotten or an afterthought.
3. It is often considered something to extract from when the community is considered.
4. Community assets are not viewed as resources to be discovered, connected, and mobilized.¹⁴

The charity model is ‘help’ provide’ ‘for’ people, with needs (needs are defined as things people do not have) the value and power of people defined solely by the things they are assessed as not having.¹⁵ Both prepositions support the historical framing of social care: systems organized around needs and services that mitigate, manage, and contain problems. Specific neighborhoods and institutions are dumping grounds for people viewed as objects to receive help defined by someone else. Asset-Based Community Development

⁸ Russell, Cormac, et al. *Rekindling Democracy a Professional's Guide to Working in Citizen Space*. Wipf and Stock Publishers, 2020.

⁹ Nurture Development, Ltd., “Asset Based Community Development (ABCD).” *Nurture Development*, 30 Nov. 2016, <https://www.nurturedevelopment.org/asset-based-community-development/>.

¹⁰ Russell, Cormac. “Four Modes of Change: To, for, with, By.” *Hindsight, Eurocontrol*, 4 Apr. 2019,

¹¹ Russell, Cormac. “We Don't Have a Health Problem We Have a Village Problem.” *We Don't Have a Health Problem, We Have a Village Problem*, Nurture Development, 2020, <https://www.nurturedevelopment.org/wp-content/uploads/2018/09/we-dont-have-a-health-problem-we-have-a-village-problem8259.pdf>.

¹² Cormac Russell, (2020) *Community Medicine*, Vol. 1, Chapter 1, pp. 1–12.

¹³ TEDxTalks. “Sustainable Community Development: From What's Wrong to What's Strong | Cormac Russell | TEDxExeter.” *YouTube*, YouTube, 16 May 2016, <https://www.youtube.com/watch?v=a5xR4QB1ADw>.

¹⁴ Russell, Cormac. “We Don't Have a Health Problem. We Have a Village Problem.” *We Don't Have a Health Problem. We Have a Village Problem*, Nurture Development, 2020, <https://www.nurturedevelopment.org/wp-content/uploads/2018/09/we-dont-have-a-health-problem-we-have-a-village-problem8259.pdf>.

¹⁵ TEDxTalks. “Sustainable Community Development: From What's Wrong to What's Strong | Cormac Russell | TEDxExeter.” *YouTube*, YouTube, 16 May 2016, <https://www.youtube.com/watch?v=a5xR4QB1ADw>.

recognizes that community can only be created by community members, encapsulated by the culture, connection, and expertise that only communities can confront, make meaning of and co-create alternative ways of organizing and living.

At the institutional or governmental level, re-branding of social care has happened throughout history. Yet, ever-present is the quicksand of people as objects on the receiving end of services. This quicksand captures people in a patriarchal mission of managing those affected by inequality as threats to privileged society and keeping them as small or unseen as possible. The whole reform of systems acts as a distraction from the more foundational need to reform government and institutionalized economic and racial inequality.

While disassembling 'the system is broken' machine, it is essential to consider history so that we do not re-assemble something remarkably like what we have built before. Systems can be re-branded. Words and practices can be re-named and re-purposed. For example, from 1945 to 1973, the adoption scoop becomes 1997 to present priority on "Permanency" through adoption and guardianship.

A focus on improving what already stands may yield minor changes but will not ultimately focus on financial, policy, or practice solutions defined by the community. Instead, we have a policing system built around needs and services. What would happen if the dollars invested in the policy and practice of existing formal systems were invested instead in families and communities who have, by the nature of their experiences, built the personal knowledge of health and wellness.¹⁶ Community-built help and service is not a new idea but a return to the biologically consistent way of living amongst one another. People naturally gather, connect, and belong to the community as socially dependent organisms. Therefore, any help design should reflect this biology rather than breaking connections and replacing them with relational and cultural estrangement, programs, and therapies aided by sedating medications.

Can the current system provide the natural connection, support, and meaningful help

to connect and strengthen families and communities? No, the needed connection is between families and communities, not between families, institutions, and industry. The recognizable examples and reforms, such as those identified above, demonstrate the biological inconsistency of large systems that focus on solving problems or providing for needs.^{17,18} Likewise, human history and biological consistency require relationship, community, and personal agency at the heart of connection. Breaking these connections is not safe or helpful. On the contrary, it is dehumanizing and harmful.

International aid research teaches us this two-fold. First, communities build connection and health. Once co-opted and defined by government or service provider powers, they are left in an echo chamber of industry-described community-like experiences, given tempo and importance by professional decision-makers.

Amartya Sen, a winner of the 1998 Nobel Prize for economics, acknowledges that the question is not what people might do with their capabilities but what freedoms people possess to do things they might do. Inequality is the word we use to make sense of Sen's insight about what poverty is. Poverty is a lack of access to material goods. What causes poverty is a lack of access to freedoms. In a hyper-capitalist society, money is a measure of freedom, and wealth provides access to greater freedoms from which one can act on their capabilities. Freedoms include those of

¹⁶ Burton, A. O., & Montauban, A. (n.d.). *Toward Community Control of Child Welfare Funding: Repeal the Child Abuse Prevention and Treatment Act and De-link Child Protection from Family Well-Being*. View of vol. 11 no. 3 (2021): Strengthened bonds: Abolishing the Child Welfare System and re-envisioning child well-being. Retrieved 8 May 2022, from <https://journals.library.columbia.edu/index.php/cjrl/issue/view/789/188>

¹⁷ Roots of Empathy. "Dr. Bruce Perry the Change in Relational Milieu in the Modern World." *YouTube*, YouTube, 3 Nov. 2016, <https://www.youtube.com/watch?v=n5BmHdDL0il>.

¹⁸ Gil, Eliana, et al. "Chapter 3: The Role of Healthy Relational Interactions in Buffering the Impact of Childhood Trauma." *Working with Children to Heal Interpersonal Trauma the Power of Play*, Guilford, New York U.a., 2013, pp. 27-28.

thought, movement, or space.¹⁹ The freedom to move across borders, access accommodation or food, and many others represent the most straightforward living necessity: survival.²⁰ All people deserve and require dignity-giving and justice-doing. But, again, the parallel to family well-being work is apparent. The capabilities and wisdom of people, including parents, family members, and communities, have always been present; the freedoms, acknowledgments, and spaces created to welcome those capabilities and allow families to utilize them have not. Therefore we are mistaken to view the poor as failing in acting on their capabilities. Instead, it is our failure to guarantee the freedom to live their good life. Money in this society is a critical measure of liberty, and widening economic inequality is the measure of widening disparities of freedom.

A system built not to contain, therapeutically or otherwise, not to manage, measurably or otherwise, but instead to invest in people, bolstered by investment in the communities that welcome and hold them, would yield a significantly different result. Instead of his container, an investment in Raif and his belonging to a community would leave him standing in a very different place. A share of the various public dollars used to surveil and restrict Raif's freedoms as a child and to this day would measurably increase his freedoms and broaden his possibilities rather than confine him.

Raif has a heart big enough to swallow a room. Yet, Raif's superpower is not seen or welcomed in the formal system. A community could embrace Raif and his superpowers. Instead, in his own words, government programs and services made him into a file and defined his life in terms of negative statistics.

Embodied capabilities, sometimes nurtured from years of suffering and languishing in care systems, are a source of power at the individual and community levels. Instead of focusing on 'brokenness,' we focus on what to build instead. We must recognize that the embodied capability, and even recognition of it, is not the challenge. Raif's self-acknowledged skill of demolishing things with exact knowledge and appreciation of what might we build instead is a place of beginning. Communities around the

country can synergize by welcoming individual gifts and embodied wisdom, offering support and freedoms to members to develop their life of meaning rather than production and consumption.

From File to Superhero

Many have said that history matters; some have warned that those who ignore history are doomed to repeat it. But unfortunately, we are repeating history in present child welfare 'systems.' A return to the community-held knowledge of what grows strong people might return us to a biologically consistent, healthy culture. Understanding history begins with acknowledging the truth about history in the welfare state without the vernacular. Next, we restore power to the only vessel that can honorably hold it: the community and the wisdom of the people within it. Through community-driven service, economic support, and policy, community-based support is the way to that restoration.

What is the white-hot center of it all of this? As it turns out, Lord Beveridge came to the answer himself in 1968, 20 years after implementing his welfare state design for England. In 1968, the last year of his life, he wrote a new report reflecting what had failed in his ideas. The heart of his previous report was acknowledging his mistake was leaving people and relationships out of his design. Instead, he had focused on delivery, efficiency, and cost containment. There was no invitation to Beveridge for a tour across America or invitation to the White House. Instead, America had launched a new war effort, a war against Beveridge's ideas in his first report, the Five Giants and the poor that embodied them.²¹

Understanding the history of the American welfare state since the end of World War II

¹⁹ Hilary Cottam. "The Welfare State: The Fatal Flaw." *Radical Help How We Can Remake the Relationships between the US and Revolutionise the Welfare State*, Virago, London, 2019, pp. 201-202.

²⁰ Sen, Amartya Kumar. *Development as Freedom*. Oxford University Press, 2001.

²¹ Cottam, Hilary. "The Welfare State: The Fatal Flaw." *Radical Help How We Can Remake the Relationships between the US and Revolutionise the Welfare State*, Virago, London, 2019.

requires us to recognize its fundamental injustice: the belief that some people are worth less than others with little hope that they will ever contribute to society. Consider this question. What sort of systems would we build if we believed that some members of specific ethnic and cultural groups were incapable of contributing to society? We would develop and maintain the system and practice we have now. Can they be made more just if they continue to exist, and have those on the receiving end continued to be defined this way? No.

America built a post-war welfare state on the theory that governments exist to solve social problems for people. It built institutions and industries over decades to do this. In the meantime, social problems have become more complex and more profound. It's time for a new theory of change, especially related to children and the natural environment. Dr. Robert Anda is well known for his work 30 years ago on the Adverse Childhood Experiences (ACEs) Study. More recently, informed by the ACEs study, a new theory of change for America must be, "Parents (We will add in this article and grandparents) are the agents of change in the lives of children, governments and communities must help them be that." Government must support the natural community-led solutions and responses to social issues. Governments must support parents, grandparents, schools, neighborhoods, and communities as the only authors and architects of change, not bureaucracies and revenue-generating industries existing due to the neglect of families and communities in our hyper-individualistic, producer/consumer-focused society.

Raif's wisdom teaches us, or instead returns us, to something that hallmarks the cornerstone of thinking, practicing, and decision making. "What if we invest in his capacity, wisdom, and cosmic heart?" What if we were a community built around him?

Raif is not a file. Raif is not a statistic. Raif is the only superpower version of himself that has ever or will ever exist on this pale blue dot we call home. Raif is a son. Raif is a friend. Raif is a dog person. Raif is a neighbor. Raif is a teacher. Raif identifies with the value of hard work. Raif is not a problem. Raif is and always has been a unique and extraordinary human.

A return to a biologically consistent, community-built and community-led response to the needs and strengths of people is justice. Our best chance of survival through a historical and current view of wellness lies in the community. We must return to seeing the capabilities individually and communally in response to socially created problems. Do not be fooled by its simplicity. In our ever-growing complexity as beings and societies, a return to simple restores. The 'we' of this pale blue dot, as Carl Sagan would call it, begins and ends in community. Community. "That's here, that's home. That's us. We built systems to contain people and protect privilege, not to unleash, inspire or celebrate every person and life.

What would be the harm of a new path toward meaningful equality with protections for personal and community freedoms? Not as producers or consumers, but the only one of us who have ever existed, exists now, or will exist in the future in the known universe? What makes us extraordinary is that we are human. We are humans who rely on relationships and community for survival. Unfortunately, we built the welfare state on the idea that not all of us are human. Our democracy will only thrive when we entirely repudiate this deeply embedded and devastating lie. Reform must be the collective effort to find and remove it from every government's cornerstone, public and private institutions in America.

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Liberate the Black Family from the Family Policing System: A Reparations Perspective on Ending Anti-Black Racism in “Child Welfare”

Angela Olivia Burton and Joyce McMillan

“Black parents know the pain of legally sanctioned and socially accepted separation for their children in a profound way. For centuries, their bodies were viewed as profit machines, units of labor and reproduction, their parental rights stripped to sustain America’s institution of chattel slavery. Black parents love their children.”¹

Introduction: Who We Are

Joyce McMillan and Angela Olivia Burton are dynamic team players with lived experience and a wealth of knowledge about the family policing/family regulation system. Committed to dismantling structures and ending oppressive practices that disrupt and destroy families generationally under the banner of “child welfare” and “child protection,” we welcome this opportunity to sketch out some ideas about “why investing in community-based supports and divesting from harm-causing approaches” is “an important step toward repairing harm done by current structures, funding, and practices” and as a way “to begin preventing further harm to historically disadvantaged populations.”

Joyce met Angela at the very beginning of her advocacy career when she invited Angela to do a presentation for impacted parents on practice standards for attorneys in New York child protection cases which Angela had developed with a slew of other vested professional advocates.² Since then; the two have worked closely together, learning from each other and building upon each other’s independent strengths to educate advocates and those who aspire to advocate for family autonomy and community agency. Angela, a former law professor and graduate of Cornell University and the New York University School of Law, and Joyce, founder of the [Parent Legislative Action Network](#) (PLAN) and Executive Director at [JMacforFamilies](#)³ are always hard at work analyzing systems and strategizing ways to

liberate Black families from the menace of “child protective services” (CPS). The pursuit of freedom and justice for all is the fuel that keeps both Angela and Joyce moving forward; their shared understanding and ideology keep them moving forward together.

We hope our reflections contribute to the steadily increasing vibrational energy toward justice for families that will be built on an ethic of self-determination, autonomy, care, connectedness, and love.

The Black Family in Modern Slavery: Why A Reparations Perspective?

Reparations are a helpful frame for advocates and policymakers to use in redressing the accumulated harms and disadvantages inflicted on Black people in the United States by the

¹ Tricia Stephens, *Black Parents Love Their Children Too: Addressing Anti-Black Racism in the American Child Welfare System*, Social Work 191–195, (March 14, 2022), https://www.researchgate.net/publication/358375729_Black_Parents_Love_Their_Children_Too_Addressing_Anti-Black_Racism_in_the_American_Child_Welfare_System

² See New York State Office of Indigent Legal Services, “Parent Representation Standards,” <https://www.ils.ny.gov/node/94/parent-representation-standards#:~:text=Standards%20for%20Parental%20Representation%20in%20State%20Intervention%20Matters,Olivia%20Burton%2C%20first%20met%20on%20June%2027%2C%202013.>

³ JmacForFamilies and PLAN Coalition, <https://jmacforfamilies.org/plan>.

family policing system. CPS Abolitionist Latagia Copeland-Tyronce asserts that reparations, “Are a way for governments to right past and present wrongs to an aggrieved group and as such the American child welfare system must be included both in the debate and in any monetary decisions and/or outcomes; it has been an oppressive system for that long and has caused that much harm.”⁴

Black families experience the current family policing system within the historical context of chattel slavery and its barbaric family-destroying practices.⁵ Constitutional family scholar Peggy Cooper Davis notes that, “Slave Power . . . supported itself by annulment of marital, parental, and paternal rights” and that Black families “were denied, in law and often in fact, the right to create and maintain ties of affection and responsibility to spouses, to children, to parents, or to extended kin . . . they “could not marry; they had no legal ties to their parents; and they had no legal tie to the children born of their bodies.”⁶ Those who “struggled for abolition and reconstruction regarded denial of family liberty as a vice of slavery that inverted concepts of human



Angela Olivia Burton

⁴ Latagia Copeland-Tyronce, *Child Welfare Is the One White Supremacist Institution that Is Left Out of the Reparations Conversation and It Shouldn't Be!*, MEDIUM:TAGI'S WORLD(Nov. 4, 2019), <https://medium.com/latagia-copeland-tyronces-tagis-world/child-welfare-is-the-one-white-supremacist-institution-that-is-left-out-of-the-reparations-7bc66761d75e> [<https://perma.cc/N8EN-VFZ5>].

⁵ E.g., Dorothy Roberts, *Torn Apart: How the Child Welfare System Destroys Black Families—and How Abolition Can Build A Safer World* (2022); Dorothy Roberts, *Shattered Bonds: The Color of Child Welfare* (2002); Laura Briggs, *Taking Children: A History of American Terror* (2020); see also, Shereen White et al, *Fighting Institutional Racism at the Front End of Child Welfare Systems: A Call to Action to End the Unjust, Unnecessary, and Disproportionate Removal of Black Children From Their Families*, *Children's Rights* (2021); Kathi L. H. Harp and Amanda A. Bunting, *The Racialized Nature of Child Welfare Policies and the Social Control of Black Bodies*, 27 *Social Politics* 258 (2020) (“State and social control of black reproduction in the United States has a history that can be traced back to slavery. Despite the abolition of slavery in the United States, state intervention in the lives of black women and their families persists in less overt forms today. Specifically, black women and their children (born and unborn) are disproportionately affected by the child welfare system (“CWS”) and also affected by punitive CWS policies.”)

⁶ Peggy Cooper Davis, *Neglected Stories: The Constitution and Family Values*, p. 4.



Joyce McMillan

dignity, citizenship, and natural law.”⁷ The slave era maxims of family destruction continue to animate the structure, financing, and practices of the current family policing system.

Child-taking and the threat of child-taking is the operative throughline from American chattel slavery to the present-day family policing system.⁸ Even when government agents don’t take children, Black parents are routinely subjected to oppressive, intrusive, and disrespectful oversight of their parenting and inspection of the intimate details of their lives by government employees and private agents.⁹ By policy and in practice, laws such as the Child Abuse Prevention and Treatment Act of 1974 (CAPTA) and the Adoption and Safe Families Act of 1997 (ASFA) incentivize disruption and destruction of Black families while empowering the deprivation of agency, dignity, and self-determination of Black parents by government agents.¹⁰

CAPTA is the foundational “child welfare” law that federalized the nationwide “child protective services” (CPS) system of surveillance, reporting, investigation, prosecution, and “prevention and treatment,” allowing government agents to wield police power in ways that rival even the criminal policing system.¹¹ Dorothy Roberts observes that “[r]esidents of black neighborhoods live in fear of state agents entering their homes, interrogating them, and taking their children as much as they fear police harassing them in the streets.”¹² “Caseworkers routinely demand entry into homes in the middle of the night without warrants. The interrogations are frightening; the strip searches degrading. Far too often, they end with the trauma of children pulled from their parents’ arms.”¹³ CAPTA’s design gives these street-level bureaucrats wide discretion and virtually unchecked power to deprive Black families of dignity, privacy, autonomy, integrity, and self-determination.

Described by Shanta Trivedi as the “Crime Bill” of child welfare¹⁴ and mass-marketed as an effort to improve the safety of children by “freeing” them for adoption, ASFA gives states financial incentives to terminate all legal relationships between children and their parents after the child has been in foster care for fifteen months without any requirement of

showing that the parents have harmed their children or that maintaining a relationship would be harmful to them.¹⁵ Excavating the racialized history that led to its enactment, Professor Martin Guggenheim describes ASFA as, “the most family destructive law ever enacted since slavery was abolished.”¹⁶

Disruption, control, and destruction of Black families under color of these laws (and many others)¹⁷ constitute “badges and incidents of slavery,” with Black children and their families

⁷ Id. (Davis at 4).

⁸ PEGGY COOPER DAVIS, *NEGLECTED STORIES: THE CONSTITUTION AND FAMILY VALUES* (1997); Peggy Cooper Davis, “So Tall Within”—The Legacy of Sojourner Truth, 18 *CARDOZO L.REV.*451 (1996); Peggy C.Davis, Use and Abuse of the Power to Sever Family Bonds, 12 *N.Y.U. REV.L. & SOC. CHANGE* 557 (1983).

⁹ See, e.g., Darcey H. Merritt, *Lived Experiences of Racism Among Child Welfare-Involved Parents*, 13 *RACE & SOC.PROBS.*63, 69 (2021) [hereinafter Merritt, *Lived Experiences*]; Kelly Fong, *Getting Eyes in the Home: Child Protective Services Investigations and State Surveillance of Family Life*, 85 *AM.SOCIO.REV.* 610 (2020); Darcey H. Merritt, *How Do Families Experience and Interact with CPS?* 692 *ANNALS AM.ACAD.POL.&SOC. SCI.*203 (2020).

¹⁰ See, e.g., Burton & Montauban (CAPTA); Marty G (ASFA); Miriam Mack (Families First); Cynthia Leon and Jessica Dixon Weaver.

¹¹ See generally, Dorothy Roberts, *Torn Apart*; see also

¹² Dorothy Roberts, *Abolishing Policing Also Means Abolishing Family Regulation*, The Imprint, June 16, 2020, <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480>.

¹³ Chris Gottlieb, *Black Families Are Outraged About Family Separation Within the U.S. It’s Time to Listen to Them*, *TIME* (March 17, 2021, 9:00 AM), <https://time.com/5946929/child-welfare-black-families/>[<https://perma.cc/5K6E-YS8A>] (noting that “fearmongering about child abuse has empowered child protective authorities to unfairly target [Black and Brown] communities and invade their homes with virtual impunity....”).

¹⁴ Shanta Trivedi, *Adoption and Safe Families Act is the “Crime Bill” of Child Welfare*, The Imprint, January 28, 2021, <https://imprintnews.org/adoption/adoption-safe-families-act-crime-bill-child-welfare/51283>.

¹⁵ Martin Guggenheim, *How Racial Politics Led Directly to the Enactment of the Adoption and Safe Families Act of 1997 – The Worst Law Affecting Families Ever Enacted By Congress*, 11 *Columbia Journal of Race and Law* 711, 715 (2021).

¹⁶ Guggenheim.

¹⁷ See CHILD.’S BUREAU, ADMIN. FOR CHILD & FAMS., U.S. DEPT. HEALTH & HUM. SERVS., *MAJOR FEDERAL LEGISLATION CONCERNED WITH CHILD PROTECTION, CHILD WELFARE, AND ADOPTION: FACT SHEET* (2019), <https://www.childwelfare.gov/pubPDFs/majorfedlegis.pdf>[<https://perma.cc/3DTN-V7BK>].

re-cast from private property in a chattel slave economy to alleged perpetrators of “abuse and neglect” (vaguely and amorphously defined), monetized and cycled as currency through the multi-billion dollar per year foster industry.¹⁸ As with chattel slavery, the family policing system is designed for maximum intergenerational effect. It is no accident that over half of all U.S. Black children (53 percent) will be investigated by “child protective services/CPS” at least once by the time they reach the age of 18. Once investigated, children of color are more likely to be removed from their families; spend longer in foster care than white children, are less likely to reunify with their families, and more likely to be discarded by the system (“age out”) into homelessness, the criminal injustice system, unemployment, poor health, and other life negative experiences and outcomes.¹⁹

Reparations are essential not only to ending the multi-generational state-sponsored violence against Black families by the family policing system but also to advance justice for Black people in the United States as autonomous, self-determining individuals fully capable of providing loving care to their children. Although fraught with improprieties in its implementation, a recent example of reparations for government and private child-taking is the recent Indian Residential School Settlement (IRSSA).²⁰ In operation until the final federal residential school closed in 1997, Canada’s Indian residential school system, “was profoundly negative and had a lasting impact on the children, on their families, and on their culture.”²¹ The settlement, (IRSSA) is the culmination of litigation combined with fierce, sustained, collective advocacy and agitation by survivor groups, other interested organizations, and individuals calling attention to the “legal, moral, and spiritual wrongs” inflicted by government and private entities on generations of Indigenous children. IRSSA is seen as a key step on the path toward “recognizing and healing the past.” Similarly, reparations are needed to redress the damage inflicted by the American CPS system on generations of Black children and their families.

While there are numerous expositions theorizing “why” and “how” reparations for Black enslavement in the United States should be provided,²² for our purposes, international

human rights standards provide a helpful frame of reference for considering the nature and scope of reparations, including:

- **Restitution:** measures to restore the situation that existed before the wrongful act(s) were committed, such as restoration of liberty, employment and return to the place of residence and return of property.
- **Compensation:** monetary payment for “economically assessable damage” arising from the violation, including physical or mental harm, material losses, and lost opportunities.
- **Rehabilitation:** provision of “medical and psychological care as well as legal and social services.”
- **Satisfaction:** includes a range of measures involving truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, preservation of historical memory, and expressions of regret or formal apology for wrong doing.
- **Guarantees of non-repetition:** includes institutional and legal reform as well as reforms to government practices to end the abuse.²³

¹⁸ Burton and Montauban.

¹⁹ See, e.g. Elisa Minoff and Alexandra Citrin, *Systematically Neglected: How Racism Structures Public Systems to Produce Child Neglect*, Center for the Study of Social Policy, March 2022, <https://cssp.org/wp-content/uploads/2022/03/Systemically-Neglected-How-Racism-Structures-Public-Systems-to-Produce-Child-Neglect.pdf>.

²⁰ Garnet Angeconeb, *Enough already: It’s time for an inquiry into the Indian Residential Schools settlement agreement*, October 19, 2021, <https://www.thestar.com/opinion/contributors/2021/10/18/enough-already-its-time-for-an-inquiry-into-the-indian-residential-schools-settlement-agreement.html>.

²¹ INDEP. ASSESSMENT PROCESS OVERSIGHT COMM., INDEPENDENT ASSESSMENT PROCESS FINAL REPORT, 8,

²² (2021), <http://www.iap-pei.ca/media/information/publication/pdf/FinalReport/IAP-FR-2021-03-11-eng.pdf> [<https://perma.cc/DE52-RQV4>].

²² See, e.g., Olufemi O. Taiwo, *Reconsidering Reparations* (2022); Boris Bittker, *The Case for Black Reparations* (1973).

²³ Dreisen Heath, *H.R. 40: Exploring the Path to Reparative Justice in America: Written Testimony of Dreisen Heath Submitted to the US House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties*, Feb. 17, 2021, <https://www.hrw.org/news/2021/02/17/hr-40-exploring-path-reparative-justice-america#>

With respect to repairing the harms of the family policing system, we view reparations broadly to include direct monetary payments, individual, family, and community resources, in-kind support, and sustainable funds²⁴ to alleviate the conditions of poverty and disadvantage that have been used to keep Black families under government control for centuries.

The Black Family in Modern Slavery: Reflections on Liberty, Autonomy, and Family Values

Joyce: The first thing we want to do with clarity is ending what I call the “straining system” that is designed to prevent Black people from reaching higher levels. Systems use “pipelines” to retard Black liberation: there’s the school-to-foster care-to-prison pipeline, the womb-to-foster care pipeline, the foster care-to-termination of parental rights pipeline, etc. So, the first thing we need to do to begin to prevent further harm to Black families is to END PIPELINES.

This straining process plucks us out of the community and puts us under an unrelenting amount of surveillance. These systems are interrelated. It’s not just CPS; they don’t work alone. But CPS plays a crucial and integral role in destroying the fundamental and foundational relationship between parents, their children, sibling relationships, and extended family. And by extension, the Black community as a whole. CPS partners with all community resources to create a web of surveillance that threatens families’ well-being, often leaving them afraid to utilize services that are necessary for their survival, putting the community in a catch-22 of being fearful, rightfully so, of “services” that are supposedly there for their well-being and fearful of the people who deliver the services.

Systems use PEOPLE to do the dirty work. So, when I talk about the straining of people into systems, the providers with the degrees who are seen as the experts are the white people who are making choices and decisions about

our community, while city workers that look like the community are hired to carry out their choices and decisions. This tactic is easily visible when you look at the make-up of the workforce of any system. White people are at the top in decision-making positions, and Black and Brown people are doing the “field” work. Slavery at its most fundamental expression.

For Black families, the “child protection/“child welfare” system”—and all oppressive systems—is Slavery by another name. Fire means something different when you’ve been burnt. They changed the name, but the mechanisms of surveillance, punishment, oversight, control, prosecution, judgment, false narratives, etc., are all the same techniques and tactics used in Slavery. It’s the same thing. This is the ROOT cause. Using these techniques against targeted communities shakes the core of the individual, the family unit, and the community at large, preventing opportunities for full human relationships and individual growth and development. That’s what Slavery has done, and that’s what systems continue to do.

Angela: Exactly! That is such a critical aspect of how family policing regulates and controls Black families. Miriam Mack talks about how family regulation agents exercise expansive control over families:

“[P]arents are subject to intense supervision by family regulation system agents who give parents compulsory “service plans” in order to have their family reunified. Often, these service plans consist of a written list of behavior modification services, including parenting classes, anger management

²⁴ For example, *State House legislation would create reparations fund for Black Michigan residents*, March 7, 2022, <https://www.metrotimes.com/news/state-house-legislation-would-create-reparations-fund-for-black-michigan-residents-29499339>, *California reparations decision sparks debate over who should qualify*, April 4, 2022, <https://www.theguardian.com/us-news/2022/mar/30/california-reparations-slavery-eligibility>; *Will Feur, Massachusetts town creates fund to pay reparations to black residents*, June 25, 2021, <https://nypost.com/2021/06/25/massachusetts-town-forms-reparations-fund-for-black-residents/>; *Lauren Shows, Reparations fund to address past injustice*, July 9, 2021, <https://ysnews.com/news/2021/07/reparations-fund-to-address-past-injustice>;

classes, drug tests, drug treatment, counseling, psychological evaluations, and visitation with their children. But the family regulation system monitoring goes beyond compliance with services. It also regulates with whom parents associate, where they go, and what they do.”²⁵

Dr. Na'im Akbar, a prominent Black American clinical psychologist, professor, and scholar, well known for his unapologetically Afrocentric approach to psychology, observed that Black people in the United States have been “systematically prevented from engaging in the constructive execution of their life processes and subjected to the dehumanizing experiences of being made servants of an alien culture.”²⁶ To recover and begin to heal from this debilitating experience, Akbar suggests that the foundation for finding solutions for the “mental health, social, and educational” problems experienced by Black people in America must come from Black people themselves, and “will have to be located in a knowledge that existed prior to the exceedingly disruptive experience of our American holocaust.”²⁷

Divest from Harm-Causing Approaches: Repeal the Child Abuse Prevention and Treatment Act

Specific measures are needed to protect Black families to repair past damage and prevent further harm to Black families. [KB3] The first order of business at the federal level should be the repeal of CAPTA. CAPTA is mission control for the state-sponsored project of Black family destruction. It codified “child protection” as a national policy priority and created the “child protective services/CPS” system. States must have a CPS system in place in order to access federal funding for “child welfare activities,” and of course, there needs to be a system in place to funnel people into the system and to manage and regulate them once they are

ensnared. Rather than tying the receipt of federal funding to reporting, investigation, and prosecution of allegedly abusive and neglectful parents, the federal government and private foundations should invest in families, not systems. As Jerry Milner and David Kelly urge, federal legislators should “demonstrate that they see and value families by converting” CAPTA “from a tool of surveillance . . . into an altogether new vehicle funded to allocate funds to actually allow states and tribes to do things that benefit families . . . We can replace surveillance and harm with investment and support.”²⁸ Ending federal support for harmful practices like mandated reporting and quasi-criminal prosecution of families for poverty-framed-as-neglect and incentivizing investment in community resources and activities that support children and families is essential to creating true family strengthening practices, institutions, and environments.

Black families generate a significant portion of money flowing through the foster industry. A highly lucrative, “self-protecting ecosystem,”²⁹ the “parasitic public/private foster industrial complex” that carry out CAPTA’s family regulation activities include “the courts and social service, health, mental health, education, and law enforcement agencies.”³⁰ Professor Dorothy Roberts points out that a main obstacle to redirecting the flow of public and private money from systems to families and communities is the tremendous amount of money generated by family policing. In New York State, for example, an analysis of tax filings in a recent year revealed that many foster care agency heads rake in over a quarter of million dollars

²⁵ Miriam Mack, *The White Supremacy Hydra: How The Family First Prevention Services Act Reifies Pathology, Control, and Punishment in the Family Regulation System*, 11 *Columbia Journal of Race and Law* 767 (2021).

²⁶ Na'im Akbar, *Light from Africa*, p. lii.

²⁷ Na'im Akbar, *Light from Africa*, p. lii.

²⁸ Jerry Milner and David Kelly, *All I Needed Was a Little Help*, *FIJW Quarterly*, Spring 2022.

²⁹ Burton & Montauban at 644, quoting Molly McGrath Tierney, *TedTalk*

³⁰ See, e.g., Emilie Stoltzfus, *Child Welfare: Purposes, Federal Programs, and Funding*, *Congressional Research Services*, page 1, (updated April 2022), <https://crsreports.congress.gov/product/pdf/IF/IF10590>.

per year in salary alone.³¹ Roberts observes that “[t]hose in power have no interest in fundamentally changing a system that is benefitting them financially and politically, one that continues to serve their interests in disempowering Black communities, reinforcing a white supremacist power structure; and stifling calls for radical change.”³²

Federal funding incentivize child-taking. In 2018, states spent about \$33 billion on “child welfare activities.”³³ While the majority of funds spent on these activities are provided by state and local governments, the federal government infuses a substantial amount of taxpayer money into the foster industry. The biggest source of federal funds—comprising more than half of all federal child welfare expenditures—is Title IV-E of the Social Security Act; in 2022, the federal government gave states:

- \$11.7 billion: 87 percent (\$10.283 billion) for family separation (foster care, adoption, guardianship payments)
- 7 percent (\$827 million) for front-end pipeline “child protection services” and “family services”
- 2.2 percent (\$263 million) for “grants, research, technical assistance and incentives)
- 1.7 percent (\$186 million) for “services to older and former foster youth”
- 1 percent (\$112 million) for “prevention services.”³⁴

Foster care is the largest category of Title IV-E spending. It entitles states to uncapped federal reimbursement for a set percentage of the costs expended for custodianship of “eligible children.” Eligible children are those who meet decades-old poverty level limits and only those who have been removed from their homes.³⁵ The law thus targets the poorest families for federal reimbursement to the states.³⁶ Due to historical and structural racism, the impact of these policy choices predictably falls disproportionately and most harshly on Black children and families.

Invest in Community-Building and Family-Strengthening Approaches

Investment in poverty-reducing initiatives is an essential aspect of reparations family policing impacted Black families. The federal government can and must take swift and dramatic action to immediately begin divesting Federal funding from these harmful policies and approaches by changing the incentive structure to support state intervention in

³¹ The Children’s Village, Jeremy C. Kohomban, \$574,456; The New York Foundling, Bill Baccaglini, \$522,600; The Children’s Aid Society, Phoebe Boyer, \$415,823; Ohel Children’s Home and Family Services, David Mandel, \$470,547; JCCA (formerly known as Jewish Child Care Association), Ronald E. Richter, \$437,557; Rising Ground, Alan Mucatel, \$399,301; Leake and Watts Services, Inc., Alan Mucatel, \$399,301; New Alternatives for Children, Inc., Arlene Goldsmith, \$387,246; Graham Windham, Jess Dannhauser, \$345,950 (former); Jewish Board, Jeffrey Brenner, \$330,803; Catholic Guardian Services, Craig Longley, \$312,700; Sheltering Arms NY, Elizabeth McCarthy, \$311,242; Cardinal McCloskey Services, Beth Finnerty, \$304,214; SCO Family of Services, Keith M. Little, \$301,685; Cayuga Centers, Edward Meyers Hayes, \$289,146; St. Dominic’s Home, Judith Kydon, \$285,658; The LGBT Community Center Foster Care Project, Glenda Testone, \$275,294; Little Flower Children and Family Services of New York, Corinne Hammons, \$259,441; MercyFirst, Renee, Skolaski, \$259,126; Lutheran Social Services, Damyn Kelly, \$256,185; Good Shepherd Services, Michelle Yanche, \$247,65; HeartShare St. Vincent’s Services, Dawn Saffyeh, \$239,974; Forestdale, Inc., William Weisberg, \$238,783; Seamen’s Society for Children and Families, David Gaskin, \$235,000; Coalition for Hispanic Family Services, Denise Rosario, \$215,960; Graham Windham, Kimberly Hardy Watson (current), \$201,623; Martin De Porres School, John Galassi, \$168,895.

³² Torn Apart

³³ Emilie Stoltzfus, *Child Welfare: Purposes, Federal Programs, and Funding*, Congressional Research Services, page 1, (updated April 2022), <https://crsreports.congress.gov/product/pdf/IF/IF10590>. <https://crsreports.congress.gov/product/pdf/IF/IF10590>

³⁴ Emilie Stoltzfus, *Child Welfare: Purposes, Federal Programs, and Funding*, Congressional Research Services, page 1, (updated April 2022), <https://crsreports.congress.gov/product/pdf/IF/IF10590>.

³⁵ Systematically Neglected, pp. 7–10

³⁶ *Id.* at 9 (“The new federal funding made available under Title IV of the Social Security Act [in 1962] could only be used for out of home placements . . . It could also not be used to support the removal of children from middle-income families, because that law required that a family be eligible for [Aid to Dependent Children] . . . in order for a portion of the costs of foster care placement to be reimbursed by the federal government.”)

supportive, community-building, and family-strengthening activities.

In 2019, the National Academies of Sciences, Engineering, and Medicine (NASEM) issued a congressionally commissioned report discussing “its assessment of the most effective means for reducing child poverty in half in the next 10 years.” The NASEM report recommended dramatically expanding material support to families, “either directly, by providing income transfers, or indirectly, by providing food, housing, or medical care.” The NASEM report found that a \$3,000 per child per year child allowance would produce the largest poverty reduction and concluded that other policies, such as raising the federal minimum wage, paid family and medical leave, expanding the Earned Income Tax Credit, and increasing childcare, food, and housing subsidies are also essential.³⁷

Reflections on Investment and Support for Black Family Autonomy and Integrity

Joyce: We want Freedom to use resources in our community for the purposes that they are intended without fear of having those services or the people who work in those services judging us based on false narratives that have been taught to them that they have never personally experienced, that creates fear. Control is the starting point; judgment is a tool used to legitimize their control. Surveillance is collecting information and instilling fear and terror. Information is gathered, along with judgment/false narratives about who we are and what we deserve or are entitled to. All that is used to build Systems that deny our humanity and agency and autonomy and keep us under control.

Reparations should include student debt relief and a moratorium on taxes for Black people. Communities should practice mutual aid not as a response to crisis but as a way of life, supported by public funding without onerous, controlling constraints and restrictions. It’s because we are still living in a Slave society that we even have to spell out and demand that our humanity

be recognized and respected. So, we have to demand that surveillance, judgment, control, etc., be replaced with Resources—availability and accessibility of basic human necessities such as safe housing, functioning schools, the opportunity to earn a livable wage, and health care services that respect our humanity.³⁸

We always talk about healthcare in the sense that we have to take care of ourselves; self-care, knowing our limits, making sure we get checkups; lack of access to appropriate cultural mental health services. When we can’t use those services freely, we don’t have health. Before we have anything else, we need to be healthy, otherwise we can’t take care of anything else. One of the most important things that is withheld from us. Because we all need to be in good health. Keeping us in poor health retards our ability to exercise Freedom and Creativity, etc. It all goes back to keeping Black people in a subservient, crippled, unstable, oppressed state of being.

Angela: Changing direction won’t be easy. As Professor Roberts says about years of failed reform efforts, “[W]e should expect it to be difficult to tweak a system so that it protects Black children when the system was established to oppress Black people. . . . the roots of today’s child welfare system lie in the forcible separation of enslaved families, the exploitation of Black children as apprentices to former white enslavers, and the exclusion of Black children from charitable aid. Throughout US history, the government has deployed child removal as a weapon to control Black people, as well as Indigenous, immigrant, and poor people, and to suppress their liberation struggles.”³⁹

³⁷ A Roadmap to Reducing Child Poverty, National Academies of Sciences, Engineering, and Medicine (2019), <https://www.nationalacademies.org/news/2019/02/child-poverty-rate-could-be-cut-in-half-in-next-decade-following-proposals-in-new-expert-report#:~:text=WASHINGTON%20%E2%80%93%20In%20light%20of%20the%20many%20costs,and%20earnings%20among%20adults%20living%20in%20low-income%20families>; see also *Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), Within Our Reach: A National Strategy to Eliminate Child Abuse and Neglect Fatalities*, <https://www.cwla.org/commission-releases-final-report-on-child-fatalities/>

³⁸ See e.g., H.R. 40: *Exploring the Path to Reparative Justice in America*, <https://www.hrw.org/news/2021/02/17/hr-40-exploring-path-reparative-justice-america#>

³⁹ Torn Apart (p. 283).

Ultimately, the goal is to replace Slavery with Freedom, control with autonomy, regulation with self-determination. Investments in liberatory approaches to communities and families are essential to ending the assault on the Black family and to creating environments and institutions (not systems) that nurture Black families' power, autonomy, and self-determination. The "system" will fight hard to maintain the status quo of destruction. We have to keep fighting for principles and philosophies that privilege Freedom over Fear, Truth over Lies, and Connection over separation. And Love overall.

Conclusion

American law, politics, and economics are still animated by the principles and logics of the American slave system:

"The law of slavery has not been forgotten by the law of segregation; the law of segregation has not been forgotten by the law of neosegregation. The law guarding the gates of slavery, segregation, and neosegregation has not forgotten its origin; it remembers its father and its grandfather before that. It knows what master it serves; it knows what color to count."⁴⁰

As to Black people, the United States family policing system operates as an iteration of slave law. Vigilance, disruption, and creativity are necessary to abolish these laws and to hold these destructive impulses at bay. Current structures, funding, and practices perpetuate child-taking and family destruction, making the so-called child welfare system a "badge and incident" of the American slave state.⁴¹ It is way past time that America acknowledges and compensates for "the massive crime of slavery, and all that it has wrought."⁴² Dismantling and ultimately abolishing the Black child and family-destroying CPS/family policing/family regulation/foster system is an urgent and necessary (but not sufficient) step toward ending this devastation, preventing further violence to Black families, and establishing the right relations between the United States government and Black Americans. Simultaneously, resources must be made readily available, easily accessible, and sustainable to ensure stable, safe, and supportive environments for

all U.S. children, and especially Black children, upon whom America heaps its cruelties most disproportionately and ruthlessly.

First and foremost, agents of government and private entities should explicitly acknowledge their responsibility for destroying the lives and futures of generations of Black children and families, with numbers in the millions. Along with reparations to make amends for the wrongs done and implementation of concrete actions to secure for the generations ahead a future free from policing, regulation, and destruction of Black family life. Black children must be free to live loving, joyful, creative, and productive lives.

Focusing on evolving and ever-vigilant responsiveness to conditions of injustice can help avoid recurrence. Ending the attacks on Black families and affirmatively enacting mechanisms to affirmatively and intentionally preserve family integrity and autonomy of Black people will have the salutary effect of increasing justice for all.

We end, as we began, with the eloquent words of Dr. Tricia Stephens:

"Black parents love their children. They loved them during the weeping years of enslavement when wealthy White people stole their rights to raise their children, and they love them now. . . . This centuries-long practice of the intentional destruction of Black families resonates in the ongoing fight Black parents have against stereotypes that delegitimize their right and dignity to raise their own children. . . . Black parents love their children too and have a right to their families without system regulation."⁴³

⁴⁰ Maria Grahn-Farley, *The Master Norm*, 53 DEPAUL L. REV. 1215, 1227 (2004)

⁴¹ Movement for Family Power; Roberts, *Torn Apart*; Children's Rights Inc. Laura Briggs, *TAKING CHILDREN: A HISTORY OF AMERICAN TERROR* (2020), etc.

⁴² Angela Olivia Burton & Angeline Montauban, *Toward Community Control of Child Welfare Funding: Repeal the Child Abuse Prevention and Treatment Act and Delink Child Protection from Family Well-Being*, 11 *Columbia Journal of Race and Law* 639, 680 (2022) (quoting DOROTHY E. ROBERTS, *SHATTERED BONDS: THE COLOR OF CHILD WELFARE* (2002) at 271.

⁴³ Tricia Stephens, *Black Parents Love Their Children Too: Addressing Anti-Black Racism in the American Child Welfare System*.

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Reflections on our Work in Community — Troubling the Frame

Julia Jean-Francois and Zenayda Bonilla

We preface this essay with a clarification. This piece stands as a reflection on our community practice in a particular location, New York City. It is not an empirical research piece, though it references broad trends in child welfare participation that are universally accepted and well understood. This piece stands as an invitation to think differently about the frame in which we place questions about child welfare policy and practice when we consider these from the point of view of the histories of communities or neighborhoods. We turn to the reader at the close of this essay to engage them in troubling the frame along with us.

What We Understand the Problem to Be

We understand that in the dominant narrative, the problem to be addressed in child welfare is perceived risk and safety concerns related to minor children. The domain of intervention of the public child welfare authority is the family circle. In our thinking and in our community practice, we see the problem to be addressed and the domain of useful intervention quite differently. We see the challenge not as simply mitigating but profoundly reckoning with the complex origins of risk and safety concerns within the family circle as they emerge within the communities in which families live. We see our child welfare work as part of a much broader range of activities that we engage in to reckon with complex and fraught histories where human rights and justice have been disregarded, to support the resiliency of families, and to activate voice and full civic participation alongside and in partnership with the individuals and families who engage with us in neighborhoods.

The principal methodologies used by the child welfare system in New York, the place from which we the authors write, engage a combination of supports (case management,

parenting skill-building, and counseling) and deterrents (family separation, termination of rights). For the past decade, the focus of child welfare system reform in New York City has been the adoption of evidence-based, trauma-informed counseling interventions (EBPs). These counseling interventions engage individual children and their families after they have come to the attention of the child welfare authority. The goal of these interventions is to achieve individual behavioral change in a way that is thought to ensure safety within the context of the family. Evidence-based models designed to impact safety and risk within families have been implemented across the country as part of the Family First Act reform efforts.

We observe, however, that for the past three decades, a period in which child welfare data has been widely available here in New York City, preferred practice methodologies used by the child welfare system have come in and out of fashion, policies have changed, and the absolute number of children and families entering the child welfare system has fluctuated; however, the particular neighborhoods from which youth and families enter into the child welfare system have not varied. This pattern, where location or neighborhood is unchanging, even when methods, policies, and absolute numbers of participants do change, is consistent with child welfare participation patterns across the country. We believe this speaks to a failure of both focus and design of reform efforts and a larger failure to consider the proper frame for addressing the question of child wellbeing.

The community districts in New York City ranking the highest in child welfare participation are also among those ranking highest in poverty and—consistent with national trends which are well established—are communities of color. Given the predictability and consistency over decades of neighborhood-level disproportionate participation of Black



Zenayda Bonilla

and Brown communities in child welfare systems and the clear failure of child welfare policy and interventions to end these trends, we have come to the conclusion that it is not useful to ask the question: what reforms or activities within the child welfare system could reverse these trends? Instead, we believe that we should trouble the frame and ask the more relevant, if paradoxical question: How does it serve the larger social organization to develop systems to manage the bodies, behavior and relationships of literally tens of thousands of individual children and families of color

when these systems appear to have had no meaningful impact on the likelihood that the neighborhoods in which children and families live will escape continued disproportionate engagement? Actions that continue without interruption and with great consistency and predictability must, we believe, serve a purpose. In this essay, we explore what we believe that purpose to be and how we might interrogate that purpose.

In Navigating Racism in the Child Welfare System: The Impact on Black Children,

Families, and Practitioners, authors from Blk Child Welfare, LLC write:

“Organized child protection emerged in Colonial America in the 1700s. This early CWS was not intended for Black children and families, but provided support to white children who were impoverished, abandoned, and orphaned (Sampson, 2010). At that time, states were granted the authority to arbitrarily remove children from their families under the guise of protection (Sampson, 2010), a practice that still is relevant today. According to Cook (1995), the English Poor Law was used to formulate a placing-out system and recruit willing families through local newspapers to provide free room and board for the indigent, thereby reducing overcrowded orphanages. Concurrently, the institution of slavery promoted separating Black children from their families (Contreras, 2018). According to Smith (2021), “the splitting of families was not peripheral to the practice of slavery; it was central” (p. 15). By the 1800s, the intentional separation of Black families had become commonplace and was endorsed by local and state law; reunification was forbidden unless it served to benefit slaveowners (Anderson, 2016). Just as slavery served as a mechanism for social control of Black people (Peprah, 2021), so did the child welfare institution for Black children (Billingsley & Giovannoni, 1972).”¹

In New York City, the institution of child welfare for Black children—and all children of color—has a unique and complex history. New York City was the site of the first formally documented and adjudicated case of child abuse in America. In 1874, the case of Mary Ellen Wilson represented a radical challenge to the view that children were to be regarded as chattel or property of their owners to do with as they wished.² Less than a decade after the emancipation proclamation was signed, Mary Ellen Wilson, a white child, was recognized as having suffered in ways that would have been deeply and intimately familiar to the formerly enslaved African children and adults in America who lived at that same time. These ways were enumerated in Mary Ellen’s court hearing, including regular and severe beatings with rawhide, insufficient food, being forced to sleep on the floor, having no warm clothes

to wear in cold weather, and being forced to do heavy labor.³ The epiphany that this treatment constituted abuse, an epiphany that was won, literally, kinetically, on the bodies of those kept in chattel slavery and who had after emancipation been recast as human beings, was clearly a profound frameshift, one that had been precipitated by the most radical reassessment of the issue of race in America: the Civil War.

In New York City, however, for nearly another 100 years, communities of Black children were not recognized as requiring protection in the same ways that White children like Mary Ellen Wilson were. About 100 years after the first case of child abuse was brought to the courts, beginning in the 1970’s, legal challenges to the New York State child welfare system slowly unwound the de facto segregation which had restricted access to protective foster care and most residential care to only White children. Once again, as in the first adjudicated case of child abuse, this happened on the heels of landmark civil rights legislation. Less than a decade before these challenges were framed, civil rights legislation broadly addressing discrimination against Black communities in voting, housing, and other domains had been passed.

Legal challenges to segregation within the child welfare system made the case that:

“The referral of children to voluntary agencies by New York City’s Special Services for Children (“SSC”), [8] and the placement of children by the agencies in specific programs, has resulted in racial segregation; that racial discrimination by the agencies has been facilitated by SSC’s identification of children for placement by race and/or skin color, and by the agencies’ unrestricted right to reject children placed with them by SSC under broad, subjective admissions criteria; that agencies are reimbursed by SSC

¹ Cantey, Nia I.; Smith, Lamar W.; Sorrells, Shemeka Frazier; Kelly, Dianne; Jones, Candis; Burrus, Deborah, *Navigating Racism in the Child Welfare System: The Impact on Black Children, Families, and Practitioners*. Child Welfare. 2022, Vol. 100 Issue 2, p163–184.

² Jalongo, M.R. *The Story of Mary Ellen Wilson: Tracing the Origins of Child Protection in America*. *Early Childhood Educ J* 34, 1–4 (2006).

³ Jalongo, 2006

for children who apply directly to the agency rather than being referred by a City placement office; and that some agencies have listed vacancies by race. As a result of the racial discrimination alleged, plaintiffs argue, black children wait longer for placement, are more often inappropriately placed, and are disproportionately placed with agencies or in programs of inferior quality.”⁴

Desegregation of the child welfare system made participation in it available to all children in New York City. Ironically, or tragically perhaps quite predictably, the profound frameshift that challenged the role of race in the child welfare system did not ultimately advantage Black communities and communities of color. In fact, the result was to make it possible for the child welfare system to be used to accomplish what civil rights legislation had made impossible, or at least more difficult to accomplish. Desegregation made the use of the child welfare system available to accomplish other broad, social purposes far removed from the intervention in matters of safety and risk in the relationships between parents and their children, purposes hauntingly familiar to Black and Brown communities since before the emancipation proclamation. These included unrelenting surveillance, the demand to conform to particular behavioral expectations in intimate family relationships, and the pall of potential family separation and legal termination of parental rights, each of which, separately and together, had been cast over the Black family for the centuries preceding and after the emancipation proclamation. With the desegregation of the child welfare system, the makeup of the child welfare system in New York City shifted: it became and is today a system almost entirely devoted to the management of the Black and Brown families in largely residentially segregated communities, wielding behavioral surveillance, family separation, and the potential for the permanent termination of parental rights as its most awesome powers. Consistent with historical strategies for social, economic, and political control of Black and Brown communities employed from the founding of our nation to the present day, child welfare in our reading must be recognized as a fraught location in which there has been a failure to acknowledge a clear heritage and kinship with

other historical and current strategies for the economically and politically dominant culture’s management and control of Black and Brown bodies and Black and Brown souls.

What child welfare interventions succeed in doing in Black and Brown communities is, arguably, not create safety but rather create an impression that individual actors are culpable, that they are mentally unwell or unfit, that they do not know how to parent or to be loving or nurturing, that they are violent and negligent, and that they require psychological counseling and behavioral intervention in order to improve. Remarkably, the origins of community trauma, though comprehensible and historically recent, remain unnamed and unrecognized.

The cynical elegance of such a system, and what makes it perhaps more indecipherable and illegible than, for example, the criminal justice system, is that it presents itself as a compassionate system that is uncovering harm and protecting particular individuals from their own uncontrolled viciousness, and not just any viciousness but the basest viciousness that would motivate a parent to harm a child. The system guides individuals whom the system itself has determined have caused harm through a therapeutic process where family members will be encouraged to come to terms with their own acts of cruelty or negligence and will have the opportunity to reform. It offers the children who have experienced what is characterized as parentally caused harm the opportunity to reengage with enlightened parents who have accepted the proofs of their inadequacies, have unlearned violent or neglectful behavior, and have learned new ways to respond to their conditions, however unjust their community conditions may be. The impression that this is a virtuous system that protects individual vicious actors against their most base impulses diverts attention from the widely shared social agreements that employ child welfare as a tool of the most profound control in particular communities. Child welfare in New York City did not protect Black children after child abuse was identified as a condition in Mary Ellen Wilson’s landmark case, nor has it, on the whole, meaningfully protected children in Black and Brown communities since

⁴ *Wilder v. Bernstein*, 645 F. Supp. 1292 (S.D.N.Y. 1986)

the time that it became available (post-Wilder) as a strategy for social control and management of these same communities.

We propose that the tragedy in child welfare should be understood as one that engages all of us, those who have direct experience in the child welfare system as providers, policymakers, researchers, and participants, as well of those who have no awareness or engagement in child welfare systems but who have lived in a society that has not meaningfully troubled our shared history and the purposes of our broadly employed systems of control and oppression.

Our Frame

We advocate shifting the frame and reinterpreting the focus and purposes of child welfare systems. We believe that any approach to improving the welfare of children must be grounded in a vision of achieving community or population-level wellbeing for all members of the collective. This frame recognizes the historical threats to wellbeing by systems legally limiting human rights and poses systemic solutions that are framed not just to engage individuals but to engage all of us at the level of the entire collective. We take the view that the principal commitment of a child welfare system should be to reckon with the historical and current drivers of neighborhood-level conditions that predict disproportionate engagement in the child welfare system. These include racism and the perpetuation of disinvestment in communities in a way that limits community power. The evolution of a system from one that only focuses on attaining safety by addressing only the most proximal causes of harm (the hand of the parent) to one invested in ensuring equity at a community level (fortifying the strength of a community that names its history, the terms of its engagement and the goals it seeks to attain), will allow us to hope that the decades-long leveraging of the power of child welfare systems to manage and control Black and Brown bodies through child welfare systems involvement, will finally end.

What Needs to Change?

We suggest that solutions must come from communities themselves, communities

that uncover histories and name all of the ways in which inequity had impacted them, communities organizing to demand change and participate in the development of services and supports that they desire to ensure that they can fully actualize their members' potential. We do recognize that people who are injured while living in circumstances in an environment challenged by inequitable distribution of resources and power need to be urgently helped to return to stability. The value of an individual's return to stability is not the end in itself, however, nor can it be the sole focus of a system of intervention. The return to stability has value because it enables the individual to participate fully as a member of both their immediate family and a successful and resilient community that can call out and resist oppressive actions that seek to limit it. A system of intervention that only acts to triage the injured and return them to conditions designed to ensure that their voice and human potential will be suppressed is not a system that can promote welfare or wellbeing at the level of community or populations. We consider examples from public health: families in communities like Newark, New Jersey, who drink water contaminated with toxic chemicals, or in homes with lead paint contaminants cannot be well. When harmed, community members must be offered effective interventions to return them quickly to stability so that they can engage in meaningful daily lives and contribute to the success of their shared community. Unless, however, at the same time that they are treated urgently for toxic exposure, they become aware of the causes of their illness from the immediate to the historic—lead-lined water pipes, a neglected water infrastructure, decades of economic disinvestment in their community, redlining, disinterest or refusal to enforce tenant protections, and the ways in which those conditions are different from the conditions in communities that do not experience water poisoning—they cannot become advocates for their own and their neighbors' interests and cannot leverage their collective influence to demand that they have safety and security in their shared environment. Communities that ensure adequate public health for their members through enforcement of limits on water and air contaminants, enforcement of laws to control landlord abuses, effective

systems of waste management, along with enforcement of voting rights, fair banking practices, and other community-strengthening measures, embrace a commitment to ensuring that residents understand the conditions, both historical and current, that have challenged their health and wellbeing. Such communities lift up the ways in which those conditions differ from conditions in other communities, and they are engaged in collective action to change those conditions and to demand equity.

What Does a Successful Child Welfare System Look Like?

We suggest that a successful child welfare system will be grounded in community life. It will require that families be supported not only to obtain stability and thrive but also to engage families collectively in identifying current and historical barriers to attaining resources and power. It will promote community-level ownership of policy-level priorities and will integrate access to the supports and opportunities for collective advocacy that community members desire to enable their own families and neighbors to thrive.

What a successful child welfare system will not do is promote a narrative that it is the attitudes, virtues, or vices of individual people that create and maintain harm in the collective. It will not reduce the complex historical drivers of social, economic, and political marginalization to individual motivations or decisions and insist on the reformation of individuals as a substitute for a social reckoning.

Our Practice

We ourselves practice in an imperfect but evolving organization that seeks to work toward the actualization of a vibrant and resilient community while working in partnership with the families who live in this neighborhood. We try our best to stand up as a service organization that prioritizes partnership and makes space for all voices. The organization that we work in defines itself as a settlement house. We are intentional about the architecture of our organization, and we have created a service system that provides many

points of access throughout our community and varying thresholds for engagement—some programs require no criteria for participation, and some have complex criteria. Our goal is to create a service architecture with the fewest barriers to access and one that can be found in the places that families will naturally find themselves in during their day-to-day activities. The majority of our activities take place in public school buildings. We work alongside our public school partners both during the school day and after school, where we stand up learning and growing spaces for over a thousand children daily. We run summer camps for children and are the partner of our city's summer youth employment program, which offers paid employment experiences to youth and young adults. Thousands of individuals access the Center for Family Life through our participation in our outdoor neighborhood sports and recreation centers located in our public school sites across our community, making engaging in our services highly accessible and non-stigmatizing.

We offer economic support services to neighborhood families. These include a food pantry that serves many thousands of community members each year, particularly frail elders and families with small children. We have a benefits access program that screens community members for their eligibility for public benefits, including health care, rental assistance, public assistance, and SNAP benefits, to name only a few. We offer a volunteer income tax assistance tax site where we provide free tax filing for low-income individuals and families and legal services, including wage and hour, landlord-tenant, and immigration legal supports. We offer a job-readiness and placement service and cultivate relationships to local employers, and we connect our job program to a robust English for Speakers of Other Languages program, case management programs for immigrant families and new arrivals to the country, and an innovative small business development program that supports community members to become worker-owners of cooperatively owned businesses, most in the domestic services. We are the incubators of the first worker-owned franchised business, which is a model for accessibility in small business development.

We support what we refer to internally as the “Ladder of Leadership.” This practice prioritizes the preparation of community members to take on leadership and directorship responsibilities of the many programs that we offer. As we engage community members from their early elementary school years, many of our programs are now directed by individuals who grew up participating in our programs and went on to achieve graduate education and degrees. This evolution of the leadership of our programs to the community itself is a deeply held commitment at our organization. Advocacy on issues that relate to our vision of community services that is framed in our core commitment to human rights and social justice is also key. We have engaged in a number of advocacy efforts, including “Know Your Rights” programs for immigrant New Yorkers, “Know Your Rights” for low-income workers and domestic workers, outreach to excluded workers who are not recognized by our public benefits systems, and most recently, community learning circles considering the data on disproportionality in child welfare and criminal justice systems participation. Several of these advocacy efforts have been led by our co-author and members of the worker’s rights advocacy community here in our neighborhood.

Our child welfare programs include two child maltreatment prevention programs supported through contracts with our local city government’s child welfare authority. These programs are integrated into our full portfolio of services and offer families the opportunity to learn about, become screened for, and enroll in any of the programs that we offer. In this way, our child maltreatment prevention programs are framed in a context that considers all aspects of families’ needs. It is grounded in a fundamental recognition that access to full civic participation and basic human rights are the essential starting place for any exploration of human need or human suffering, particularly in the immigrant and low-income, low-wealth communities in which we work. Conversations about safety and risk are framed in this larger exploration of the social location of a family and their community, their economic needs, and their availability to join in advocacy and solidarity.

We close with an observation about the

direction of our future work. As one of us has observed in her peer community organizing work, what is truly healing and generative is the opportunity to be in circles with others where each member can imagine and iterate in a way that can change their own and others’ perspectives and where all can learn and grow together and can exercise leadership and followership. What is healing and generative is the experience of being able to make a change, inspire and activate the group and the community, and dream together. When this author began her work in child welfare, she saw that with others she can do more, pursue her education, balance her job and school, work, and serve the community. Now she has made this work her profession. Her work gives her joy and gives joy to others. She compared this process to waves in the ocean, each wave filling the next and together becoming the entire ocean. Everyone knows someone in the community. Why not organize and create a better future together?

We would like to thank our readers for considering our point of view. We invite you to think deeply about why things are the way that they presently are, to find ways to surface and reckon with our collective past, and to permit ourselves to imagine an entirely new vision of what a system that truly ensures the wellbeing of children, families, and communities might be if we organize to recognize all human rights, commit ourselves to justice and create a better future together.

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Just Because

By: Zoraida Ramirez

Just because I am a mother
I am not looking for a man's help
I am not irresponsible
I am not what you think of me
I am a caring, strong, and an independent mother

Just because I am a Latina on welfare
I am not using the government
I am not a lazy person
I am not what society claims me to be
I am a dedicated mother trying to do all that I can to provide for my children

Just because I am a high school drop out
I am not less of a person
I am not a low life
I am not trying to be a statistic
I am someone who is becoming a better version of myself, someone that my children and I can be proud of. A role model

Where I Come From

By: C.H.

I'm from a street where friendships were made, and lasting memories still remain intact

I'm from faith in science, nature, and spirituality

I'm from a long line of people who valued family

I'm from laughter over the silly, strange, and unique

I come from love and a life of continual learning

I'm from love, and I know that because my family shows me through little moments, soft touches, or simple comments

I'm from fear, especially when I think about the future of our country's children

I come from a long line of large families

I come from experiences like upspoken hurt and unspoken feelings

I come from a house divided

And I wish my life would become the dreams I've created for myself in my head

That's where I'd like to be from

You Get What You Pay For: The Federal Government Should Stop Paying for Foster Care

Richard Wexler

For many years, Mary Callahan was a foster parent in Maine. When she realized that almost every child placed with her could have remained safely in her or his own home had their own parents gotten the financial support she was getting as a foster parent, she became an activist, fighting to reform the system. She wrote a book about her experiences called *Memoirs of a Babystealer*.¹

Callahan often tells a story about an executive for the private foster care agency she worked with. The executive told her, “We need 60 kids to make payroll, and we only have 61. We’re not talking adoption or reunification with anyone until we get our numbers up.”²

Rarely are the people who run what should properly be called the foster care–industrial complex that blunt. Most of the time, they rationalize taking away children needlessly and prolonging their time in foster care; they rationalize it even to themselves.

But whether they admit it or not, financial incentives matter. And in almost every state at almost every level of government, the financial incentives work against keeping families together.

You get what you pay for. If we want states to stop tearing apart families needlessly, the federal government should stop paying to tear apart families needlessly. The federal government should phase out all funding for foster care. The money should be redirected into community-based community–run support for families.

A Century of Incentives

In his 1991 book, *For Reasons of Poverty*, child welfare scholar Leroy Pelton traced the rise and fall of the foster care population through most of the 20th century. He found the number of children in foster care actually declined during the Great Depression—because Congress

passed what was then called Aid to Dependent Children (ADC), making it possible for more families to avoid having their children taken because of poverty.³ But in 1962, the law was changed, and ADC payments were allowed to follow a child into foster care.⁴ So, during the prosperous 1960s, foster care skyrocketed.

This paper explains the major financial incentives as they exist now, both for governments and for private agencies. It outlines how to change those incentives to promote safe, proven alternatives to tearing apart families.

Financial Incentives for Governments

There is a wide array of federal “funding streams” that either can be used to fund the family policing system or must be used only to fund it.⁵ There also are various state programs and, in some states, local funding as well. This section looks at some of the most important.

Although the incentives for the government do indeed push the government toward child removal and away from safe, proven alternatives, it is not the case that “governments make money on foster care.” When the discussion is oversimplified that way, it makes it easy for

¹ Callahan, Mary. *Memoirs of a Baby Stealer*. Pinewoods Press, 2003.

² Callahan, Mary. “Statement of Mary Callahan, foster and adoptive parent, founder, Maine Alliance for DHS Accountability and Reform.” July 20, 2010. <https://bit.ly/3uvljp3>

³ Pelton, Leroy H. *For Reasons of Poverty*. Praeger, 1989, p. 6.

⁴ For a full discussion of this change, and how it is related to racism in family policing, see Roberts, Dorothy. *Torn Apart*. Hachette, 2022.

⁵ For a list of these programs and a breakdown of how much is spent on each, see “Federal Appropriations for Youth and Families.” *The Imprint*, undated 2022 <https://imprintnews.org/wp-content/uploads/2022/03/Federal-Appropriations-Imprint-V2.pdf>



Richard Wexler

the foster-care industrial complex to discredit reform. It diverts attention from the actual incentives, which are plenty bad enough.

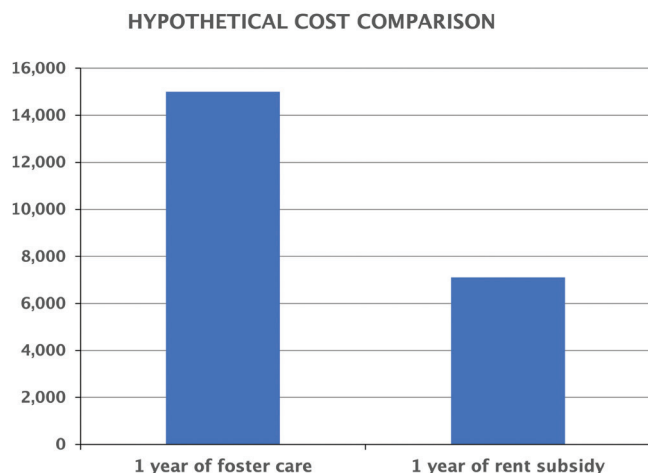
Governments don't make money on foster care because there is no state or locality anywhere in America for which another level of government pays 100 percent of the cost of foster care. There is no state-run system that gets 100 percent of its foster care costs reimbursed by the federal government, and there is no locally-run system that gets 100 percent of its foster care costs reimbursed by the state and federal governments combined—though there are places where it comes close.

But the financial incentives are still awful for two reasons:

- Foster care money from the federal government helps pay the salaries of thousands of people who keep the family policing system running, from the “cop on the beat” – the frontline caseworker – to the “police commissioner,” usually called a secretary of human services or something similar. Nobody wants to be out of a job.
- Financial incentives may reduce the cost of foster care for state and/or local governments to the point that it is a less expensive option than better alternatives.

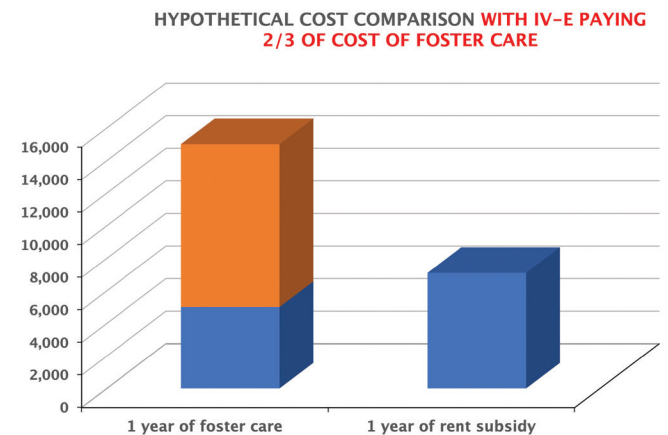
Consider a hypothetical example:

Hypothetical comparison: Total cost of foster care vs. total cost of a better alternative



Suppose in Community A, a mother and her child are living in unsafe housing. It costs \$15,000 to keep the child in foster care for a year, but a \$600-a-month rent subsidy would cost \$7,200 over the same period. The better alternative is cheaper.

Hypothetical comparison: STATE OR LOCAL of cost of foster care vs. cost of a better alternative



But what if the federal government reimburses two-thirds of the cost of the foster care and nothing for the rent subsidy? Then the state still is paying \$7,200 for the rent subsidy, but only \$5,000 for the foster care.

The Non-Financial Incentives Also Are Awful

Even when foster care doesn't cost less in total dollars, there are other incentives to misuse and overuse it.

For starters, as now has been exhaustively documented, the instinct to “take the child and run” comports with our biases about both race and class.⁶ And while a knee-jerk rush to take away children is not safer for children, it is safer for everyone else involved.

People who work in family policing systems often say: “We’re damned if we do and damned if we don’t.” That is not true.

I have followed issues involving “child welfare” systems for more than 46 years. In all of that

⁶ See generally Roberts, supra note 4.

time, I have never heard of anyone in the system, from caseworker to commissioner, who has ever been criminally prosecuted, fired, demoted, suspended, or even slapped on the wrist for taking away too many children. All of these things have happened to workers who left one child in a home where something went wrong.

When it comes to taking away children, the people who work in family policing are not damned if they do and damned if they don't. They're only damned if they don't.

Similarly, judges in New York City admitted to a blue-ribbon commission that they would rubber-stamp requests to remove children even when they felt the family policing agency had not made an adequate case because they were afraid of being on the front page if they refused such a request and something went wrong.⁷

So even when foster care still costs a state or locality money, financial incentives make it less painful for family police to do what they want to do anyway.

Financial Incentives for Private Agencies

There is another part of the family policing system, a part that is at least as important as the government that does make money on foster care: private agencies.

Most family policing systems are a mixture of private and public. Private agencies typically run the group homes and the institutions; sometimes, they oversee family foster care as well. These agencies typically are paid for every day they hold a child in foster care. Send the child home, and the reimbursement stops. That's why that private agency administrator in Maine told Mary Callahan no children in their "care" were going anywhere until they were sure they had enough to "make payroll."

Most of the time, however, they are not so honest, not even with themselves. They rationalize. They convince themselves that all those children are from profoundly "dysfunctional" families, leaving them with

intractable problems, so they absolutely must stay in "care" for a long, long time.

Illinois proved them wrong. By 1997, as a result of a foster-care panic—a sharp, sudden surge in removals of children from their homes in the wake of a high-profile child abuse tragedy⁸—Illinois had more than 50,000 children trapped in foster care on any given day.⁹ Then, although they did not change *per-diem* reimbursement, the state required that private agencies move 25 percent of the children in their care into permanent homes each year—and they measured foster care recidivism, the proportion of children who returned to foster care, to be sure agencies didn't simply dump the children.¹⁰

Lo and behold! The dysfunctional became functional, the intractable became tractable, and by 2004 the Illinois foster care census was under 20,000.¹¹ By 2017 it was down to 16,000.¹²

Then, and now, Illinois was operating under a class-action lawsuit consent decree. The decree calls for independent monitoring. The

⁷ Special Child Welfare Advisory Panel for New York City, *Advisory Report on Front Line and Supervisory Practice*. March 9, 2000, p.49. <https://eric.ed.gov/?id=ED439189>

⁸ For a discussion of this phenomenon, see National Coalition for Child Protection Reform, *NCCPR Issue Paper #2: Foster Care Panics*. Updated Nov. 21, 2021. <https://nccpr.org/nccpr-issue-paper-2-foster-care-panics/> and for a detailed discussion of the Illinois foster-care panic, see Wexler, Richard. "The Children's Crusade." *Chicago Reader*, March 23, 1995. <https://chicagoreader.com/news-politics/the-childrens-crusade-2/>.

⁹ Rolock, Nancy. *Trends in Illinois' Child Welfare System: A 25 Year Retrospective, 1985 to 2010*. University of Illinois at Chicago Jane Addams School of Social Work, Child Welfare Research Collaborative, July 2011, p. 4. <https://www.yumpu.com/en/document/read/34272395/trends-in-illinois-child-welfare-system-center-for-adoption-studies>

¹⁰ Personal communication, Jess McDonald, former director Illinois Department of Children and Family Services, April 11, 2022.

¹¹ Rolock, *supra* Note 9.

¹² U.S. Dept. of Health and Human Services, (HHS) Administration for Children and Families, "Numbers of Children in Foster Care on September 30th, by State, FY 2011 to FY 2020." <https://www.acf.hhs.gov/cb/report/trends-foster-care-adoption> (Scroll down to "State Data Tables.")

monitors found that, for well over a decade, as foster care declined, child safety improved.¹³

That changed, but not because of any change in financial incentives. Rather, according to the attorney who brought the suit,¹⁴ and the monitors,¹⁵ it was due to massive budget cuts. So, the cycle began again. There were more high-profile fatalities and another foster-care panic.

Now the number of children in foster care is up to 20,600.¹⁶ But that still is far lower than in 1997, suggesting that the change in financial incentives continues to have an effect.

Per diem reimbursement remains the norm, however, because private “child welfare” agencies are a powerful lobbying force. Their boards of directors often are larded with members of a community’s business, civic and religious elite. If there is a child abuse fatality and they choose to scapegoat efforts to keep families together, they have the ears of powerful politicians.

Some agencies will respond that they can’t be motivated by money because they are nonprofit organizations. When people say that, I tell a story from my early days in journalism when I worked for a nonprofit—a public television station. Twice, during pledge breaks in the midst of Sesame Street, someone from the station told the young viewers that they might have to take away Sesame Street if their parents didn’t send money.

This is why it would be a mistake to assume that these problems can be solved simply by banning explicitly for-profit corporations from the foster-care business. The will to survive can induce in nonprofits a form of greed that is as corrosive of common decency as the worst corporate behavior.

Into the Weeds: How the Government Incentives Work

As noted above, there are a vast number of different potential sources of government funds for the family policing system. Not every

state uses every source. I will focus here on the most important:

Title IV-E

Title IV-E is the primary source of federal funding for foster care and adoption. It also helps fund certain administrative costs connected to family policing.

Title IV-E is an entitlement. For every eligible child, IV-E pays at least half the cost of holding a child in foster care or subsidizing adoption. The amount varies from state to state. But for FY2023 the “base” reimbursement rate is projected to be between 50 cents and 78 cents on the dollar.¹⁷

But it gets worse.

Reimbursement for foster care is tied to a formula for reimbursement for Medicaid; 50 cents to 78 cents is based on something called the Federal Medical Assistance Percentage (FMAP). Whatever a state gets for Medicaid it gets for foster care.

This creates another bad incentive: whenever the federal government does something good: paying more of the cost of health insurance for poor people, it automatically does something bad: paying more of the cost of foster care.

The problem was illustrated by the COVID-19 pandemic. As part of the American Rescue Plan, the FMAP was increased by more than six percentage points in order to help cover the costs of health care for the poor. That is

¹³ Fuller, Tamara, et. al. Highlights from the *FY2018 Monitoring Report of the B.H. Consent Decree*. University of Illinois School of Social Work Children & Family Research Center. https://www.aclu-il.org/sites/default/files/field_documents/highlights_from_the_fy2018_monitoring_report_of_the_bh_consent_decree.pdf

¹⁴ Personal communication, Benjamin Wolf, Emeritus Legal Director, Illinois Branch, American Civil Liberties Union.

¹⁵ Fuller, supra note 13.

¹⁶ HHS, supra note 12.

¹⁷ Kaiser Family Foundation. *Federal Medical Assistance Percentage (FMAP) for Medicaid and Multiplier: Timeframe: FY 2023*. <https://www.kff.org/medicaid/state-indicator/federal-matching-rate-and-multiplier/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

expected to remain in effect at least until the end of 2022.¹⁸

But as a result, the current foster care and adoption reimbursement rate is more like 56 cents to 84 cents on the dollar.

In at least 10 states, the local government runs family policing. In those states, federal reimbursement sometimes is supplemented by state reimbursement—so the proportion of reimbursed foster care and adoption costs may be even higher.

None of this applies to all children placed in foster care—only to those who meet a complex eligibility formula discussed below.

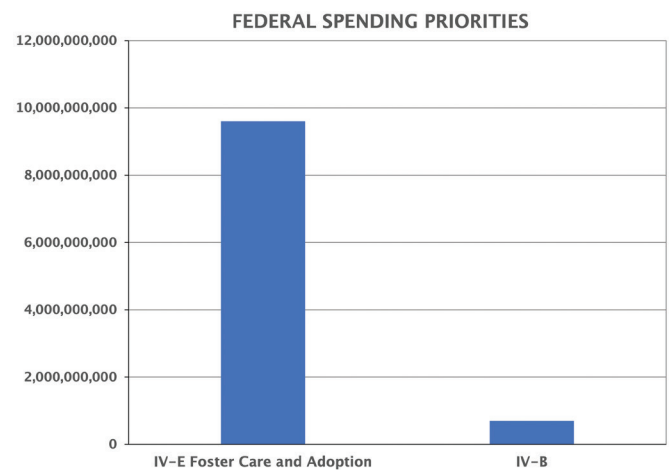
In Federal Fiscal Year 2022, the federal government is expected to spend \$5.8 billion on foster care through Title IV-E and another \$3.7 billion on adoption through Title IV-E.¹⁹ The Family First Act allows some IV-E funds to be used for prevention, but as is explained below, the amount is negligible.

One other part of IV-E is worth noting because it's the one part that can now do some real good. Folded into the foster care and adoption categories are reimbursement for "administrative costs." Unlike the rest of IV-E, reimbursement for administrative costs is not tied to the FMAP. Administrative costs are reimbursed at a flat 50 cents on the dollar. What makes administrative costs important is a change made in 2018. By changing a few words in a policy manual, the federal Children's Bureau made these funds available for lawyers and their support staff who represent families and children. That creates a modest incentive to embrace one of the most important reforms to curb family policing: high-quality defense counsel for families.²⁰

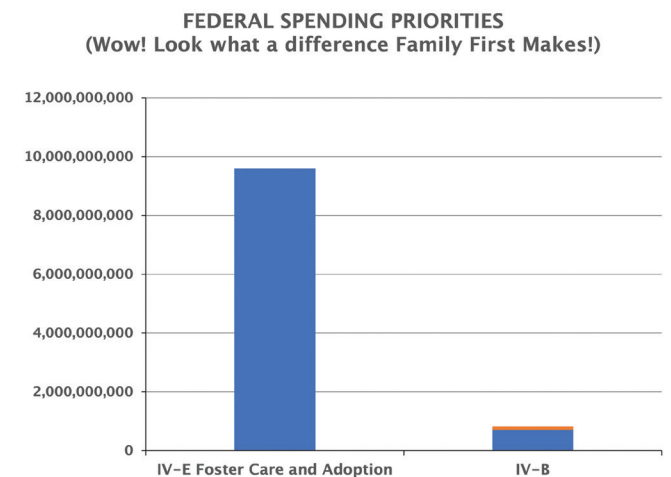
Title IV-B

Title-IVB is the primary source of prevention and family preservation funding. It is not an entitlement. When the money runs out, there's nothing more, no matter how great the need. And there's not much to begin with: about \$700 million per year.²¹ Even that figure is high since some IV-B money can be spent on adoption, foster care, and "training" family police.²²

The Family First Act Prevention Services Act, discussed below, may add another \$130 million in IV-E funds to the total for prevention.



Here's how it all breaks down:



each year, the federal government spends more than 10 times more on foster care and

¹⁸ Guth, Madeline, et. al. *Federal Medicaid Outlays During the COVID-19 Pandemic*. Kaiser Family Foundation, April 27, 2021. <https://www.kff.org/coronavirus-covid-19/issue-brief/federal-medicaid-outlays-during-the-covid-19-pandemic/#:~:text=The%20American%20Rescue%20Plan%20Act,new%20adoption%20of%20the%20ACA>

¹⁹ "Federal Appropriations..." supra, note 5.

²⁰ Wexler, Richard. "1 Change in Federal Policy Manual May Do More for Children, Families Than Entire Family First Act." *Youth Today*, Feb. 18, 2019. <https://youthtoday.org/2019/02/1-change-in-federal-policy-manual-may-do-more-for-children-families-than-entire-family-first-act/>

²¹ "Federal Appropriations..." supra, note 5.

²² Child Trends. *Title IV-B Spending by Child Welfare Agencies in SFY 2018*. March 2021. https://www.childtrends.org/wp-content/uploads/2021/01/Title_IVB_SFY2018.pdf

adoption than on programs to keep children safely out of foster care. It spends at least \$9.6 billion on foster care and adoption. It spends, at most, \$700 million to \$830 million on preventing needless foster care.

Family First Changes Almost Nothing

The Family First Prevention Services Act (Family First) has been called “revolutionary”.²³ It’s been called a landmark.²⁴ It’s been called the law that will “change foster care as we know it.”²⁵ It’s been called “a huge overhaul of foster care.”²⁶

It is none of those things. The law allows some IV-E foster care money to be used for prevention—but it is so full of limits that it is almost meaningless.²⁷

You can’t use Family First for what families need most: concrete help such as housing assistance and childcare. You can only use it for three specific types of services, two of which are likely to be largely worthless. Indeed, the law reinforces the “medical model” that has sent child welfare in the wrong direction for more than half a century.

The medical model postulates that child abuse and neglect are the faults of parents who, while not necessarily evil, are certainly sick. Thus, it is in no way the fault of the larger society; it is strictly something wrong with the parent.²⁸

So, while Family First allows funding for one service that is genuinely useful, drug treatment, the only other services it will fund are mental health treatment and home-based treatment emphasizing the system’s old standbys: counseling and parent education.

While there are times such services can be genuinely useful, often they become just one more hoop a family has to jump through; so they can actually make a family’s situation worse.

That’s because the foster care-industrial complex tends to confuse cause and effect. The stresses of poverty may lead to substance abuse and mental illness. Instead of increasing

the stress by adding all those hoops, states should focus on alleviating the poverty. And if that isn’t enough to ameliorate the substance abuse or mental illness, then the solution is still money—so poor people can treat their substance use and mental health issues the way rich people do: by purchasing the help they need. Multiple studies have demonstrated the transformative power of cash in reducing what family policing agencies label “neglect.”²⁹ Claims by defenders of the *status quo* that children are not torn from their homes because of poverty “alone” are irrelevant. If the solution is money, the problem is poverty.

One of the few truly valuable programs approved for funding under Family First is a program called Homebuilders, which combines counseling with concrete help and does both in ways directed by the family instead of imposed by the therapist. To the extent that states and localities embrace this program, it will make Family First more valuable. And Homebuilders meets the other key criterion to be eligible for

²³ Wogan, J.B. “The Revolutionary Foster Care Law Buried in February’s Federal Spending Deal.” *Governing*, May 13, 2018. <https://www.governing.com/archive/gov-family-first-foster-care-child-welfare-congress.html>

²⁴ *Every Kid Needs a Family, About This Project* (National Center for State Courts, Undated.) <https://www.ncsc.org/everykid>

²⁵ Wiltz, Teresa. “This New Federal Law Will Change Foster Care As We Know It.” *Stateline*, May 2, 2018. <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/05/02/this-new-federal-law-will-change-foster-care-as-we-know-it>

²⁶ *Ibid.*

²⁷ For an overview, see Wexler, Richard. “Family First Act Institutionalizes Institutions, Sets Up Prevention to Fail.” *The Imprint*, June 30, 2016. <https://imprintnews.org/opinion/family-first-institutionalizes-institutions-sets-prevention-fail/19342>. See also Wexler, Richard. “Don’t believe the hype. The Family First Act is a step backwards for child welfare finance reform,” *NCCPR Child Welfare Blog*, Feb. 9, 2018. <https://www.nccprblog.org/2018/02/dont-believe-hype-family-first-act-is.html>

²⁸ For a detailed discussion, see Wexler, Richard. “Child abuse is not a public health problem, it’s a social justice problem.” Presentation to the Kempe Center International Virtual Conference:

A Call to Action to Change Child Welfare, Oct. 6, 2020. <https://www.nccprblog.org/2020/10/child-abuse-is-not-public-health.html>

²⁹ For further discussion and links to some of these studies see Wexler, Richard, “Want to Prevent Child Abuse? Behold the Transformative Power Of Cash,” *Youth Today*, Aug. 14, 2019.

funding under Family First, it's considered sufficiently "evidence-based."³⁰ The standards for this are extremely strict. That, in itself, illustrates the hypocrisy of the family policing system.

Foster care is not evidence-based—on the contrary, the evidence is that it's harmful.³¹ Residential treatment? Same thing.³² What about that most sacred cow in child welfare, Court-Appointed Special Advocates (CASA)? A review of every study the researchers could find turned up zero evidence that would make CASA evidence based—indeed there is considerable evidence that it does harm.³³ But we keep throwing money at it.

Only when the topic is keeping children out of foster care, do we demand that proponents dot every 'i' and cross every 'T' in multiple studies to prove a given program's worth beyond the shadow of a doubt.

The bottom line for Family First is this: very few programs will be allowed to address very few problems.

That's why, in 2016, the Congressional Budget Office estimated that an average of \$130 million per year in IV-E funds would wind up going to prevention thanks to Family First^[34]—that's the \$130 million mentioned above. That will raise the prevention total to all of \$830 million—still dwarfed by the \$9.6 billion spent on foster care and adoption. Or, to put it another way, the \$130 million in new prevention funding equals less than two percent of what's lavished on foster care and adoption.

Waivers Were Better

Family First did damage in still another way. It replaced a better option: waivers.

Beginning in 2006 and expanding considerably by 2012, states were allowed to apply for IV-E waivers. If a state or locality received a waiver, it would take all or part of its IV-E entitlement as a flat grant. The amount was based on a projection of what the state was likely to receive under the entitlement, with an adjustment for inflation. States or localities would be free to spend the money on foster care but also on

better options. States that reduced foster care could keep the savings as long as the money was plowed back into child welfare. But if they took too many children, they had to pay for those additional placements themselves.

Unfortunately, few places sought big waivers to cover all of their IV-E funding. Most opted for small-scale projects. (It didn't help that the federal official who issued "guidelines" for the waivers took an approach that undermined their purpose.)³⁵ But Florida went big. During the first years of the waiver, when leadership was committed to safely reducing foster care, independent evaluations found that the waiver did exactly that.³⁶ And, much as in Illinois, when subsequent leaders succumbed to a media-fueled foster-care panic,³⁷ the increase in entries was not nearly as great as it was

³⁰ For a detailed discussion of Homebuilders, see Wexler, Richard. "Inclusion of Homebuilders Model Makes Family First Act a Much More Useful Law." *Youth Today*, May 26, 2020. <https://youthtoday.org/2020/05/inclusion-of-homebuilders-makes-family-first-act-a-much-more-useful-law/>

³¹ For a summary of some of that evidence, see "NCCPR Issue Paper #1. Foster Care vs. Family Preservation: The Track Record for Safety and Well-being." Updated Feb. 23, 2022. <https://nccpr.org/nccpr-issue-paper-1-foster-care-vs-family-preservation-the-track-record-for-safety-and-well-being/>

³² For a summary of some of the evidence, see, National Coalition for Child Protection Reform. *Residential Treatment: What the Research Tells Us*. Updated April 18, 2011. <https://bit.ly/3oro05o>

³³ For a summary of some of the evidence, see: Wexler, Richard. "The Case Against CASA." Presentation to the Kempe Center International Virtual Conference: A Call to Action to Change Child Welfare, Oct. 6, 2021. <https://www.nccprblog.org/2021/10/nccpr-at-kempe-center-conference-case.html>

³⁴ *Congressional Budget Office Cost Estimate: HR 5456 Family First Prevention Services Act of 2016*, June 21, 2016. <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/hr5456.pdf>

³⁵ Wexler, Richard. "Foster care in America: Rutledge Q. Hutson is gloating – and that's never good news for children." *NCCPR Child Welfare Blog* June 18, 2012. <https://www.nccprblog.org/2012/06/foster-care-in-america-rutledge-q.html>

³⁶ Armstrong, M.I., et. al. *Florida's IV-E Waiver Demonstration Project: Evaluation Summary Brief*. Department of Child & Family Studies Louis de la Parte Florida Mental Health Institute USF College of Behavioral & Community Sciences, May 30, 2012. <https://bit.ly/3jClvWW>

³⁷ For a full discussion of this panic, see NCCPR's Florida Blog: <https://heraldvsfacts.blogspot.com/p/our-full-response-to-innocents-lost.html>

following a similar panic in 1998, before the waiver.³⁸

From the beginning, the family policing establishment, including groups like the Children’s Defense Fund and the Center for Law and Social Policy, were hostile to waivers.³⁹ Why would they oppose waivers and support Family First? Because Family First is an add-on—that is, the prevention funding comes on top of the existing open-ended entitlement, waivers ended the entitlement in those states that accepted them. And, as will be discussed further below, nothing is more sacrosanct to the family policing establishment than the foster-care entitlement.

The Importance of “The Lookback”

Earlier, I noted that IV–E reimbursement is available only for eligible cases. What makes a case eligible?

When Title IV–E was established, foster care funds were made available if the child’s own family was poor enough at the time to qualify for welfare—that is, Aid for Families with Dependent Children (AFDC). Since family policing targets poor people, that was a lot of families.

But AFDC no longer exists. It was replaced in 1996 by Temporary Assistance for Needy Families (TANF), something discussed further below. But the rule linking IV–E eligibility to AFDC 1996 income limits was never changed—and there has been no adjustment for inflation.

Again, consider a hypothetical case:

Suppose in state x, back in 1996, you could only get AFDC if family income was less than \$10,000 per year. That means IV–E would pay for foster care only if the child came from a family earning less than \$10,000 per year.

But it’s been 26 years since AFDC was abolished. Adjusting for inflation, \$10,000 then is more than \$18,219 today.^[40] But the rule still stands: In state x, a child is eligible only if his own family, his *real* family, has less than \$10,000 in income.

This is bizarre, it is confusing, it is clumsy to administer—and it is *wonderful*. Simply because of inflation, the number of families with less than that hypothetical \$10,000 per year almost always is decreasing. That doesn’t mean poverty is decreasing, but because there’s no inflation adjustment, the number of cases eligible for reimbursement is likely to decline ever so slightly year after year after year.

According to one estimate, in 2000, four years after AFDC was abolished, 58 percent of all cases were eligible,⁴¹ by 2018, it probably was about 46 percent.⁴²

This means that, in theory, if absolutely nothing changes, in roughly 31 years, the federal government won’t be funding foster care anymore! That’s probably optimistic. Another estimate found that the proportion of eligible cases was already down to 45 percent by 2006⁴³— suggesting that, if nothing changes, the federal government will keep paying for a lot of foster care for a very long time. But all this also means there is at least one upside to the current high rate of inflation.

There also is a shorter-term benefit. Every year this continues, the pressure on states to

³⁸ For entry data concerning the current Florida foster-care panic, which started in 2014, see HHS, *supra*, note 12. Earlier entry data are no longer readily available online, but are available from NCCPR. See also NCCPR’s reports on Florida child welfare, beginning with *Shadow on the Sunshine State*, in 2000: <https://nccpr.org/nccpr-florida-reports/>

³⁹ Wexler, Richard. “Foster care finance reform: The charge of the ‘Yes, but...’ brigade.” *NCCPR Child Welfare Blog*. <https://www.nccprblog.org/2010/07/foster-care-finance-reform-charge-of.html>

⁴⁰ U.S. Bureau of Labor Statistics CPI Inflation Calculator https://www.bls.gov/data/inflation_calculator.htm

⁴¹ Scarcella, Cynthia Andrews, et. al. *The Cost of Protecting Vulnerable Children V: Understanding State Variation in Child Welfare Financing*. The Urban Institute, May 2006. <https://www.urban.org/sites/default/files/publication/50536/311314-The-Cost-of-Protecting-Vulnerable-Children-V.PDF>

⁴² Rosinsky, Kristina. “Child Welfare Financing SFY 2018: A survey of federal, state, and local expenditures.” *ChildTrends*, March 2021. https://www.childtrends.org/wp-content/uploads/2021/03/ChildWelfareFinancingReport_ChildTrends_March2021.pdf

⁴³ Child Welfare League of America, *Ten Years of Leaving Foster Children Behind*, July, 2006. https://thehill.com/sites/default/files/TENYEARS...TheReport_0.pdf

accept better alternatives to the current IV-E entitlement grows.

Of course, the foster care-industrial complex is desperate to get rid of the lookback. They crave what they call “delinking” the way Homer Simpson craves donuts. And both are bad for children.

In 2006, the Child Welfare League of America, a trade association for public and private family policing agencies, justified its craving this way: “It is often said that the nation’s foster care and child welfare system is ‘broken.’ In reality, it isn’t broken so much as it has never been fully supported and empowered to function effectively.”⁴⁴

The danger that Congress might be suckered into delinking is real: the foster care industrial complex already achieved “delinking”—a phase-out of the lookback—for adoption subsidies. For most adoptions, it no longer applies. That creates another bad incentive. A case for which a state can’t get IV-E reimbursement while the child is in foster care might be eligible for reimbursement if the state terminates children’s rights to their parents (a more accurate description than “termination of parental rights”) and those same foster parents adopt the child. (This incentive is in addition to the adoption bounties discussed below.)

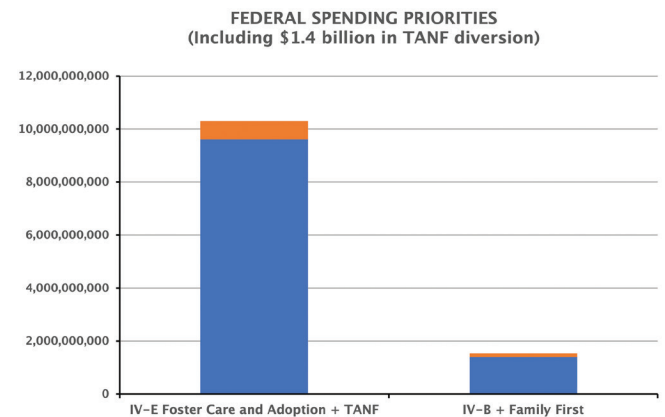
TANF: The Child Welfare Slush Fund

All this still underestimates the extent to which the funding deck is stacked against families. Because there is one more huge pot of money many states can use for foster care, and in some ways, this is the most immoral perverse incentive of all—TANF.

As noted above, TANF replaced AFDC—“welfare as we knew it.” TANF is not an entitlement—so states can build surpluses by cutting people off. The surpluses are supposed to be used to help poor families become self-sufficient. But for many states, there is a loophole that allows them to divert TANF money to foster care, child abuse investigations, and adoption subsidies. In 2020 states [poured more than \\$2.6 billion](#) through that loophole.⁴⁵

That’s in addition to the \$9.6 billion spent on foster care and adoption under IV-E.

Not all of this money is necessarily misspent.



Sometimes TANF money goes to pay relatives for providing kinship foster care. But, at most, that’s 20 percent of the TANF money spent on child welfare.⁴⁶

Another \$884 million goes to family support, preservation and reunification. But almost all of that can simply be used to displace state spending, and some states have done just that. In other words, poor people are forced to fund their own family preservation/reunification services.⁴⁷

But even if you accept all that spending as legitimate, that still leaves \$1.4 billion taken out of poor people’s pockets to fund things like foster care payments to strangers, adoption, and child abuse investigations. Money that should have been used to provide low-income child care can be diverted to investigate an impoverished family on a “lack of supervision” charge—because they don’t have child care.

In Arizona, the state which probably is the worst offender, a ProPublica story put it this way:

⁴⁴ Ibid.

⁴⁵ Administration for Children and Families, Office of Family Assistance. “OFA Releases FY 2020 TANF and MOE Financial Data.” Oct. 13, 2021. <https://www.acf.hhs.gov/ofa/news/ofa-releases-fy-2020-tanf-and-moe-financial-data#:~:text=In%20FY%202020%2C%20combined%20federal,education%2C%20and%20training%20activities%3B%20and>

⁴⁶ Ibid.

⁴⁷ Ibid.

“... Arizona spends only 13% of its welfare funding on welfare itself, and none on child care or pre-K. Meanwhile, it diverts 61% of the dollars to the state’s child protective services system, which amounts to more than \$150 million repurposed in this way every year, a ProPublica review of budget documents shows.

In other words, welfare in Arizona largely goes not to helping poor parents financially but rather to the state’s Department of Child Safety — an agency that investigates many of these same parents, and that sometimes takes their kids away for reasons arising from the poverty that they were seeking help with in the first place.”⁴⁸

Other Bad Incentives

Adoption bounties. Under the Adoption and Safe Families Act, for every finalized adoption over a baseline number, states get anywhere from \$5,000 to \$10,000.⁴⁹ The federal government calls these bonuses. A more appropriate term is bounties.

If an adoption fails, the state doesn’t have to give the money back. In fact, the state can place the same child again and, if the baseline is exceeded, collect another bounty.

The incentive is obvious: rush to terminate children’s rights to their parents and make quick-and-dirty, slipshod placements. In Kentucky, in 2006, local newspapers and NBC News exposed a scandal in which the state was doing just that.⁵⁰

Six years later, a Washington State report found that “Permanency initiatives are often ‘numbers driven’ and ‘time specific’ which can adversely affect both practice and placement outcomes. When the driving force behind permanency initiatives is numbers, rushed and inadequate placements, adoption disruptions, multiple moves and longer stays in care result.”⁵¹

One small bit of good news: bounties now also go to guardianships, which usually means placement with relatives—though those are limited to \$4,000.⁵² This, too, illustrates the misplaced priorities of the system: adoption, which is more likely to be with a stranger, literally pays off better for a state than guardianship with a relative.

Something David Sanders, now executive vice president of systems improvement at Casey Family Programs, said in 2003 when he was director of the Los Angeles County Department of Children and Family Services, still holds true today:

“What you have now is an incentive to initially remove the child and an incentive to adopt them out. I think when you put these two together, there is a problem.”⁵³

Stealing foster children’s money. It’s estimated that on any given day, 10 percent of foster youth, about 40,000 children, are entitled to either Social Security Disability Benefits or Social Security Survivor Benefits. But in most states, family policing agencies go to great lengths to swipe that money and keep it for themselves before the children ever get it.⁵⁴ It’s legal, but it’s about as ethical as and more harmful than stealing candy from a baby.

In an excellent example of how the family policing establishment and its allies put their own interests ahead of the children when legislation first was proposed in Congress to stop the theft, both the Child Welfare League of America and the Children’s Defense Fund opposed it. Their rationale: it would deprive these wonderful agencies of some small fraction of the billions they get every year to do their wonderful work “helping” children.

⁴⁸ Hager, Eli. “A Mother Needed Welfare. Instead, the State Used Welfare Funds to Take Her Son.” *ProPublica*, Dec. 23, 2021. <https://www.propublica.org/article/a-mother-needed-welfare-instead-the-state-used-welfare-funds-to-take-her-son>

⁴⁹ Kelly, John. “How The New Adoption Incentives Would Work.” *The Imprint*, July 8, 2014. <https://imprintnews.org/analysis/how-the-new-adoption-incentives-would-work/7437>

⁵⁰ Thompson, Lea. “Increasing adoptions: A good idea gone wrong?” *NBC Nightly News*, June 13, 2006. <https://www.nbcnews.com/id/wbna13304867>

⁵¹ Patrick Dowd, Office of the Family and & Children’s Ombudsman. *Severe Abuse of Adopted Children Committee Report*, September, 2012.

⁵² Kelly, supra note 49.

⁵³ Anderson, Troy. “Government Bonuses Accelerate Adoptions,” *Daily News of Los Angeles*, Dec. 8, 2003,

⁵⁴ Hager, Eli and Shapiro, Joseph. “State Foster Care Agencies Take Millions Of Dollars Owed To Children In Their Care.” *The Marshall Project* and NPR, April 22, 2021. <https://www.npr.org/2021/04/22/988806806/state-foster-care-agencies-take-millions-of-dollars-owed-to-children-in-their-ca>

In the years since, and particularly after the practice was exposed in 2021 by NPR and *The Marshall Project*, some states and localities have moved to curb it.

Ransom. Many family policing systems actually require parents to “reimburse” them for part of the cost of their children’s foster care. Sometimes the failure to make these payments can, itself, prolong foster care. And when a family is reunified, they still may have to pay off the debt, driving them deeper into the poverty that often causes the removal of children in the first place. Even if one can get past the fact that the practice is morally reprehensible, it doesn’t even save money. On the contrary, the cost of collection—and prolonged foster care—is greater than the money squeezed out of families.

Although some states say, such collections are required under federal law, in fact that law is flexible. Any state that doesn’t want to engage in this practice can stop.⁵⁵

States refer to these payments as “child support.” But when someone takes a child from her or his parents and then forces the parents to pay money to get the child back, the only proper term for the payment is ransom.

Better Alternatives

Many ideas have been proposed for changing these incentives. Any of these would help; this list runs from least to most helpful:

The Biden plan. The Biden Administration has proposed modest but significant reforms. Under their plan, the amount of money reimbursed under Title-IVE for every foster care placement would be increased by ten percentage points if the placement is in the least harmful form of foster care, kinship foster care with a relative or close family friend. It would be decreased by five percentage points for the worst placements—in group homes and institutions.

For example, a state that now gets 60 cents on the dollar for placing an eligible child in any form of foster care would get 70 cents if the placement is with a relative and 55 cents if the placement is in a group home or institution.

The plan also would increase the reimbursement rate for preventive services under Family First and add some flexibility to the process for determining which programs are eligible for Family First reimbursement.⁵⁶

Waivers for all. The George W. Bush Administration floated an idea that amounts to taking the waiver process, which was complex and required a specific application and various case-by-case approvals, and making it simple: let any state trade-in the open-ended IV-E entitlement for a flexible flat grant. For five years, states would get the same amount they had been getting through the IV-E entitlement as a flat grant. It would be adjusted for inflation. As with waivers, if states took fewer children, they could keep the savings if the money was plowed back into child welfare. If states took more children, they’d have to pay for those additional placements themselves.

The plan was strictly voluntary.

But the child welfare establishment, particularly groups on the Left like the Children’s Defense Fund (CDF), rose up in demagogic fury. CDF declared that this voluntary plan would “dismantle ... foster care.”⁵⁷ The attacks were successful, the plan went nowhere. The Trump Administration tried to revive it; again, it went nowhere.⁵⁸

It died again even though the opposition by CDF to the Bush Administration plan not only was bad for children; it was bad for states’ bottom lines. Five years after the plan was first proposed, the Congressional Research

⁵⁵ Shapiro, Joseph. “States send kids to foster care and their parents the bill — often one too big to pay.” NPR, December 23, 2021.

⁵⁶ Kelly, John. “Biden Proposes Major Spending Shifts to Prioritize Kin, Foster Care Prevention.” *The Imprint*, March 28, 2022. <https://imprintnews.org/youth-services-insider/biden-prioritize-kin-foster-care-prevention/63821>

⁵⁷ Children’s Defense Fund. “It’s Time for New Voices for New Choices Which Truly Leave No Child Behind” Feb. 26, 2003, p.2.

⁵⁸ Kelly, John. “Trump 2019 Budget: Flexibility Beyond Family First Act, But with a Catch.” *The Imprint*, Feb. 16, 2018. <https://imprintnews.org/youth-services-insider/trump-budget-flexibility-beyond-family-first-act-with-catch/29973>

Service calculated⁵⁹ how much states would have gotten had it become law and had every state accepted it. The answer: five billion more over five years than they got after CDF, the Child Welfare League of America and the rest of the child welfare establishment killed the reform and forced states to stick with the entitlement.⁶⁰

Since even the voluntary model failed, there was no hope for a more far-reaching plan offered at about the same time by then-Rep. Wally Herger (R-California). His version would have worked the same way—but it wouldn't have been voluntary. Even that wouldn't have been enough. Even these plans would have simply neutralized the bad financial incentives. But because of all the non-financial incentives, the pressure to needlessly tear apart families would have remained enormous.

We need something far more radical. Something like this:

Start with the Herger plan. But then, the following year, require that at least 10 percent of the total grant be transferred out of foster care and into safe, proven alternatives; ideally, these would be community-based and community run. (Prof. Anna Arons' paper on New York City's "unintended abolition" describes an excellent model.)⁶¹ The next year it would be 20 percent, then 30 percent, and so on.

After 10 years the federal government would be out of the foster care and adoption funding business entirely—but states would have over \$9 billion more, plus an inflation adjustment, to spend on better alternatives.

For example: suppose state x received \$100 million in IV-E foster care reimbursement last year. Under this plan the state would get \$100 million this year and no more. But the state would be free to spend that money on foster care and adoption and/or on better alternatives. Next year it would be \$100 million again (plus an inflation adjustment) but no more than \$90 million of it could go to foster care and adoption. The year after only \$80 million could go to foster care and adoption. After 10 years the entire \$100 million would have to go to better alternatives.

That does not mean there would be no foster care and no adoption. It would mean only that if a state or local government wanted to tear apart a family that state and/or local government would have to pick up the entire tab.

Other urgent reforms include:

- Ban *per diem* reimbursement for private agencies. The federal government should bar states from paying private agencies based on each day they hold a child in "care."
- Eliminate the adoption bounties under ASFA and replace them with payments only for reunification and guardianships. The reunification payments would be contingent on no long-term increase in foster-care recidivism—children returned to foster care after reunification.
- Prohibit states from taking foster youths' Social Security benefits.
- Prohibit states from making parents pay ransom.
- Prohibit the use of TANF money as a child welfare slush fund.

Even all this doesn't guarantee success because it doesn't deal with all those other non-financial incentives mentioned earlier.

But there are good people involved in these issues, both outside advocates and those who want to change family policing from within. We can see that because we saw a few courageous leaders accept waivers. And we can see it now when a state or local government manages to significantly reduce entries into care in spite of the current incentives.

Reversing federal financial incentives and ending *per-diem* reimbursement to private agencies will allow these good people to swim with the tide instead of against it.

⁵⁹ Stoltzfus, Emilie. "Child Welfare Funding Proposed by the Child SAFE Act (H.R. 4856 – 108th Congress) Compared to Actual and/or Projected Funding, FY2005–FY2010." Congressional Research Service, Feb. 26, 2008.

⁶⁰ Wexler, Richard. "The \$5 billion blunder." *Youth Today*, Dec. 2, 2010. <https://youthtoday.org/2010/12/the-5-billion-blunder/>

⁶¹ Arons, Anna. "An Unintended Abolition: Family Regulation during the COVID-19 Crisis." *Columbia Journal of Race and Law* Vol. 12, No. 1, April 4, 2022. <https://journals.library.columbia.edu/index.php/cjrl/article/view/9149>

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Keeping Families Together: Studying the Past to Inform the Future Reimagining, How to Assist Families

Dave Newell and Shrounda Selivanoff

“Yes, and how many years must a person exist before they are allowed to be free? Yes, and how many times can a man turn his head and pretend that he just doesn't see?”

— Bob Dylan

“There is nothing like returning to a place that remains unchanged to find the ways in which yourself have altered”.

— Nelson Mandela

Introduction

To the casual observer, there is a common assumption of families involved in the child welfare system. Child welfare is designed to save and protect, and those involved—the caregivers—must have done something wrong to their children, and the Child Protection Service (CPS) must be the solution. We, too, had ideas about child welfare. However, lived experience has provided us with insight and understanding that surface appearances are not necessarily as they seem, as families and systems are complex. Indeed, there is much need for unlearning regarding these harmful narratives surrounding families and the promotion of CPS as child protectors. We assert the communities in which our families reside are the solution for families.

Individually, we sometimes feel isolated and alone in this world, particularly when involving issues that carry a stigma or are deemed character flaws by society. These issues include substance abuse and addiction, behavioral health issues, poverty, and homelessness, among others. However, these are common threads tied to families experiencing the child welfare system. Through our collective journeys—one as a Black woman whose lived experience can attest to those feelings of isolation and shame as a parent entangled in the child welfare system, and the other as a white male who has spent 30 years professionally in

social work and lived experience as a foster and transracial adoptive father—we have come to the same truth. When children and families experience such overwhelming issues, caregivers cannot go it alone. The entire family needs support.

Prior to our involvement in child welfare and social work, our ideas were based on mainstream orthodoxies about parents and their inability to care for or lack of concern for their children. Today, based on our experiences, our perceptions and understanding of the problems and the system currently in place to provide solutions have dramatically shifted. To tell the full story, we must unearth looking into the past. Doing so can assist us in supporting families in a way that acknowledges the system's history and the current structures, which are more harmful than helpful and ineffective in genuinely addressing the root causes and needs of families; as a result, families find themselves scrutinized, surveilled, and powerless. Armed with these facts, we must create and build community solutions with those most impacted at the center: families.

Insight from the Past

History provides so much insight into the past, the places where growth has occurred, and where society has remained unchanged or slow in progress. In 1909, the Whitehouse



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conference on children established a federal focus on children and created the Children's Bureau. There were a few principles that were derived from the conference. They are family life paramount; children should not be removed from families due to poverty; prevention is essential and underscores the importance of having suitable placements for children who cannot remain at home. The issues warranted to be addressed at the 1909 conference have made some progress; however, we as a nation still need to make substantial advancement in the areas mentioned above. Families are being torn apart and entering the system due to neglect and often poverty related. Neglect certainly needs to be unpacked as, in some instances, it represents exposure to domestic violence and drug addiction correlated with poverty. These types of issues, for example, may need other types of supports outside of addressing poverty alone. Even with these types of issues, present child removal as a primary intervention does not need to occur as frequently when other supports such as transportation, childcare, meeting basic needs, and in-home services could assist in keeping families together.

In Washington state, children are removed from their homes only to be housed in hotels, department offices, or group living facilities.¹ Indeed, we need progress and change for our families who are at risk of child welfare exposure. With all the growth in the United States over the last 100 years, much has advanced in a whole host of areas known to man however the treatment of families and the care of our children in child welfare is slow. As a country, we have reverted to a family-unfriendly policy and continue to fall short in prioritizing families so they can grow and succeed together.

When looking at the demographics of child welfare, it remains primarily Black and Indigenous children who overflow the child

¹ Ingalls, Chris. "No Bed, No Blanket: Social Workers Blow Whistle on Washington Forcing Foster Youth to Sleep in Cars, Offices as Punishment." *King5.com*, 2021, www.king5.com/article/news/investigations/no-bed-no-blanket-social-workers-blow-whistle-on-state-forcing-foster-youth-to-sleep-in-cars-offices-as-punishment/281-ae353838-1cf0-48bb-991e-17-9e70cc20cb#.~.text=A%20four-month%20KING%205%20investigation%20found%20a%20years-long

welfare system, as a significant body of research has highlighted disproportionality in the child welfare system. In 2019, Indigenous children made up one percent of the child population and accounted for two percent of the foster care population, while Black children accounted for roughly 14 percent of the child welfare population and 23 percent of the foster care population.² Hispanic children were also overrepresented in 20 States in 2018.³ When recounting through the country's history of boarding schools and slavery, it is evident that Black, Brown and Indigenous children and families have been perceived as disposable to some people, and the lack of reform, change and investments in families only compound this disturbing truth. Family separation as a solution to the reality that caregivers cannot go it alone is woven into the fabric of the United States. It remains activated through child welfare under the guise of children's best interests when research and lived experiences show those interests are better served by providing needed support to the entire family.

Family separation is devastating, and in hearing from those most impacted children and families, we can relay countless stories from families that convey this clear message: "We do not want to be torn apart." This is corroborated by Shrounda herself as an impacted parent. Children and their parents share the despair, trauma, and heartache of being separated from one another: from a child's perspective, entering the child welfare system is and always will be complicated. It shakes up their identity and leaves them questioning what is safe, what is home, and will shift their entire view of the world, which has a lifetime impact.⁴

Black parents have publicly shared their stories of oppression, trauma, and unwarranted interference in their lives by child welfare agencies, including the removal of their children despite little to no evidence of harm.⁵ Indeed, there are long days and nights of sorrow, fear, and worry for these suffering parents who do not know their children's whereabouts and their welfare in the hands of strangers. This thrusts families into a state of crisis when support and resources would solve many of the problems presented. There is insurmountable evidence and an overwhelming amount of research that states most families enter child

welfare due to neglect, and these studies show poverty is often conflated with neglect, leading to the unnecessary removal of children by child welfare which can induce trauma and maladaptive behaviors.⁶ We contend that societal and historical neglect are contributing factors that need to be addressed, along with the distribution and prioritization of providing resources directly to communities.

Understanding History

Long-standing child and family organizations in the United States, like the [Children's Home Society of Washington](#) (CHSW), are descendants of British colonization and the White settler movement of the American West. As such, the values and beliefs regarding the expectations of how families should function and raise their children have always been deeply impacted by the dominant cultures, first in British and then colonial American societies. The systems of family separation and the "rehoming" of children have evolved since colonization. Today, there are roughly a half million children and their families who are disproportionately people of color caught in our national foster care system.

CHSW and other similar organizations have an obligation to understand their histories in this context, and how they have contributed to White supremacist structures that have harmed the poor, people of color, and other disenfranchised groups. Because of this unique

² "Children in Poverty by Race and Ethnicity: *Kids Count Data Center*." *KIDS COUNT Data Center: A Project of the Annie E. Casey Foundation*, <https://datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and-ethnicity>

³ Puzanchera, C., & Taylor, M. Disproportionality Rates for Children of Color in Foster Care. *National Center for Juvenile Justice*. 2020 https://ncjj.org/AFCARS/Disproportionality_Dashboard.aspx

⁴ Amanda, Cruce, et al. Building Relationships of Hope. *FOSTERING FAMILIES TODAY*. January 2022, https://www.socialwork.pitt.edu/sites/default/files/building_relationships_of_hope.pdf

⁵ Sangoi, Lisa, How the Foster System Has Become Ground Zero for the US Drug War, *Movement for Fam. Rise Mag.* Accessed 4 May 2022, <https://www.risemagazine.org>

⁶ Morton, Tom & McDonald, Jess. America Must Change its Views on Poverty and Neglect, *Imprint News*, 15 Feb. 2021, <https://imprintnews.org/child-welfare-2/america-must-change-its-view-of-poverty-and-neglect/51659>

leadership role historically contributing to structures that have harmed children and families, CHSW must also serve as an ally to those it has harmed to create new systems of care that are responsive to the lived experiences of the families and communities it serves. This transformation requires determined work both internally and externally that requires vulnerability, cultural humility, and a willingness to fail during the learning process as we seek to create more equitable support systems for families.

CHSW was born out of the Progressive Era. The National Children's Home Society was formed in Illinois in 1883 on the new idea of placing orphaned children for adoption in family foster homes rather than in orphanages. Founded on the Social Gospel, the Children's Home Societies were a national movement that was unabashedly "child savers." These beliefs regarding child saving would come to dominate the American child protection system to this day and Children's Home Society of Washington played a leadership role in these beliefs both in Washington state and the nation. Born in the Midwest, this movement was a reaction to the Orphan Train movement that "rehomed" children indiscriminately from the urban East Coast to the agricultural Midwest. Children's Home Society organizations were also a reaction to the institution of orphanages with the belief that children should be raised in ideally White, Protestant Christian families. Unlike in the East, where the Orphan Trains primarily relocated children of White immigrants, in Washington, most of the children were American born, but also, almost exclusively White and matched with White families. Black children were largely served by the carceral system and Indigenous children were served by the boarding school systems.

CHSW recently celebrated its 126th anniversary, and Dave currently serves as its 15th administrator. Libby and Harrison Brown were CHSW's founder administrators. Harrison was a Methodist minister and with exception of Libby Brown, the first seven administrators would be clergymen until the agency professionalized its leadership with a social worker in 1937. Throughout most of its history, CHSW's mission far exceeded its financial capacity to meet the needs of the time. It should be noted,



Dave Newell



Shrounda Selivanoff

however, that CHSW was often the beneficiary of land formerly belonged to the Indigenous peoples of the state.

Including the Browns, 10 were men and four were women. All Children's Home Society of Washington's administrators have been White. Based on this pattern, one could easily conclude nothing has changed at CHSW in its long history, but its past and present is more complicated than this assumption.

Reverend Brown introduced the first child protection law in Washington state, and CHSW also played a pivotal role in the formation of juvenile courts that would later allow for the courts to separate children from their families to CHSW, where they could be matched with ideally adoptive families. Adoption during this period was uncommon, and it required a great deal of proselytizing by organizations like CHSW in the early 1900s until it became socially acceptable. On the national front, CHSW was one of the founding members of the [Child Welfare League of America](#), so in partnership with like-minded national organizations, CHSW played a pivotal role in what would become the modern professionally driven foster care and adoption industry in the United States.

At this point, the reader has probably noticed that our choice of language and framing of historic milestones in our history are different from the dominant narrative of child welfare history in the United States. We are aware of CHSW's positive historical narrative, and we in no way want to diminish the positive contributions CHSW and institutions like it have made to children and families for over a century. We would argue that by not acknowledging the unintended consequences of the systems CHSW helped create, we are preventing ourselves from seeing what practices and public policies we can create today to build healthy ecosystems where children and families can prosper. CHSW is now on a journey of understanding both our history and current practices, identifying harm that we have done or are doing, acknowledging that harm, and repairing the damage. We are far from where we want to be as an organization in this regard, but we believe by joining with those with lived experiences, we can be an ally to children, families, and communities.

For over 100 years, CHSW and adoption were synonymous, and it was considered a leader in adoption best practices, but roughly 30 years ago, the organization hit another important developmental milestone under the leadership of its 14th administrator, Sharon Osborne. Up until that time, CHSW provided the usual services of foster care, adoption, and residential care. Under Osborne's leadership, CHSW began to transform to yet a new iteration of supporting families by adding new early learning and family support. As these new services grew, CHSW traditional services began to shrink until they became a small percentage of the service portfolio. In addition, in the late 2000s, the organization led a statewide initiative called Catalyst for Kids that incorporated parent voice in child welfare policies and launched a peer-mentoring program called Parents for Parents that promoted reunification of families. In 2021, CHSW transferred its last adoption program to the state, which ended its work in what was the reason for its creation and how it defined itself for over a century. In addition to having to say goodbye to adoption staff, this ending was an existential threat for many of our longstanding employees.

So today, CHSW is accelerating on a journey where we are just as focused on child and family well-being as our founders, but we have the benefit of 126 years of experience, brain science, and the wisdom of those with lived experience who are partners in the journey. In 2020, the agency joined with consultants to undergo a diversity, equity, and inclusion (DEI) assessment of the organization in which many areas were identified to create a healthier organization for the families we serve and our employees. Driving questions for the assessment included the following:

1. How would stakeholders describe the culture of Children's Home Society of Washington? (Especially around DEI)
2. What is stakeholders' experience of how Children's Home Society of Washington talks about, approaches or deals with values and beliefs around DEI work? How does this show up?
3. What has worked in past efforts? What has not? Why?

4. What's one thing stakeholders would change about the org? (Especially in the context of DEI and something that could have a ripple effect)
5. What would success look like in DEI work in the next couple years? How could it miss the mark? Are there any ways to mitigate for that now?
6. Are there voices that stakeholders wish were in DEI conversations across CHSW but aren't? Have stakeholders indicated that and what has the result been for them?

While the assessment identified areas of strength, especially regarding the willingness to develop a new DEI plan, this sobering assessment also identified areas of significant weaknesses and areas for improvement. This included an inadequate organizational response to the murder of George Floyd; a lack of clear goals and accountability for DEI; a lack of inclusivity of non-dominant groups at all levels of CHSW including the board; various perceptions of bias, and a lack of participatory decision-making especially by senior leadership. The results of the assessment were shared with staff and the board in November 2020, and this assessment has been used as the foundational tool for CHSW's current DEI work at both the staff and board levels. This work has been slow, and painful at times, but the agency is moving ahead with this transformational effort.

A Turning Point

As CHSW stands at a turning point, we must arrive that getting resources to families and keeping them together must be paramount. There has been an upward momentum toward attempting to change policy and keep families together in recent years. We see this in the recently passed Family First Prevention Services Act (FFPSA). And while we and others applaud this effort, it unfortunately falls short of providing the resources and equitable considerations necessary to keep families together. Research shows valuable insight into those most likely to enter child welfare—low-income families, most falling below the poverty line. The child welfare system is structured to remove children from their homes, place

these children with strangers, and provide these homes with the resources to care for other people's children. This current funding and structure show a lack of understanding of the needs of children and families and an unwillingness to invest in children within their family constellation. This is unacceptable.

Recently, CHSW has embraced a calling to revolutionize how the child welfare system interacts with children and families, explicitly focusing on dismantling the harms of systemic racism and issues related to poverty. Central to these transformative changes are solutions developed, led, and driven by local provider networks, communities, and individuals and families with lived experience of the child welfare system. Those with lived experience in the child welfare system hold considerable knowledge about the support they need to succeed. They also have intimate knowledge about the systems, policies, and structures that have not been helpful to families like theirs. Incorporating their knowledge and expertise, along with community members who work directly with families, is essential to shifting the conversation from family separation to family preservation.

From listening to communities and families, CHSW is taking a three-pronged approach to address these inequities and reduce the number of children entering the child welfare systems:

1. Building a statewide network of family resource centers to provide additional supports of high quality to families.
2. Advancing public policies that reduce rates of family separation and strengthen families, especially by promoting economic mobility.
3. Shift child welfare and other public funding streams to keeping families together.

The Power of Family Resource Centers

CHSW has been operating family resource centers since the early 1990s and currently has eight centers around the state in urban, suburban, and rural communities. Universally,

family resource centers serve as a central source for support, services, and referrals and provide approaches to strengthen families and communities. Family resource centers are designed as and should be considered primary prevention on the frontline toward securing family preservation and family support investment. Family resource centers take the approach to creating environments where families feel safe and where it is normal to ask for help without the threat of losing their children. Family resource centers assist in cultivating environments for children and families to continue succeeding in all areas of life. To be successful, family resource centers need to be community-run and designed by those utilizing the supports and networks.

Despite operating in Washington state for a number of decades, Washington state held no formal definition of a family resource center in a state mandate. During the 2021 legislative session, CHSW, alongside other family resource centers and key public and private stakeholders, led legislation that defines a family resource center in the state of Washington as, “A unified single point of entry where families, individuals, children, and youth in communities can obtain information, an assessment of needs, referral to, or direct delivery of family services in a manner that is welcoming and strength-based.”⁷ It was signed into law by the governor in April 2021.

The legislation was the first step in bringing together family resource centers to create a strong network that advances a child and family well-being system to receive public funding for prevention, improve the quality of services through standards and training, and collect statewide data to identify gaps and inform improvements. The goal is to create a statewide Family Support and Strengthening Network that ensures coordinated quality support for families; serves as the backbone entity to leverage and coordinate the collective impact of its members; and create opportunities for service providers to meet formally and informally, exchange information, make connections, develop relationships, build capacity, develop joint projects, and address systems challenges.⁸

Family resource centers are often underfunded

and cover operational costs through a braided funding model that includes public and private funding. Much of the funding comes from the community where the family resource center is located. Due to the diversity of programs and services, each family resource center is independently run with a mix of funding sources. With this in mind, CHSW wants to shift public and private funding upstream to assist and provide equitable support in all communities statewide. Sustainable funding has been a long-time challenge for family resource centers. At a Statewide Family Support summit held by CHSW in fall 2018 that brought together family resource centers and family support staff from around the state, attendees indicated a strong desire for more stable, ongoing funding streams and coordinated advocacy efforts. CHSW plans to build upon the summit in partnership with the National Family Support Network, which has helped states develop family support networks and developed standards that raise the quality of the work at family resource centers.

Public Policy Solutions

A statewide family resource center network that provides much-needed support for families can only be successful if the public policy also promotes keeping families together instead of family separation. In Washington state, a small group of stakeholders and lived experience formed the Keeping Families Together (KFT) Coalition with that resolve in mind. Our initiatives are centered and developed around communities, placing them in positions of power to support families. KFT-leading legislation focuses on the family in its entirety. Too often in child welfare, it is said that decisions are based on children's best interests. KFT declares that someone cannot truly convey children's best interest if you do not care about their families, as most children care deeply about their parents. With this

⁷ Washington State Legislature, Public Law, Defining Family Resource Centers. Legwa.gov, 2021. <https://lwafilesext.leg.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/1237%20HBR%20FBR%2021.pdf?q=20220505125505>

⁸ National Family Support Network. Family Resource Centers Networks, 2022. <https://www.nationalfamilysupportnetwork.org/family-support-networks>

thinking firmly planted as a guiding post, KFT introduced House Bill 1227.

House Bill 1227, the Keeping Families Together Act, passed in Washington State during the 2021 session: the bill elevates the standard of removal from a reasonable cause, equating to a terry stop and frisk, to probable cause.⁹ It also created a legal standard consistent with the Indian Child Welfare Act (ICWA), which only permits the state to remove a child in an emergency to "prevent imminent physical damage or harm." 25 USC 1922. ICWA is the "gold standard" of child welfare practice.¹⁰

If children must be removed, KFT recognizes that children do better in relative care than in state offices and hotels.¹¹ The legislation also codifies that the state must make efforts repeatedly to place them with a relative or suitable other. And upon the initial placement, while relatives work toward a foster care license, the state, for 90 days, will provide a foster care payment to subsidized cost until the relatives receive their initial license.

Keeping our momentum going in support of kinship caregivers, in 2022 the coalition introduced HB 1747, prioritizing the relational permanency bill. Recent guidance from the federal Children's Bureau strongly urges state lawmakers to prioritize "relational permanency" in resolving dependency cases in ways that maintain a child with their family.¹² When a child is in a dependency case and cannot be returned home, the state should prioritize ending the case by maintaining that child in their family and preserving the child's family and community relationships. The termination of parental rights does not always lead to adoption, and children with extended family support do not necessarily need to be adopted to be safe and stable. Indeed, research shows that youth with a high level of need moved to a family placement are more likely to achieve permanency than youth with low needs who were never placed with a family. Informed by research, KFT leads legislation seeking an overhaul to family separation as an intervention for families experiencing hardships.

Public Financing Shift

For these approaches to be successful, public funding must shift to focus on keeping families

together. The child welfare systems across the country only allocate 10–15 percent of their public funding to what is loosely referred to as "prevention." Most public funding is diverted to late-stage interventions. This type of funding structure supports a late-stage, reactive system that only activates when the funding thresholds of "medical necessity" or "imminent risk" are breached. Reactive systems of this nature force family trauma to increase and ultimately costs far more than identifying and supporting potential solutions earlier in a family's journey and child's development. It is estimated the cost of nonfatal child maltreatment is \$830,928 over a child's lifetime, according to [Casey](#).¹³

Truly addressing inequitable social systems that maintain racial disproportionality will require a profound shift in how the sector utilizes public funding to significantly increase prevention-based efforts, eliminate inequitable outcomes, and decrease the numbers of all families with child welfare involvement. This shift will be necessary to create new pathways to strengthen families and communities rather than responding after families have experienced severe trauma. This includes creating innovative braided and pooled prevention funding models

⁹ Washington State Legislature, Public Law, Protecting the rights of families responding to allegations of abuse or neglect of a child. *Legwa.gov*, 2021. <https://app.leg.wmmary?BillNumber=1227&Year=2021&Initiative=false>

¹⁰ National Council of Juvenile and Family Court Judges. Indian Child Welfare Act Judicial Bench book. *US Department of Justice*, 2017, https://www.ncjfcj.org/wp-content/uploads/2018/09/NCJFCJ_ICWA_Judicial_Benchbook_Final_Web.pdf

¹¹ Ingalls, Chris. "No Bed, No Blanket: Social Workers Blow Whistle on Washington Forcing Foster Youth to Sleep in Cars, Offices as Punishment." *King5.com*, 2021, www.king5.com/article/news/investigations/no-bed-no-blanket-social-workers-blow-whistle-on-state-forcing-foster-youth-to-sleep-in-cars-offices-as-punishment/281-ae353838-1cf0-48bb-991e-17-9e70cc20cb#.~.text=A%20four-month%20KING%205%20investigation%20found%20a%20years-long

¹² "Informational Memorandum: Achieving Permanency for the Well-being of Children and Youth." <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2101.pdf>. Accessed 24 April. 2022.

¹³ Casey Family Programs. *Transforming Child Welfare Systems: What do we know about the return on investment in preventing child maltreatment?* 2019, https://caseyfamilypro-wpengine.netdna-ssl.com/media/TS_Research-return-on-investment-maltreatment-prevention.pdf

that combine private philanthropic and public dollars such as child welfare, Medicaid, Family First Prevention Services Act funding, and other federal, state, and local sources. This funding strategy should also be used to leverage the development of new prevention services and approaches that are informed by local community members and located within and delivered by local public agencies, community-based organizations, or some combination.

Until these fundamental systemic challenges are truly changed and public funding shifts upstream, states will continue to see incremental improvements at best, despite considerable efforts that have been undertaken. Sector improvements have been well-intentioned and signify progress but consistently fall short of the genuinely transformative changes that children, youth, and families demand and deserve.

Conclusion

In conclusion, systemic reform requires rejecting both the idea that parents always need to be separated from their children so that children are safe and that providing resources outside the family constellation is money well spent. At the same time, research is invaluable and gives us evidence of the harms and trauma of family separation. Our most compelling evidence is our broad human experiences of loving someone. Love is universal, and it impacts us deeply. This should help us understand the devastation that occurs to parents, children, and siblings and should generate urgency to correct the harmful practice that being removed from loved ones is the right action. Research shows it's a shattering and traumatic event with lifelong consequences. Trauma has an exorbitant cost throughout a lifetime, and most children long to be with their families under healthy conditions. And although bureaucracies over time have proven challenging, slow, and at some points unwilling, we as people do not have to settle for this as our destiny. We know family is foundational. These systems have been built over a long period and given enough time. It has become an institution so ingrained in our society that it is almost impossible to question the system and change it. We seek the change that the family unit is recognized, vital, and

valued. And our intentions, resources, time, and investments should demonstrate the need for us as a nation to view this shift as central to our pursuits to reimagine child welfare.

Whether you are someone who comes to this work through “lived experience” like Shrounda or as a “professional” like Dave, the truth is that all of us bring our lived experience to this field in whatever role we play. This lived experience shapes how we “show up” for this work and what lens we use to see ourselves and others. The work we are doing at the CHSW reminds us daily how imperfect we are as individuals and as an institution. We are finding that imperfection to be liberating. If we, as individuals and the CHSW, can evolve and change, institutions can do so as well, and we are committed to helping them achieve this goal. As seen in other countries, coming together, sharing our truths, and reconciling our differences are possible, but it isn't fast. For any journey, the most important thing to do is to begin. At the CHSW, we started over 100 years ago, and we're only in the first stretch.

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Shrounda Selivanoff, BAS, is an impacted child welfare parent and Director of Public Policy at the Children's Home Society of Washington.



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The Power of Community-Based Services: Using the Strengths of Community and Parents to Improve Child Welfare Outcomes

Cheryl Miller, Sheyala Jones and Andrea Smith

“Port Gamble S’Klallam parents have a responsibility for caring for their children, bonding with them, making sure they are safe, and providing for all their basic needs. Aunts, uncles, grandparents and other extended family members help parents and their children when they need help by advising the parents in decision-making, showing love to the children, teaching values and respect, and taking over in parents’ absence. Grandparents share with their grandchildren the wisdom of their experience and traditional values.”

— Title 21, Family Code, Section 21.01.01, Policy Port Gamble S’Klallam Tribe

“Every Child deserves a happy growing up life”

— S’Klallam Elder, ICW Practice Manual, Port Gamble S’Klallam Tribe

It takes a village.

We’ve all heard this phrase before; it’s often used when describing what it takes to raise children, but — especially relating to kids in the child welfare system — it can be more of an idea than a reality.

Increasingly, exceptions are found in Indigenous communities, like the Port Gamble S’Klallam Tribe, who has adopted a community-based philosophy and approach in their child welfare practices. In this way, these communities have embraced their traditions and culture while recognizing the strengths of parents and extended family to create wrap-around services and solutions. This support helps build healthy families, confident kids, and strong caregivers.

By turning away from the sometimes-rigid practices and policies of most current child welfare systems, Indigenous communities create a better way for their families, one that utilizes the assets and skills of the proverbial village.

This approach has equaled better overall outcomes, including within the Port Gamble

S’Klallam Tribe, which has seen case counts steadily decrease to a current all-time low.

It’s understandable why Indigenous communities might be interested in looking at alternative solutions to child welfare. While Native Alaskans and American Indians are a small percentage of the total U.S. population, they are disproportionately represented in child welfare cases. The effects of generational trauma, which plays a role in many of these cases, is rarely addressed outside marginalized communities.

The Port Gamble S’Klallam Tribe (PGST), in their approach to Indian Child Welfare (ICW), has helped tribal families persevere despite all the obstacles and barriers inherent in the U.S. child welfare infrastructure, which can be particularly oppressive when applied in tribal communities. PGST’s approach is more flexible in its direct community support, willingness to tackle difficult conversations, and commitment to learning from the people they serve. They know that even the smallest issue, if not addressed, can lead to a domino effect that has the potential to fracture everyone’s hard work.



© Joe Price - Port Gamble S'Klallam's Beautiful Longhouse

The Strong People

Port Gamble S'Klallam are the descendants of the *nəx^ws'łáyəm'*, meaning "Strong People." S'Klallams have lived along the shores of Port Gamble Bay—on the Kitsap Peninsula in Washington state—for thousands of years.

Their reservation was established along the Bay's shores in 1939.¹

They are a Tribe known for their welcoming

¹ The Strong People: A History of the Port Gamble S'Klallam Tribe, Port Gamble S'Klallam Tribe 2012

nature, culture of sharing, and practices around songs and storytelling. Many Tribal members practice their treaty rights with harvested fish and shellfish used to feed the community during celebrations.

The Port Gamble S’Klallams have always had an expansive definition of family, one that encompasses aunts, uncles, friends, cherished neighbors, Elders, and more. Found and extended “family” is as valid as one’s biological connections; many define “family” as anyone who lives within the PGST community. Generations of people identifying as family will often live under the same roof or in very close proximity to one another.

The Lasting Impact Of Indian Boarding Schools

The Port Gamble S’Klallam has always valued their children as their most immediately important resource.

Beginning in the late 19th century, many S’Klallam families were devastated by the federal government’s efforts to assimilate Indigenous people into mainstream culture. This resulted in generations of Indigenous children being pulled from their homes and placed in boarding schools where they were prohibited from practicing their cultural traditions or speaking their Native language. Few tribes in North America were spared from this horrendous practice as white social workers—with little to no knowledge of Indigenous culture—judged the fitness of tribal families based on Eurocentric values. The result was often children ripped away from loving homes as this system did not allow for or recognize extended family and the network of relatives in tribal communities.

This misguided policy ended in the 1970s with the federal Indian Child Welfare Act. In his role serving on the Bureau of Indian Affairs Education Committee under U.S. President Lyndon Johnson, Port Gamble S’Klallam member Ted George was a leading voice to Congress advocating for the closure of the Indian boarding school system.

The pain felt as a result of the removal of so

many children from Native homes was a strong incentive to Tribal leadership to strengthen social services benefiting PGST families. This included building a robust courts system to handle child welfare cases internally.

In 2006 an intergovernmental agreement with the State of Washington was signed to do IV–E passthrough and learn more about Title IV–E programming. In 2009, they created the Indian Child Welfare Practices Manual to guide child welfare workers in their interactions with Tribal families. The manual provides a historical and cultural perspective on managing child welfare and represents the beginning of a significant shift in how PGST handles these cases. In 2012, PGST became the first tribe in the United States to operate its own direct Title IV–E program (for guardianship assistance, adoption, and foster care).

Over the last several decades, the Port Gamble S’Klallams have begun to reclaim their culture and language. This has included utilizing the practice of storytelling as a teaching tool. Listening to the stories and experiences of those in the system has played a huge role in informing and shaping the Tribe’s child welfare program. Stories like those of Shelaya Jones provide a clear picture of how community-based solutions have impacted S’Klallam youth in foster care.

Shelaya’s Story

To look at Shelaya Jones today, you wouldn’t be able to tell that her early years were punctuated by instability, confusion, and anger. Shelaya is a member of the Port Gamble S’Klallam Tribe.

A mother of three children and a co-lead infant/toddler teacher for the Port Gamble S’Klallam Early Learning Education program, Shelaya is also the child of parents who struggled with addiction. Some of her earliest memories, even before ICW became involved in her case, were of people judging her family.

“People would often look at me different just because they knew what family I come from,” said Shelaya. At 13, her family was houseless. They would sometimes find a roof and bed at the home of a friend or a relative, but these were very temporary solutions to larger problems.

Eventually, Shelaya and her three siblings were sent to live with their grandparents and then fostered by a PGST member. Unfortunately, this latter situation would be short lived

“After six months, we have another court hearing, and the Judge asks if I want to go with my mom or my dad. I chose to go back with my mom. My mom is my person. We have always been open and honest with each other our whole lives and never hold anything back,” said Shelaya.

Unfortunately, as can be the case for kids who find themselves in the child welfare system, Shelaya was soon again removed from her mother’s care and placed with her grandparents. She was 14.

Shelaya began testing limits, drinking, and sneaking out on the weekends. She longed to go back to living with her mom, but that just wasn’t possible no matter everyone’s best intentions and encouragement. “I remember my grandpa telling my mom: ‘We can only love them so much; your motherly love is something different to these kids. You are what they need,’” said Shelaya. The grandparents eventually had to give up the kids to foster care, where the siblings were split up.

The new foster home provided a structure Shelaya wasn’t ready for. While Shelaya was used to caring for her siblings, a new set of rules and chores strained the relationship with her foster family. “I went to find my mom, and we talked, and I cried to her. I told her she needed to get her stuff together. I didn’t like living there,” said Shelaya.

Recognizing her daughter’s very real distress, Shelaya’s mom contacted the PGST ICW caseworker, who intervened. While Shelaya’s foster family did their best, ICW took Shelaya and her mother’s concerns seriously, and it was decided that the home wasn’t a good fit. Shelaya needed some connection to her family to feel secure. She was placed in a new foster home, one that included her younger brother, Jace. Almost immediately, it was clear that this was a better situation for Shelaya.

“This family took me in and treated me like their own, even took me on my first trip out of

the state to Hawaii. They had this welcoming and loving feeling, but,” she admitted, “I would still skip school and be rebellious.”

While Shelaya had a good, loving home and the physical care she needed, her emotional needs weren’t being completely met. PGST ICW caseworkers recognized the need for stronger connections. They began to visit with Shelaya more frequently, holding her accountable for her actions. She pushed back, continuing to skip school and make demands of her caseworkers for food or other treats. The caseworkers held firm even as Shelaya rejected their efforts time and again.

“I know (dismissing the care the caseworkers were trying to provide) wasn’t kind of me, but afterwards, my caseworkers and I got really close,” said Shelaya. “They got to know me and what I liked and what I didn’t. I actually started to look forward to seeing them. I started to enjoy seeing their faces.”

While a caseworker leaving their position suddenly can often signal a significant step backward in building a child’s trust, PGST’s personalized approach to ICW created a scenario for the opposite to occur. When Shelaya’s caseworkers both left the department, a new caseworker came in ready to do the work to get to know Shelaya and her family. The new caseworker connected Shelaya with other kids in the foster system, which helped her build friendships that held her accountable while limiting feelings of isolation. “(The new caseworker) enjoyed seeing us laugh and spending time with each other but would always remind all of us that...we needed to get our stuff together in school,” said Shelaya. “The caseworker got to know my mom and my family. She was one of the most pure people I’ve ever met.”

She went on to say, “This is what ICW needs more of: listening and hearing someone. Actually caring for a child’s feelings, see what makes them happy, and acting on it.”

The caseworker’s commitment to Shelaya is reflective of how PGST handles child welfare: by caring not just for the child but connecting with the whole family—including extended relatives—to ensure the best outcomes. It

would be easy to dismiss Shelaya's parents because of their ongoing struggles, but the PGST ICW philosophy is that every parent's strengths should be considered over their problems. The strength in Shelaya's case is the close relationship with her mother. ICW did everything in its power to ensure that connection endured while protecting Shelaya's health and well-being. Scheduled visits occurred on the Tribal campus and while Shelaya would have preferred these visits to have happened more privately, away from caseworkers, they allowed the family to remain connected, even when living together wasn't possible.

After graduating high school, Shelaya began working and found a place of her own where she found "peace and quiet, the ability to make (my) own rules, and something to call (my) own."

Shelaya continues to work hard to build a stable life for herself and her family. She, her partner, and their children have a home, and she's coming up on the fifth anniversary in her current job. She plans to begin college in the near future.

Listening and Learning

Shelaya's story is reflective of her hard work as well as the success of PGST's ICW system. It also serves as a lesson in how the program can always improve.

While Shelaya's story ended in a child growing up and thriving to become a capable, bright young woman, she has been open with her experiences, both good and bad. PGST's Child Welfare department welcomes these stories from current and former foster children and families. Many of their suggestions have led to significant changes in the program, including implementing regular outings with caseworkers and youth. Whether they're visiting the zoo, shopping for clothes, or going to dinner or a show in neighboring Seattle, this time together allows staff and the kids in their care to talk, bond, and form a relationship built on trust.

In S'Klallam culture, Elders play a significant role and are revered for their wisdom and life experience. Children & Family Services

has taken this to heart in the building of all its programs.

In 2021, the Port Gamble S'Klallams lost one of its most beloved Elders, Rose Purser, who most people throughout the community knew as "Grandma Rose."

Andrea Smith, a former Port Gamble S'Klallam Tribal Attorney who helped draft some of the code that guides ICW's work, worked alongside Grandma Rose in adjacent offices. Andrea credits Grandma Rose for influencing her work in a variety of ways.

"Grandma Rose was there when I started at the Tribe, and she and I left working in the same building at roughly the same time. I feel like I grew as an attorney with Grandma as a mentor," said Andrea. "She was the associate judge at the Tribal Court for a long time and kept what was probably countless generations of court staff, attorneys, and other workers true to the culture and traditions of the Tribe."

This connection between Elders and staff extends far beyond the professional. The S'Klallam tradition of holding Elders in high esteem reverberates throughout the community, even to staff members who are not Port Gamble S'Klallam members.

Andrea remembers: "In the mornings, I would watch for her car to pull into her parking spot so I could make sure I was there to open the door or get her something if she needed it, like running to the kitchen to bring her hot water for coffee. And I wasn't the only one in the building to do that; others would check in on her throughout the time she was in the office to talk or bring her coffee or lunch. It's what you do for an Elder."

It was apparent to everyone that Grandma Rose loved her Tribe, family, and community. She used these connections to help influence policy while maintaining her objectivity.

"She was honest about the issues in her family, up to the extent it was hers to share," said Smith. "She was forthright about things she wished could be done differently or how they had been handled differently before. And she took her time, thoughtfully, to figure out

when it was time to step down from projects and let others lead. She was the driving force in supporting a lot of things at the Tribe, including, I suspect, the quote and spirit of the Family Protection Code.”

Grandma Rose also represents another unique aspect of PGST’s community-based approach: members of the community being responsible for creating or heavily influencing policies and codes. In this way, they can put their real-world experiences to play in building a better future for S’Klallam families.

Community-Forward Solutions

Much of the S’Klallam culture is centered around community and celebrating those connections as often as possible. Gatherings of extended families and friends are commonplace. Social groups within the community are large, incorporating people of all generations and defining “family” broadly. The S’Klallam community is naturally structured to inherently support families, parents, and children in a healthy and productive way. PGST’s Children & Family department has been heavily influenced by these practices.

Title 16 of the Family Protection Code, Section 16.01.01, Definitions (d)² defines “extended family” as follows: “This term does not have a precise definition.” That’s correct; there is no definition because this term means more than what can be easily codified.

Within the customs of the Port Gamble S’Klallam, there are formal and informal ties that bind the community. Extended family ties are based on bloodlines, marriage, friendship, and caring. All women in the community become “auntie” or “grandma” when they reach a certain age, regardless of blood relationship. While grandparents (including great and great-great), aunts, uncles, siblings, cousins, in-laws, and step relations are all considered extended family, any member of the Port Gamble S’Klallam community who is reliable, responsible, loving, and willing to care for a child may be considered extended family.

This expanded definition of “extended family”

helps to consider all the resources available within a community, increasing possible placements for children being served by the ICW system. This approach is also less traumatic for a child who has to be temporarily placed outside their parental home.

Language plays an exceedingly important role in establishing policies and practices in PGST child welfare, as well as throughout all other social service departments. Port Gamble S’Klallam Tribal code deliberately excludes terms like “permanency.” The phrase “best interests of the child”—which was historically used to remove Indian children from their homes—is mentioned once in a variation as “best interests of the child and tribe.” This is used specifically to ensure that all options are considered when making decisions in the best interests of a child or a family. While adoption is included in the code, it is used only in very rare circumstances. To the best recollection of staff, there has never been a case involving the termination of parental rights heard in Port Gamble S’Klallam Tribal Court. Even if a parent is unable to care for a child, the system allows for them to maintain their rights while the child is kept safe residing with a person the parent knows and trusts inside the PGST community.

This commitment to keeping ICW services focused on and centrally localized for the PGST community is even reflected in the design of the Tribal Campus. Child & Family Services has been set up to house wrap-around social services; in one building, community members are able to easily access myriad family assistance programs, child support, foster care, maternal support programs, child welfare, and more. On the same campus—accessible by a short walk—are the Health Clinic and Tribal government offices related to housing, public safety, and natural resources, as well as others.

The Tribal Campus is located at the heart of the reservation and is deliberately planned as a one-stop shop nestled in a rural area, where the closest state office to access comparable services can be up to 30 miles away. In a community where using or owning a car may

² Title 16, of the Family Protection Code, Section 16.01.01, Definitions (d)



© Joe Price - Port Gamble S'Klallam Tribal gatherings, and song and dance.

not be an option and in a county with unreliable and sparse public transit, this is essential to ensure that people living on the reservation can access the services they need.

This thoughtful approach to serving the community expands to every PGST department. All governmental offices are encouraged to think through what will work for Tribal members and their families based on not just policies and previous experience but on the feedback they receive from the community. There is an acknowledgment that systems within the Tribe will be reflective but may look and operate differently than state or federal programs outside it. These programs are given the power to put the community, rather than procedure, first. When there is an outside program that the community could benefit from, PGST leadership works to negotiate with that agency or office directly to make it more accessible. An example of this is the intergovernmental agreement between PGST and the state of Washington to provide basic food benefits.

This is why Child & Family Services—in all of their programs—feels so empowered in their community-focused approach. The resulting creative solutions and individually tailored service plans often result in keeping a family together, at least in some capacity. All PGST families are provided access to parenting skills courses that emphasize S'Klallam core values and values of community, togetherness, and care. They are encouraged to reach out to staff or other community members for any support they need. All involved do their best to remove any shame that exists in asking for help. This has led to successful reunifications of parents and children, even in cases where history might dictate that there was little hope of such an outcome. Miller, Director of Children & Family Services, states, “this has also encouraged caseworkers and other service providers to set aside biases and see every family, every parent, as worth working with, recognizing their strengths.” They are encouraged to let families rely on themselves and their strengths, intervening when necessary to ensure the safety of children. This flexibility not only creates

better outcomes for families but also helps with the retention of child welfare workers.

The closeness of the community can also help caseworkers find solutions to complex problems. For example, one case involved a child with ongoing behavioral issues that had escalated to a point where the ICW team wasn't able to locate a willing foster placement. The only possible family was moving out of state, so the situation was quickly becoming dire!

With all this in mind, the department tried something radical: on the suggestion of Grandma Rose, a community meeting was set up to explain the problem and open the door to any suggestions. During that gathering, several members of the community who were not connected to the family volunteered to foster the child.

Community-forward services are based on the idea of “the village”, the concept that we are all a part of one place and, by working together, we can live shared values and culture. It emphasizes caring for the individual within the context of the community they are a part of while recognizing that systems work better for all when roles—for staff, community members, and caregivers—aren't static. Like the tribal attorney that negotiates the most complex legal agreements one day and enthusiastically brings coffee to an Elder the next morning, this system works because everyone pitches in.

The community-based approach used by the Port Gamble S'Klallam was born out of a desire to help Tribal youth maintain a connection to their culture and heritage. At least a generation of children lost to the idea of the “proper” way to raise a child—read: Eurocentric ideals—are a painful reminder of what's at stake. PGST is just now recovering its culture and identity, some 40-plus years since this horrific practice ended.

By creating their own way to help and support families and children in crisis, PGST is forging a new path, one informed by the past, honoring the strengths of its people today, and laying the groundwork for a strong legacy ahead.

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Rise

By Lindsey W.

I am Lindsay, a survivor and nurturer
Child of Michael and Darka
Grandchild of the Goddess Mother Earth;
of poetry and activism
I am water; smooth and refreshing, smashing,
protesting against the cold shoreline
Slowly eroding callous practices
I am flexible, spontaneous
People see me as determined and supportive,
some see me as self-absorbed and aggressive
I see myself as a creative and resilient warrior
I am on a journey to make a better life for my
family and myself, to break generational curses,
and to speak health, both physical and mental,
unto us all
To live as Emily Dickinson wrote:
"If I save one heart from breaking
I shall not live in vain."



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The System is Cold and What We Need is Warmth

Keith Fanjoy

We are the ones implementing “the system.”
We are the problem.

The good news is we can also be the solution. We must balance our quest for innovation in child welfare with remembering the basic truths about what all families need to thrive. If we can step outside our own need for self-preservation and the status quo re-evaluate what we believe about our current helping process, we can reprioritize where and how we invest our time and resources.

What do we believe? It must always start with shared values and beliefs, but too often, we’re in a rush to complete the job and check the box. Systems of care are often set up with very good intentions. Ultimately, they become focused on the transaction of services or surveillance, creating feelings of shame of the demonstrated behavior versus the more time-intensive option: developing a meaningful and mutual relationship to respond to the root causes of symptoms. The excuse is it takes too long, and the unspoken issue is our inability to relinquish control and expertise of the process. What if we believed that the vast majority of situations come to the attention of child welfare as a result of the brain’s response to toxic stress? The buzzword that is often used is “trauma”, but let’s describe it more universally as things applicable to all of us: stress. The kind of comprehensive stress that comes from all directions leads to a poor decision that if put in the same position as those we serve, there’s no guarantee you would act differently. What if the response to that stress was a cumulative and comprehensive dosage of meaningful and healthy social connections and universal supports through an integrated neighborhood collaboration?

To get there, we must change what we believe and how we currently operate. Families are not responsible for our dysfunction, and while

we may not want to own creating the current structure of the child welfare system, we need to fix it.

Relationships Take Time

If we’re going to look at solutions for children and their families through a community context, we have to address the macro factors and cultural norms that are pushing against those strategies. The biggest of those factors is a broader society with families stretched so thin, with so many stressors even for the most fortunate of families, that they are limited with their most valuable resource: time.

This is also true for the professionals providing services. I can recall a recent conversation with a provider who explained their difficulty working with a parent who was hostile towards their agency and that the parent simply didn’t want to hear feedback regarding concerns about their child. The more I listened, there was a lot I didn’t hear. Not only was there not an awareness to consider a sit-down and dedicate energy to listen to the concerns of the parent without judgment (safety) but there also wasn’t a commitment to seeing the parent as a mutual partner (trust) in the solution. There needed to be a prompt meeting where compliance occurred, so the child would ‘get with the program’. How about some hospitality? Most human service professionals are on the run; the same could be said for teachers and healthcare workers, amongst others. The problem? Relationships take time. Not a 45-minute billable mental health session from insurance once a week, not a 15-minute conference at school with a teacher given a long list of responsibilities outside of academics, and not a child welfare worker focused on a narrow definition of well-being. It’s not a blame game; we’re the ones asking staff to do it because funding



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often requires a high volume of services for sustainability. How do we reach a critical mass to change this tide? What if each day, teachers had 30 minutes of focused time around proactive relationship building, not just between student and student, but student and teacher? What if health care professionals had mandatory self-care time built into their schedule from the supervisor daily? Abundant opportunities to connect will create momentum, and one of those relationships could be the magical agent of progress, as each of those opportunities builds capacity of both the helper and the family.

We can't fill every minute of a teacher's day with academics or have therapists seeing ten clients a day. There will never be enough money or social workers available to hire or guidance counselors to respond to the needs of an entire community that is being brought into the school building each day; why aren't we recruiting children and families to join in the solutions that are about them? Do we not see a mutual benefit? Father Gregory Boyle of [Homeboy Industries](#) defines this concept as 'exquisite mutuality', and in a recent interview, explained, "If I go to the margins to make a difference, then it's about me. It can't be about me. But if I go the margins so that the folks there reach me and alter my heart, then it's about us. It feels passive, but it isn't. If we go to the margins not to make a difference, but so that the "widow, orphan and stranger" make me different then the poor and powerless and all of us inhabit our nobility and dignity together in exquisite mutuality."¹ Does our current child welfare system of care allow for this type of engagement? If you are a family being served, do you trust that this type of partnership is in your best interest? It's one thing to say these words, but families know when this is real, and they certainly know when it's not. Increasing relationships (partnerships) could equal more time available, but that time must be centrally focused on relationship building. Unfortunately, we're moving further away from human connections because it takes too long and it's harder to categorize in typical research methods. And time? Time is money.

Today it's not about quality, it's about volume. You can put that time in proactively at a lower

cost burden, or you can put significantly more time and expense after things fall apart. Pay now or pay more later. Our priorities are tied to the outcome measurements, but we're designing systems of care under the influence of rationalization in the United States and beyond. George Ritzer described rationalization in modern society as, "no longer the bureaucracy, but might be better thought of as the fast-food restaurant. As a result, our concern here is with what might be termed the "McDonaldization of Society." While the fast-food restaurant is not the ultimate expression of rationality, it is the current exemplar for future developments in rationalization. A society characterized by rationality is one which emphasizes efficiency, predictability, calculability, substitution of nonhuman for human technology, and control over uncertainty."² I'm guilty of an ongoing love affair with a good cheeseburger. Sometimes in the interest of time I'll grab one but I can also acknowledge it's not good for me. The central issue with this facet of time is control and who has the power; we're in such a rush, and we can't get to the finish line we desire without a human process; the result is the McDonaldization of Social Work, quick but not good for the long-term. The organizations of the future that will find a way to engage and have success with families where others cannot will prioritize humanity and personal connection above all other strategies. They'll find the balance of providing a significant volume of services with deeper impact and realizing the numbers, while relevant, are just a part of the story. Relationships matter!

This shift to greater rationality that Ritzer described as McDonaldization is only getting worse, and the things that so many, from policymakers, service providers, families, and others agree are so critically important to the success of children, are not where we are putting the majority of the dollars in human services. The juxtaposition is baffling and exhausting because it is not a new problem. Why are these ideas so radical? We know better!

¹ "Father Gregory Boyle Speaks with Dallas CASA." Dallas CASA, 13 Apr. 2021, <https://www.dallascasa.org/father-gregory-boyle-speaks-with-dallas-casa/>

² Ritzer, George. "The McDonaldization of Society" *Journal of American Culture*, Vol. 6, No. 1, 1983, 101

Wisdom

You can go back hundreds of years and see plenty of examples where we don't consider local customs and proven methods that others know to work best for their needs. Ben Franklin shared a story of Native Americans who were offered the opportunity to send six of their youth to a college in Williamsburg, Virginia, to be instructed in "all of the learning of the white people". They thoughtfully considered it, assumed the intentions were good, and thanked them for the opportunity when responding:

*"But you who are wise must know, that different Nations have different Conceptions of Things, and you will therefore not take it amiss if our Ideas of this kind of Education happen not to be the same with yours. We have had some Experience of it: Several of our young People were formerly brought up at the Colleges of the Northern Provinces; they were instructed in all your Sciences; but when they came back to us they were bad Runners ignorant of every means of living in the Woods, unable to bear either Cold or Hunger, knew neither how to build a Cabin, take a Deer or kill an Enemy, spoke our Language imperfectly, were therefore neither fit for Hunters Warriors, or Counsellors, they were totally good for nothing. We are however not the less oblig'd by your kind Offer tho' we decline accepting it; and to show our grateful Sense of it, if the Gentlemen of Virginia will send us a Dozen of their Sons, we will take great Care of their Education, instruct them in all we know, and make Men of them."*³

How much has really changed in the 250 years since this was written? The Native Americans validated their wisdom with practice-based evidence. Today we would say these are not eligible for the evidence-based clearinghouse, or we'd have to consider them as a promising practice. The argument here is not that there is no value for evidence-based practices (EBP) for higher acuity challenges; it is the lack of balance of proactive, common sense, and universal responses we all know work. You know, the things you want for your own family.

Do funding streams support it? Why not? It's a question you have to sit with. There's an ongoing implied statement that the pre-defined solution is what is needed, not the solution the person believes they need for themselves. We're over-reliant on the academic models of effecting change and undervaluing and undercutting the power of the individual. We've forgotten so many of the customs, practices, and proven ways that families have shown to be able to address their own needs in very simple ways, and we're putting a greater onus of responsibility on the government to regulate the needs of individuals; the same way an agency can never give the level of attention to a child that a family can, the government can never give the kind of response to a community than its citizens are able to do and that the so much of the natural world can provide if we simply provide the financial means and create an environment for change.

In 'The Ecology of Human Development', Urie Bronfenbrenner, the co-founder of the Head Start movement in America, looked back and remembered his early education and considered a statement from his professor during his training in the U.S.S.R. He heard, "It seems to me that American researchers are constantly seeking to explain how the child came to be what he is, we in the U.S.S.R. are striving to discover not how the child came to be what he is, but how he can become what he not yet is."⁴ If we're interested in the idea of cultural competence, we should celebrate diversity and recognize the vision parents have for what is possible for their children is not in a foreign community but rather in their existing one.

Monica's Story

There is tremendous insight and wisdom when we take the time to listen to those deep in the struggle: we don't know better. I sat with a woman we will call Monica recently who is currently receiving family services through

³ Franklin, Benjamin. "Remarks concerning the Savages of North-America" Passy, 1784. Library of Congress. American Philosophical Society. <https://founders.archives.gov/documents/Franklin/01-41-02-0280>.

⁴ Bronfenbrenner, Urie. *The Ecology of Human Development: Experiments by Nature and Design*, Harvard University Press, 1981, 40.

community-driven prevention programming at the Bester Community of Hope, an initiative of our organization San Mar Family & Community Services. We spent several hours exploring her ideas of what she believes should be done to improve the child welfare system. Now living in Washington County, Maryland, after coming of age in the larger metropolitan centers in the Washington D.C. region, Monica shared her experiences with the system as an adopted child, a young adult struggling with addiction and partner violence, and now as a grandparent trying to break the multi-generational cycle of trauma currently impacting her grandchildren. The people we serve have the answers, and she spent time teaching us all about the problems and the solutions of how to design a more effective system through her feedback if we simply choose to listen.

Monica: "I had a sneaky uncle who abused me starting at the age of 5. I had foster sisters, and we were raised by the village. I lost a pregnancy when I was diagnosed with cancer; my child was stillborn. I was in an abusive relationship when I was younger. [A lot happened] and I got tired of being ashamed of what happened to me. I was brought up in a very good home."

Monica has worked with her husband to support their children from their blended marriage and channeled her own trauma to attempt to break the cycle of trauma playing out today through similar challenges of addiction and child welfare involvement.

M: "One of my sons is trying to get what he needs for his child. He is the father of our grandchild but is not listed on the birth certificate, and the mother is an addict. So, in this situation, my son lives in fear when he takes care of his son, that the mother will call social services on him as retaliation to get what she needs. If a police officer would ever visit his house, he would see my grandchild is so loved, but because my son is so scared of what could happen to him, he doesn't call and ask for help, because he knows at some point it could be used against him. In my experience, kinship care has no teeth. For example, if an addicted parent wants their kids back because of the financial benefits for the kids. One of the children was once told to be quiet so 'I can fuck and get these tennis

shoes' not knowing what's really going on. My grandson was traumatized from what he was hearing in the other room. I see children in my neighborhood that aren't being raised correctly, but they're not bad children. One has parents that are into drugs, and another has a single mother working two jobs. Those kids are raising themselves. So, government is going to react to them when they make small mistakes and put them in the system? (Getting emotional) It's not about the money. **These are the future men in our community. What message are we sending to them?"**

M: "Thank God the [local mental health provider] is there, but are they really working on the major reasons things that are going wrong? Therapists sometimes blame me for our grandkids being angry and then want to throw them on pills. What do you think that'll do when they're older? There's this one therapist named Paul, and he'll take my grandson out to the basketball court and create comfort, and it's casual, and then my grandson talks about what he's really feeling. We need more Paul's doing this work."

Monica has had to navigate systems of care to get help as a caregiver, and struggling to obtain minimal financial resources to support her grandchildren's needs and to advocate for her son.

M: "No one at the State wanted to talk to me. They all said, 'that's the way it is.' They all dismiss me, and in turn, everyone is yelling at them, so at some point, what do you think they'll do? But I was able to find one person. I started getting kind of angry and evil about it. As I talked to eight different people about delays in getting benefits for my grandkids, they said, 'You have to wait,' and when questioned, I'd hear, 'It's the way the system is'. **But this one person at the State who took the time to listen, empathize, and gave me the opportunity to be heard. She didn't solve the problem, but it was the fact that she cared and gave me time.** Here I am with no food in my house and no Easter gifts for my grandchildren. So **ya'll put people in a position where you make people lie.** I took on a cleaning job, and my husband does yard work to make up the difference in funds we don't have. Even though we're both disabled,

we do it under the table. I never ever want the kids to feel like they are a paycheck. They have been there already. When I was an addict, I learned how to do what I had to do to get by, and that is what the system is telling us we have to do. ***It feels like we're being punished for loving our grandchildren.*** As long as I have breath, my promise to them is that we'll never be homeless, and we'll have a warm plate on the table. We took on a responsibility taking care of our grandkids, and we're going to fulfill it. At the end of the day, the hug they give me [emotional pause] and my belief in God have gotten me through. I have to always be honest with my grandkids; one night one of my grandsons asked me, 'How come God loves you and not mom who's doing drugs?' I didn't know how to answer it, so I had to pick up the phone and call our pastor and get those kids in with him right away."

What does improving the system look like?

M: "Partnering with people who want to work on things for the betterment of all, not just bitch and complain. What if when there's a problem at the State, the department sent out a generalized letter and said we're having this particular issue, and let's work together to fix it? The system is old, it was designed for a different world. Everything is somewhere else instead of right where you are at. A lot of things don't happen during office hours. Where is a resource for these incidents? How do we work as a group of people to give people what they need?"

M: "Basically, families should have what I have now at Bester Community of Hope. ***It's about a support system.*** It's not all bad stuff. It seems like we're in a world that doesn't care about us. If we have a family struggling, we have too many people in the community, like seniors, for example, that could help these children and families understand: they matter. We need places to flourish. We're in a world where everything is shady, and it's not fair, but until we die, we're here. I see so many people give up on themselves. It does take a village. ***A lot of these things we do now, cookouts and get-togethers, you don't understand the impact of being around others in joy. Bringing people together shows likeness, which leads to working together. The system is cold and what we need is warmth.***"

M: "***We need a lot of little systems.*** Everyone is getting over on the big system, and a lot of those that are really doing what needs to be done aren't getting what they need. These things that happen that became a crisis, is not because it wasn't one before, but it's now effecting other people that never expected for it to impact. They never thought it would go that far. It's like ***when they patch holes in the road, and it is messed up quickly again. Sometimes you really just need to rip up the road and do it over.***"

M: "When I was a kid, the village worked together. It makes me mad during the election season; whenever we blame the government, somewhere, we forgot that, "we are the people"! I recently went through an online program and graduated from college to work in peer recovery and recently, my husband and I just said, 'look, [our grandsons are teenagers], and the kids; they're going to stay with us until they are grown, and that's that. It's just not about us anymore."

As we implore the beliefs of practice-based evidence and build from the lived experiences of the people we serve, there is certainly a place for science when used in the appropriate proportion and context. It's not that there is never a time for specialized services; it's that we're way out of equilibrium in the amount of time that goes to the emergency instead of addressing the root cause. As the research community works to quantify data to communicate the challenges faced by families, time remains the biggest factor. There is value in understanding trends and population-level data, but we must balance the quantitative data with stories, understanding that every situation is unique. It won't necessarily fit into a box for replication, it's specific to the individual, and that is how we should approach them. It's about their way, not our way. We need to balance our quest for data with a desire for more wisdom.

Back to Basics

The reality is that those solutions are hard for child welfare to pursue in isolation, and in general for that matter, so it requires a cross-sector response which is why we will

continue to use the language ‘system of care’. As we begin the journey to a more effective system of care, Monica’s story should be explored through the lens of neuroscience because its impact on individualized services and how, when pursued within a hyperlocal and flexible system structure, can meet the needs of families.

Let’s remember how the brain works in the first place. Neuroscience has been a trendy topic in child welfare for the past decade because of its direct connection to understanding the stress response and trauma. You might be rolling your eyes at the impending weighty jargon, but it’s quite relevant when the complicated concept can be most simply understood and applied. Dr. Bruce Perry of the Neurosequential Network explains, that our sensitive brains require our response to stress go in a sequential order. “Selecting interventions in a neurosequential manner involves following the developmental sequence of “regulate, relate, reason,” while understanding that “maltreated children are not immediately ready for verbally mediated insight therapies.”⁵ If you attempt to intervene with a child or family in crisis with your solutions, their brain can’t receive those ideas because they must first experience safety. If someone feels safe, only then can they consider a trusting relationship to create an alliance to address unmet needs. If the desire is to move towards reason or solutions, you must support the incremental journey from surviving to thriving, and the brain research clearly reflects those interventions must be done in sequential order starting with the primitive brain, otherwise they simply don’t work. Are we taking the time to go in order?

Perry also has explained:

“We are designed for a different world than we have created for ourselves. Humankind has spent 99 percent of its history living in small, intergenerational groups. A child’s day brought many opportunities to interact with the variety of caregivers available to protect, nurture, enrich, and educate. But, the relational landscape is changing. Today, with our smaller families, we have less connection with extended families and fewer opportunities to

interact with neighbors. Children spend a great deal of time watching television. While we in the western world are materially wealthy, we are relationally impoverished. Far too many children grow up without the number and quality of relational opportunities needed to organize fully the neural networks to mediate important socio-emotional characteristics such as empathy.”⁶

Social connection is a basic need in the hardwiring of our brains, and what more convenient place can this happen than at your home and in your neighborhood? You could go elsewhere, and many have to make those choices, but then barriers start, and the roadblocks present themselves around transportation, eligibility and program expenses, or whatever opportunity is meaningful to your family. A single mother may be stretched thin with work and rely on the quality of the opportunities that she can access. If you’re of means or fortunate, you can afford to seek those connections outside of your neighborhood, a privilege not available for all. The neighborhoods many of us work in today are not meeting the fundamental needs of the brain. We must create a bigger patchwork quilt of relational opportunities.

Collective Impact Structure in Child Welfare

After 130 years of providing residential and treatment foster care programming in Western Maryland, [San Mar Children’s Home](#) was nationally accredited and recognized as a leader in high-quality, gender-specific residential services for teenage girls who had experienced significant trauma. But no matter

⁵ Gaskill RL, Perry BD. A Neurosequential Therapeutics Approach to Guided Play: Play therapy, and activities for children who won’t talk. In: Malchiodi CA, Crenshaw DA, editors. What to do when children clam up in psychotherapy: Interventions to facilitate communication. New York: The Guildford Press; 2017, 60.

⁶ Perry, B.D. Maltreatment and the developing child: How early childhood experience shapes child and culture. The Inaugural Margaret McCain lecture (abstracted); McCain Lecture series, The Centre for Children and Families in the Justice System, London, ON, 2005, 4. <https://www.lfcc.on.ca/mccain/perry.pdf>

how effective we were at times in providing a healing community on our campus, it wasn't home, and one day many of the kids with us were going to return to some of the challenging circumstances that brought them to us in the first place. Our concern was not only that we couldn't replicate the continuity of support for the child after their departure, but that there were so many stories being shared on a daily basis from many kids that reflected if earlier intervention had been offered to their family, they would never have arrived at our facility with nowhere else to go. Once we learned about new and innovative ways that others were pursuing to help kids and families more effectively, it was a moral imperative to respond. It also struck a chord with the inherent idealism that many use to select social work as a career. We made a series of transformative decisions that were not easy for the organization, but they were in the best interest of kids and families. We began a slow and thoughtful process of closing down all of our residential services over several years, changed our name to reflect a focus on family and community services, and began picking up all the resources that previously existed in a centralized campus environment, and invested them in the heart of neighborhoods and schools. The journey to transformation was so difficult that if we didn't believe in the importance of upstream work, if it didn't have personal meaning and ownership, it would have most certainly failed.

It wasn't immediately apparent how to even pursue prevention services, but we believed in the idea and had the opportunity to study many other programs thanks to the generosity of a national foundation in Casey Family Programs and seed funding from a local foundation. We approached the undertaking by clarifying our values through our five unconditional care core tenets:

- 1) Whatever it Takes – What if it was my child?
- 2) Better Together – Collective Impact
- 3) Relationships Matter – Survival through Belonging
- 4) Having Fun is Priority – Celebrate
- 5) Everyone has Strengths – Seek them and build on them.

These guiding beliefs were priorities we identified that reflected our intentions for engagement with the community, whom we approached with humility, attempting to honor what had been done and what was already being done.

I'm so fortunate to work alongside Dr. Ira Lourie, an innovative leader in mental health who, along with Karl Dennis, helped pave the way before I was born for what is most commonly today called "Wraparound". As child welfare professionals acknowledge the many failings of the current structure of child welfare in America and explore the appropriate next steps in how to support families more competently, we must start with a fundamental question: **What if this was my child? What if it was my family?** We'd do whatever it takes, and it's not likely you would access the kinds of services typically offered by the government or many providers in your time of need, and you certainly wouldn't point your friends in that direction. Lourie explained, "Your own children and the children you serve both deserve an unconditional commitment. The parents who are reading [this] know this but the service people need to understand that only with unconditional care will the children and families who rely on you feel comfortable enough to grow under your care."⁷

Unfortunately, Wraparound is a word used by a lot of people who are not doing Wraparound as it was designed, but fortunately our family services efforts have passed his litmus test. Dennis elaborated,

"When we think about Wraparound, it is imperative to understand that it is not a program. A program suggests something that has specific interventions and approaches. Instead, Wraparound should be viewed as a process. A process suggests something fluid with ever-changing interventions as need be. In order to make sure we don't fall into "program thinking" within Wraparound. I always talk about environments as opposed to programs.

⁷ Dennis, Karl W., and Ira S. Lourie. "The First Family I Provided Care To." *Everything Is Normal until Proven Otherwise: A Book about Wraparound Services*, CWLA Press, 2006, 171.

The reason I do this is very simple; I think the term “environment” suggests where a person lives while receiving any one of many services that they require. When we talk about putting a person into a “program”, it suggests we’ve already determined what type of services they will receive and once they are there they can only receive the services that the program offers.”⁸

We did this by extended listening, which, thanks to the flexibility of a local funder, allowed us to build feedback pathways. We constructed a community advisory board and a parent advisory council, recruited neighborhood parents to become ambassadors, embedded staff at local schools to ask teachers and administrators what they needed, and many other mechanisms. The delicate balance was to mobilize the professional community while still ensuring that local families were driving the initiative. When we asked what was needed, we heard answers, and worked to navigate systems to bring the missing resource. It is by no means a perfect operation, but its hallmark is the steadfast commitment to the process and honoring lived experience. Because of this need for intentionality, you can’t simply open up new initiatives like McDonalds. Seeds have to be planted and relationships have to be cultivated over time.

Today, we support a modest operation in a rural community where we focus our energy on three primary buckets of work as a convener focused on collective impact through unconditional care, with a focus on emphasizing proactive, voluntary, authentic, and integrated community relationships that maximize strengths and address root causes to cultivate hope and well-being in children, families, and communities. It’s universal, and we focus on creating ways to engage without stigma, services we’d all feel comfortable accessing regardless of our circumstances.

Neighborhoods

A neighborhood collaborative strengthening social capital to promote a safe and thriving community. Supported through local private philanthropy, the primary effort being resident leadership development and special activities to increase social connections. Creating a local umbrella structure was the first step in our journey. If we were going to design a local effort that authentically reflected the hopes and dreams of local families of the identified zip code, two things were critically important: We had to have to time to deliver on smaller requests to prove our reliability and earn trust to show we were in this strategy for the long-haul. We could not explicitly advertise this as a child abuse prevention strategy but genuinely approach it from a mindset of improving the quality of life for children and families at the neighborhood level. The latter point is critical because it targets the power differential and focuses on things all of us want for our children.



© Community Change Art Graphic — Ashley Holden Hammond

Families

A blend of in-home services and parent collaboratives that support strong and resilient families. Authentic relationship building and flexible funding to respond to family-driven needs.

Originally supported through the Title IV-E waiver in Maryland, and continuing today with the Maryland Department of Human Services, the primary efforts being voluntary family support services and the umbrella infrastructure to convene partners, grants, and other opportunities. Why did we do it? In our extended listening process, local families and partners were consistently seeking resources to meet both basic resource needs and more long-term complex family challenges. They didn’t want to access government or more acute services because of concerns about being ‘labeled’ or ‘monitored’. We had done

⁸ Dennis, Karl W., and Ira S. Lourie. “The First Family I Provided Care To.” *Everything Is Normal until Proven Otherwise: A Book about Wraparound Services*, CWLA Press, 2006, 181.

significant work to frame our initial neighborhood efforts in a very accessible and positive manner. Because we are a universal and voluntary service that is locally focused, accountable, and discrete, families can connect with us without the same stigma of more acute services. The more we demonstrate our commitment to shared values with those referred, the deeper the trust. The relationship is a delicate process of safety and trust; the deeper the connection, the more complex issues families are willing to collaborate on. We are held accountable by their engagement, not the other way around.

Schools

Focus on building relationships and emotional intelligence through a family, school, and community partnership, providing equitable access to opportunities so children are ready to learn and positioned to succeed. Supported through local school system enrichment funding, the primary effort being free afterschool programming and health promotion. In our process of creating a local community advisory board, a lot of concerns were brought to us about unsupervised children at-risk after school hours. Additionally, the barriers for families from transportation, work hours, financial limitations, and other poverty-connected issues. We took that feedback and used it as a case for support to create a free and attractive afterschool program and created a funnel of resources based on the stated needs of the local school staff. We removed the barriers; instead of creating a service in our facility, we put it where the families already were residing. The work in the school also had another impact; we were trusted and known in a non-stigmatizing capacity providing fun and desirable programming that everyone wanted to be a part of. As word traveled that we could also provide voluntary family services, we had already had the time to build meaningful relationships with the family.

A local community response to support families will look different everywhere you go; each community has its own unique ecosystem of needs and strengths to work through. While some communities look to a center-based approach, our focus is less on a multi-purpose facility that houses a variety of human services

partners, and more of a recognition that there are a great deal of spaces where people already congregate where we need to be present. Social work doctrine says, 'meet people where they are'. The 21st-century settlement house is the community itself with embedded partners and providers with shared beliefs, working daily in schools, churches, neighborhoods, and in the living rooms of families. This overarching structure falls in line with Ecological Systems Theory, explained by Urie Bronfenbrenner, as the *relationship* between the individual and all of the key spheres of influence, including family, school, neighborhood, and beyond. Bronfenbrenner references Goethe by saying, "Of our attempts to understand the world 'Everything has been thought of before, The difficulty is to think of it again.' To this I would add... that ideas are only as important as what you can do with them."⁹ How much of the research we currently pursue is ultimately translated into timely practice? How many of the evidence-based practices we promote are scalable and accessible to the masses? How much time are we spending on the simple things that families are asking us to provide? There is nothing new or unique about the buckets of work we are pursuing; it's all been done before by others across the United States who, along with local families, have graciously shown us the way. There is something special about the local formula of integration, the shared commitment to values, and the characteristics of the neighborhood and families. It works together, so it works.

Dreams

It's a tough time to be a social worker, a police officer, a teacher, and a healthcare professional, among other front-line roles. Being essential doesn't mean you're impervious to all of the negativity you hear, and if you're passionate about your work, the burden of trying to be the stop gap in a system with many cracks often leads to resentment or burnout.

It's often referenced that in the Chinese language, the word for crisis is composed of two characters: one for danger and one for

⁹ Bronfenbrenner, Urie. *The Ecology of Human Development: Experiments by Nature and Design*, Harvard University Press, 1981, vii.



© Photo by San Mar Family & Community Services

opportunity. Those focused on crisis could see potential system change as danger and focus on self-preservation by saying the right things but doing the same things. Those focused on change as an opportunity could take a step back and remember the dream, the idealism of why they entered the field is still possible, but with less privilege and with more mutuality. In our frenzy to deal with the urgent crisis of today, we don't take the time to remember the wisdom of the people we serve, to listen to each Monica, and customize the response. How can the provider community and state government both support with resources and stay out of the

way of a community-led process to address the needs of families? Everyone can still play a role, but it will require change. Non-profits and traditional child welfare organizations continue to have an opportunity as agents of change if they commit to the genuine process of exploring core values as the catalyst to organizational transformation.

There's only one recommendation I'm proposing; to create a parallel process of the best type: let the government triage child welfare cases of abuse and clear and eminent safety issues, and funnel the remaining dollars

currently used on the vast majority of neglect cases to fund unique, flexible, universal, and voluntary community-based responses to support families and give them the time to do what is needed. Some would argue that we should go even further, others might say this is irresponsible, but given our current structure, this would reflect radical and transcendent progress. If you're not in agreement, ask the family you're serving what they think and explore their answers. Spend time asking yourself what you believe and why.

In their book 'Unfaithful Angels', social work researchers Harry Specht and Mark Courtney previously proposed:

"A community-based system of social care will be universal- that is, available to everyone; comprehensive-providing on one site, all of the kinds of social services required by an urban community; accessible-easily reached by all people in the area designated as the service area; and accountable-with community residents having a prominent role in making policy for the service and overseeing its implementation. Social services organized in this way have been referred to by different names, we will designate them community service centers. The mode of service delivery we propose is something like what our Victorian ancestors had in mind when they created the settlement house - it is locality based, and it utilizes adult education, social groups, and community associations as its major modes of intervention - but it

differs in several ways too: it is publicly financed (with additional support from the voluntary sector); it is not for the poor alone but for all members of the community; and the leadership is not based on social class differences, with middle class professionals helping lower-class clients, but rather comes from the community it serves."¹⁰

If a boiler broke at our office, we'd fix it. We don't have the money to do it, but we'd do it anyway. But this isn't about new money; it's about using our money better and acknowledging that we might have to change. It should be about what's best for others, not my own job. Let's remember what works. Let's get back to the basics and shift money to the things we value. What if it was my child? What if it was my family? How would we help them respond to overwhelming stress?

A community system of care is the most sophisticatedly simple approach, and it has the power to change the world. Imagine how different our lives and the people we serve could be if we committed to this infrastructure in every community. We already know the answers to invest in, but when the opportunity to speak up on what must be done, we must have the courage to remember.

¹⁰ Specht, Harry, and Mark E. Courtney. "A Proposal for a Community Based System of Care." *Unfaithful Angels: How Social Work Has Abandoned Its Mission*, The Free Press, New York, 1995, 152.

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A Better Way

Re-Imagining a Community-Based Child and Family Well-Being System in Nebraska

Jennifer Skala and Jennifer Wallage, Dr. Alger M. Studstill, Jr.,
Emily Kluver, Sarah Helvey, Schalisha Walker

Introduction

It's easy to talk about the need to invest in community-based services, but actually making the vision a reality is much more challenging. Stakeholders across the country often ask, "What state is doing this well?" While we don't have all the answers, nor do we have a perfect system by any means, in Nebraska, we have been doing this work for the past 15 years and have some valuable lessons to share as well as next steps and solutions as we re-imagine a community-led child and family well-being system.

Background

Twenty years ago, Nebraska had one of the highest rates of children in out-of-home care in the nation (10.9 compared with 5.2 per 1,000 children).¹ This reality prompted the state to implement significant policy changes and started a journey to focus on prevention and community-based supports and services for families. At the system level, changes in policy and legislation began with the implementation of Structured Decision Making (SDM) and Alternative Response (AR). However, the real shift occurred by listening to the barriers elevated by families and local communities, leading to an enhanced collaborative approach focused on well-being called "Community Response" (CR). As a result, each year since 2010, there has been a downward trend in Nebraska's out-of-home care rate, with today's rate being 7.2 per 1,000 children in Nebraska compared to 5.1 in the nation.²

The Movement in Nebraska

Jennifer Skala and Jennifer Wallage
Nebraska Children and Families Foundation

Nebraska's Community Well-being (CWB) model under the [Bring Up Nebraska](#) initiative is based on the belief that all individuals and families face challenge. Providing support early, before challenges turn to crises, improves outcomes for children, adults, and communities.³ Local communities are the foundation of the work because they are best situated to provide services and supports that build protective factors and resilience to future challenges. Decision-making about what works to protect and promote child and family well-being lies within the communities and homes of families; whose lived experiences are the true drivers of transformation. A community-led prevention model is the replacement for standardized formulaic one-size-fits-all menus of services that may not address families' true needs or be accessible to them where they live and within their cultural contexts. This is the heart of our program, and thriving children, young adults, and families are the result.

¹ Nebraska AFCARS and NCAN data that is submitted to the Federal Children's Bureau.

² Nebraska AFCARS and NCAN data that is submitted to the Federal Children's Bureau.

³ Nebraska's Community Well-Being model was selected by the federal Children's Bureau to participate in the first-tier cohort of *Thriving Families, Safer Children: A National Commitment to Well-Being* and is also identified as a promising primary prevention approach by the Children's Bureau.



*Back row, left to right; Sarah Helvey, Schalisha Walker, Dr. Alger M. Studstill, Jr.,
Front row, left to right: Jennifer Skala, Emily Kluver, Jennifer Wallage*

Nebraska Leadership

On a fundamental level, this shift to reduced out-of-home care was possible because leadership from the Children and Family Services (CFS) division within the Nebraska Department of Health and Human Services (DHHS) understood that child welfare wasn't just the responsibility of the government, but rested within communities, as they know best what is needed for their own individual communities. DHHS and stakeholders also recognized that removing children from their homes and families causes trauma.

Additionally, the [Nebraska Children and Families Foundation](#) (Nebraska Children) has served as the backbone organization for this effort. Nebraska Children was created in 1997 and serves as Nebraska's delegate agency for Community Based Child Abuse Prevention and as the local Prevent Child Abuse American chapter. The purpose of Nebraska Children was to create a public and private partnership to strengthen and preserve families. Since then, Nebraska Children continues to bring public and private partners together, including the:

- Department of Health and Human Services (DHHS)
- Courts and Juvenile Probation
- First Lady of Nebraska
- Legal Aid of Nebraska
- Nebraska Department of Labor and Department of Economic Development

This also includes national partners and private foundations to support and to be in partnership with 22 Community Collaboratives by providing facilitation, data, research, evaluation, communication, fund development and assumes accountability, compliance, and facilitation of resources.

The Process

Assessment

In 2006, a state-wide community-based assessment was undertaken through a collaboration between DHHS, Nebraska Children, the Nebraska Crime Commission, and the Juvenile Justice Institute at the University of Nebraska at Omaha. The assessment was conducted in over 60 counties in Nebraska. The intent was to produce an aligned facilitated process to decrease duplicative efforts across the state, assess each community's access to available public resources and capacity for developing and implementing prevention systems of care, and identify policies and procedures which impact the development and sustainability of community prevention systems.

The following needs and recommendations were identified as a result of the assessment:

Table 1. Needs and Recommendations Identified in the Community Based Assessment

Need	Need Statement
Basic Needs	Individuals are not able to sustain a living wage that meets basic needs and supports their households.
Access to Mental Health and Health Care	Communities see a shortage of mental health supports, dental providers who accept Medicaid and decreased local accessibility to psychiatric services.
Education	Moves to consolidate school districts, as well as dwindling resources to provide nurses, social workers, after-school programs, and financial education, have left schools in the position to “do all and be all” with fewer resources and less parent availability.
Children and Youth Safety and Development	With school consolidations and limited community resources, children and youth are becoming isolated due to lack of childcare, lack of community activities for those aged 10–18, and decreased before and after school programs.
Access to Services	Nebraskans struggle to access services due to the time and cost of travel outside their local area, urban and rural transportation barriers, community stigma, and barriers to eligibility.
Challenges to Development of Community Prevention	There is a disconnect between what is needed and understood at the community level and decisions that are made at the state level.

In addition, the assessment and planning process sought to identify and focus on addressing root causes. In Nebraska, the two leading causes of children becoming involved in the child welfare system are neglect—largely due to poverty—and parental substance abuse. Therefore, the assessment process included identifying community-based services to specifically address these issues.

The Learning Collaborative

After the assessment process, state and multi-sector partners from five communities established the Learning Collaborative (LC) in order to address the gaps and create the essential components of the Community Well Being Model. The LC met every month starting in January 2009 until December 2011 to co-create the CWB toolkit, values, principles, and essential components of the community well-being model.

In 2013, the Community Well Being Model was finalized based on input gathered through five community listening sessions, research presented to the Nebraska Children's Commission by Dr. Deborah Daro, and a collective impact study conducted by FSG.⁴

The Community Well-Being Model

Nebraska's Community Well-Being Model supports local collaborations working to promote well-being by strengthening protective factors across the lifespan within the community context. Key components of the model include:

- A multi-sector community collaboration that authentically engages all partners
- Community ownership and community-driven approach that ensures decisions are made by and for the community.
- A collaborative infrastructure (backbone, steering committee, workgroups, coordination functions, etc.).
- A lifespan focus with prevention, early childhood, school-aged, and older youth programs as well as basic needs and strategies that are coordinated to support children and families.
- Recognition of historical context in communities and prioritizing work to address historical and root causes affecting well-being.
- Local, state, and national level policy and practice changes to support conditions for communities to thrive.
- Most importantly, authentic partnerships with individuals with lived experience.

Implementation of the Community Collaborative Well Being Model

As a result of the Learning Collaborative, Nebraska Children and DHHS convened and focused on five interested community-based multi-sector partnerships to receive funding and support in implementing the model. The support included: a neutral convenor/consultant, public and private funding, training and technical assistance, population and performance data, research and support in fund development, a local evaluator, shared website, databases, and technology tools, lived experience leaders, and a learning community for peers to share and problem solve strategies for a collective movement across Nebraska.

Each phase of development was directed by community partners in the following approach:

⁴ The following model was informed by the work and research of FSG: Kania, John and Kramer, Mark. "Collective Impact." *Stanford Social Innovation Review*, Winter 2011.

Table 2. Phases of Development of the Well Being Model

<p>Phase 1 Community Engagement</p>	<ul style="list-style-type: none"> • Communities identify a coordination team that includes state partners, consultants, lived experience partners and local leaders/advocates. • Community leaders conduct outreach to other community leaders and a broad range of service providers.⁵ • Community leaders engage in readiness dialogues with state partners about community aspirations and prevention philosophy utilizing assessment tools and toolkits and shared well-being data. • Collective group of community partners supported by the consultant conduct a series of meetings to review data and engage in a process to determine a consensus of priorities/outcomes for a co-created Community Owned Plan.
<p>Phase II Assessment and Common Agenda</p>	<ul style="list-style-type: none"> • Using the service array and data assessment, protective factors are mapped to develop and support the community-owned plan for prevention. The collaboration develops and, through braided funding, implements the plan. • Establish a 501(c)3 or align with another neutral backbone organization that serves as a coordinating body and fiscal agent.⁶ • The collaborative infrastructure is created that includes a board/steering leadership, workgroups, capacity building, and a process for planning, implementation, decision making, evaluation, and sustainability.
<p>Phase III Implementation and Action</p>	<ul style="list-style-type: none"> • Community Collaboratives host the Community Response (CR) system that includes Central Navigation and Coaching to assure everyone in the community has access to needed supports and services. <ul style="list-style-type: none"> ◦ Central Navigation (CN) – utilizes a youth and family-centered approach to identify current supports and services to increase protective and promotive factors. CN acts as the hub for coaching and service delivery. ◦ Coaching (for longer-term supports/services) – assists youth and families in identifying the most effective supports and services to address their current needs and meet future goals.⁷ • The Framework for the Community Well Being System is the Promotive and Protective factors, which are necessary to achieve well-being.⁸ • Community Collaboratives and members identify essential training for well-being systems.⁹ • Actions focus on changing the community context (e.g. power and influence, real family engagement, family-centered practices, cultural inclusion, family-friendly policies, etc.) in order to create the “we” in communities.
<p>Phase IV Evaluation and Sustainability</p>	<ul style="list-style-type: none"> • Members of the collaboration establish a continuous quality improvement cycle including, assessment, planning and implementation, evaluation, and sustainability process. • The Collaborative influences policies and seeks sustainability in local, state, and national resources.

⁵ Community residents are best supported by practitioners who understand and recognize the importance of self-awareness and self-care; understand that attachments, connections, and relationships are a primary source of growth and learning; understand the role of race, racism, and bias, and who understand and provide culturally responsive services; and who are aware of the impact of traumatic stress and understand the need to use trauma-informed methods.

⁶ The collaborating body includes collaborative bylaws, procedures, policies, workgroups, an organizational chart, and membership-owned decision-making. The backbone organization retains neutral facilitation/coordination, is transparent, and exists to focus on the needs and outcomes of the collaborative. The backbone acts as a portal for state/federal public and private grants and does all of the backroom work to blend and leverage funding streams to support evidence-based practices, continuous communication, and the facilitated planning, evaluation, and reporting. It must not be in competition for funding with community partners and new policies and procedures are created for sharing decision making, data, and accountability.

⁷ Coaching is a key component of community response and may be provided through an existing agency, the collaborative, or through a contract with an agency when someone does not qualify for existing services.

⁸ The following factors increase the probability of positive, adaptive, and healthy outcomes: knowledge of child and youth development, social emotional, and cognitive competence, parental and youth resilience, social connections, concrete supports, and gaps in services and supports.

⁹ Collaborative members are trained in common skills on facilitation, change management, conflict resolution, budget development, and grant writing.

Authentic Engagement with Lived Experience Partners

Throughout the Bring Up Nebraska initiative, new systems and local partners across the state have come to the table with a commitment to co-creation through authentic engagement with individuals with lived experience. Creating a lasting impact on communities requires the perspectives of the individuals who have been directly impacted by social systems. In addition, there is a pressing need for professionals on all fronts to understand how each system functions in the lives of those who are being served by those systems. It's not enough to survey people on mass scales and gather data; there must be dedicated space for these individuals to use their voices and share their full experiences to assist in co-creating the solutions that are necessary to improve the lives of Nebraskans across the entire state.

Authentic engagement and co-creation of system change are vital but also complex; it takes intentional effort and true heart to grow meaningful relationships between those who represent the system and those who are impacted by the system. This is consistent with the CWB model, which is based on the premise that power needs to be shared and business needs to be done differently. There is no single organization that can create large-scale, lasting social change alone. It requires organizations—including those in government, the private sector, and the nonprofit sector—to work collaboratively with each other and lived-experience leaders toward a shared vision for child well-being and shared outcomes for all children.

Outcomes

Nebraska's CWB model set the vision for and has achieved the following outcomes:

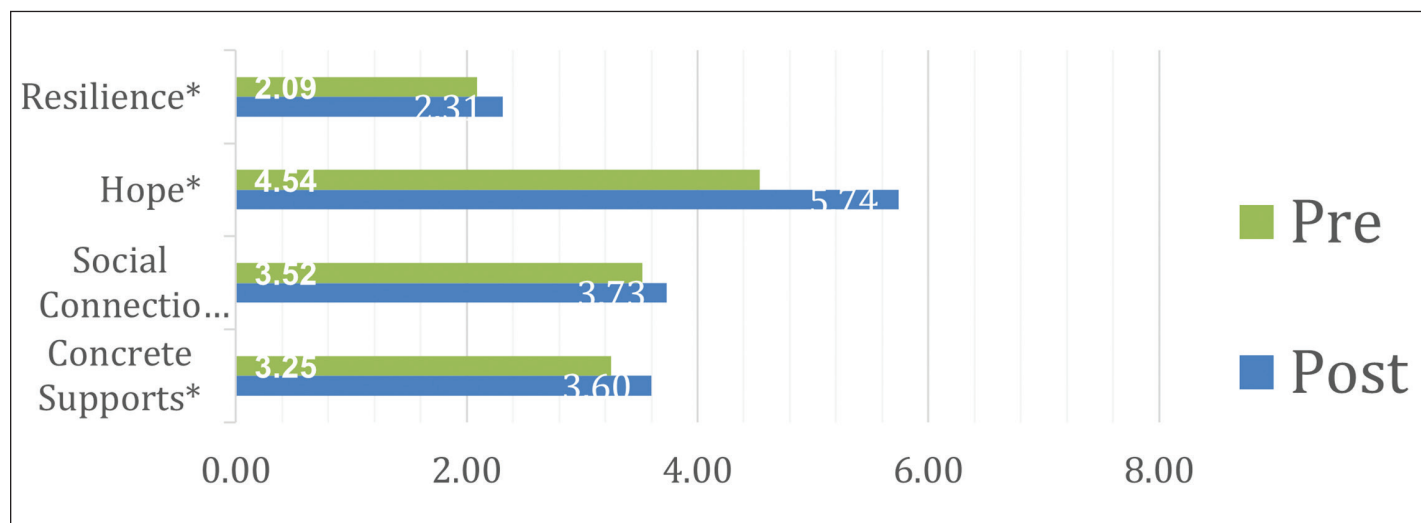
- Improvement in well-being for the general population, measured by priority indicators: children are safe, healthy, ready, and successful in school and supported in quality environments – see Table 3 below.
- Children do not enter the child welfare system– see the background and child abuse and neglect indicator below.
- Youth and family promotive and protective factors are enhanced – See table 2 A paired-samples t-test analysis was completed to compare pre-post scores. The results found that families made statistically significant improvements in the areas of Concrete Supports [t(70)= -2.652, p=.01], Hope [t(169) = -8.577, p<.001], and Resilience [t(173) = -5.127, p<.001].
- A broad-based community collaborative that holds members accountable and is focused on collective impact and a community well-being agenda.
- Public and private systems function to support community ownership and solutions to maximize opportunities for children—The 22 community collaboratives **leveraged seven million of local dollars which, is 24 percent of the total \$30,002,024 utilized for community well-being outcomes.**

- Families support prevention to decrease the need for more intense levels of intervention – Only 8 out of 202 parents involved in the most recent six-month follow-up calls were not able to use funds to avoid shut-off or eviction.

Table 3: Community Well-Being Indicators (www.necommunityopportunitymap.org)

Indicators	2018	2019
Children Under 5 Below Poverty Level	17.4%	16.3%
Child Abuse & Neglect	4.1 per 1,000	4.0 per 1,000
Proficient English Language Arts (3 RD Grade)	52%	56%
High School Graduation Rate	88%	88%
Births to Teens	16.8 per 1,000	15.6 per 1,000
Juvenile Arrests	42.5 per 1,000	42.0 per 1,000
Out-of-home Care	8.4 per 1,000	8.0 per 1,000
Infant Deaths	5.9 per 1,000	4.9 per 1,000
Work Hours Per Week (for 2-Bedroom FMR)	70	71

Table 4: Promotive and Protective Factor: Pre- Post Survey of 486 responses from families involved Community Response/Community Well Being Collaboratives.



Community–Led Prevention is Making a Difference

*Dr. Alger M. Studstill, Jr. and Emily Kluver
Nebraska Department of Health and Human Services
Division of Children and Family Services*

Nebraska will always prioritize the protection of children. But when is protection necessary? It is important to understand that children are best protected when systems and communities are focused on the well-being of children and families long before there is a concern for a child's safety. By examining and understanding the circumstances that lead to a child being removed from their home and into the child welfare system in Nebraska, we can mitigate factors leading to removals early on before neglect occurs. We believe that local communities, with support from state and national partners, are best situated to mitigate the factors leading to removals.

A Change in Our Way of Doing Business at the Department of Health and Human Services

In order to make this change to more community–based prevention services within DHHS, there needed to be a more focused and intentional approach to collaboration to ensure, as much as possible, seamless delivery of services. The five division directors (CFS, Behavioral Health, Public Health, Developmental Disabilities, and Medicaid and Long–Term Care) began to have a regular meeting cadence to address service integration, resolve barriers identified by the respective teams, collaborative approach to funding, and involvement of each sister division during any strategic planning initiatives. This shift in how we do the work and movement toward eliminating silos not only occurred at the executive level of DHHS but began to transcend throughout the Department at all levels. Whenever a situation arose in which a family or individual was in crisis and involved with multiple divisions, the deputy directors of the respective divisions would engage in discussion to determine the needed resources and support from a leadership perspective. This collaborative approach allowed for innovation, prevention, and well-being to always be front and center in the work.

The Role of DHHS in Community Well–Being

When families face challenges impeding their ability to safely raise their children, it is a community–wide responsibility to put those challenges in the spotlight of public attention and collaboratively implement solutions to ameliorate them. CFS plays an important role in the CWB model through funding and partnership with Bring Up Nebraska.

Annually, CFS invests approximately \$3.3 million in the CWB model. Specifically, this funding comes from the Promoting Safe and Stable Families grant, the Child Abuse Prevention and Treatment Act grant, the Social Service Block Grant, the John H. Chafee grant, and State General Funds.

One of the most important ways the CFS team supports the CWB collaboratives is by participating in collaborative meetings. Four DHHS Community Support Specialists work statewide with all of the CWB collaboratives. The DHHS Community Support Specialist role is to serve as a liaison with local community partners, respond to complaints and concerns from local community organizations and customers, and provide information regarding programs to local organizations.¹⁰ This is important because we want to make sure that the CWB collaboratives are aware of and accessing economic supports offered by the state such as SNAP, WIC, the childcare subsidy program and energy assistance. It also gives DHHS the opportunity to hear directly from the community about what is working and what challenges exist within their local prevention systems.

¹⁰ The DHHS Community Support Specialist role is established in Nebraska statutes at Neb. Rev. Stat. § 81–3130.

At the executive level, CFS leaders meet weekly with Nebraska Children and other Bring Up Nebraska partners to ensure that the state-level efforts are coordinated. As a result, Nebraska has successfully applied for and received federal discretionary grant dollars to support community-based prevention.¹¹ Nebraska's Bring Up Nebraska team understands the needs of communities and can direct resources to support the identified needs (e.g., partnering on grant applications and providing data).

CFS plays an important role in engaging additional government, quasi-governmental (like the Nebraska university system and Nebraska Investment Finance Authority), and private sector partners (like Nebraska-based philanthropies) to help broadly address social determinants of health and to help them see their role within the fuller context of building family and community protective factors—all valuable factors in accelerating social norm and value changes around primary prevention beliefs and behaviors across sectors.

The Work that Lies Ahead

While Nebraska has experienced many successes over the past few years, there is work ahead to ensure that Nebraska continues to see progress and enhanced collaboration with all stakeholders, especially parents, foster parents, and voices of individuals with lived experience, alongside and in addition to Bring Up Nebraska.

One of Nebraska's notable natives, Malcolm X, once said, "If you have no critics, you'll likely have no success." From the perspective of some, a critic is negative and often not welcomed, and the same could be said from the viewpoint of a government agency. However, the current leadership of DHHS and CFS have welcomed accountability from a myriad of sources, understanding that accountability builds a pathway to collaboration. It has been through the accountable feedback of system stakeholders that sparked the efforts of CFS to begin a Strategic Transformation to move from a "child welfare system" to a "child and family well-being system." This effort brought together 20 stakeholder groups and individuals with lived experience and over the past 17 months, this group has identified core principles, values, and five strategic priorities to cement the approach in Nebraska.

Family Advocacy Unit Within DHHS

Through this transformative work, CFS reflected internally on how to make intentional improvements with service delivery and family impact. To that end, CFS is in the process of standing up a family advocacy unit. The goal of the Family Advocacy Unit is to improve families' experience of the systems intended to serve them. This applies not only to child welfare but also includes economic assistance programs. As recommended by the Family-Run Organizations of Nebraska,¹² the Family Advocacy Unit will be an entity that objectively reviews grievances and responds within appropriate policy boundaries to ensure that the system's processes are working according to protocols. This will help ensure that parents' rights are not being unduly compromised, that their efforts and progress are accurately noted in a fair and just manner and that the voice and experiences of families will lead the actions and recommendations for a more robust prevention-based CWB system.

In addition, members of the Family Advocacy Unit will serve on the CFS Policy Council. The CFS Policy Council is comprised of field staff, external stakeholders, and individuals with lived experience and will be responsible for reviewing all current policies on a set cycle to ensure that our policies and standard work instructions are not creating barriers for families or any unintended disparities based on religion, ethnicity, gender, demographic location, socio-economic status, or race.

¹¹ For example, the Initiative received the Nebraska Expectant and Parenting Grant from the Office of Adolescent Health (\$900,000 annually for three years to support parenting young people whose lives have been impacted by involvement in foster care, juvenile justice, and/or homelessness) and the Community Collaboration to Strengthen Families Grant from the Children's Bureau (\$500,000 annually for five years to support the community-based prevention system in Omaha).

¹² The Family-Run Organizations of Nebraska provide services to parents who have children with emotional, behavioral, or mental health challenges. Advocacy and support are provided by peers and parents who have lived experience to share with other parents.

Creating a Prevention Track for Hotline Calls

According to [Casey Family Programs](#), there will be better youth well-being outcomes, which include physical and mental health and school achievement, when children in care are placed with family members or individuals known to them.¹³ While CFS has consistently placed children in a relative/kinship setting (51.8 percent) according to the Nebraska Foster Care Review Office,¹⁴ the question CFS is now working to address—how can we embed prevention-based services in the community so that children and families never have to become known to our system? With Nebraska's approved Family First Prevention Services Act (FFPSA) plan, CFS is currently exploring options to develop a "prevention track" that will create a tiered response to how Nebraska handles calls to the hotline. This will allow for a worker to assess the child(ren) and/or families' needs and make appropriate referrals for FFPSA services. If there is a need for additional supports and oversight, then the case can be screened for Alternative Response. Should there be a paramount concern for child safety, the case would be screened for a traditional response to assess for safety.

Bold Systemic Solutions that Acknowledge Historical Harm and Support Community-Based Services at the Level of Law and Policy

Sarah Helvey and Schalisha Walker
Nebraska Appleseed

Despite this powerful shift in Nebraska to move to a more community-owned child and family well-being system, as highlighted in the Child Well-Being model, it is imperative that these major shifts acknowledge the historical context within the communities they touch. Specifically, as a starting point, it is necessary to look at the historical and generational trauma that results from government systems that separate families and institutionalize racism. Then, as we look toward solutions, we must acknowledge that ultimately, the system still causes harm, and additional, more wholesale, replacements are needed.

Historical and Ongoing Harm and the Need for More Radical Re-Imagining

Nebraska's History of Family Separation and Family Regulation

Nebraska's history with racially targeted family separation, regulation, and poverty policy runs deep, and this lineage can still be seen today in disparities in child welfare and public benefits systems. Indeed, Omaha, the birthplace of Malcolm X and the jurisdiction of the case of Chief Standing Bear,¹⁵ was ranked number one in the nation in the percentage of black children in poverty in 2007.¹⁶ The Pine Ridge Reservation, which borders Nebraska in South Dakota, was within the poorest county in the U.S. in 1989, and was still among the top 25 poorest counties in the 2020 Census.¹⁷

From 1884 to 1934, the United States government ran the Genoa U.S. Indian Industrial School in

¹³ Casey Family Programs. *The Impact of Placement with Family on Safety, Permanency, and Well-Being*. Nov. 2018, p. 6.

¹⁴ "Of the 3,411 children placed in family-like settings, 51.8% were in a relative or kinship placement." Nebraska Foster Care Review Office (FCRO). *2021 Annual Report*. Sept. 2021, p. 32. <https://fcro.nebraska.gov/pdf/FCRO-Reports/2021%20Annual%20Report-FCRO-September.pdf>. Accessed 3 May 2022.

¹⁵ *U.S. ex Rel. Standing Bear v. Crook*, 25 F. Cas. 695 (D. Neb. 1879).

¹⁶ Cordes, Henry J., Gonzalez, Cindy, and Grace, Erin. "Omaha in Black and White: Poverty amid prosperity." *Omaha World-Herald*. 15 April 2007. https://omaha.com/news/local/from-the-archives-poverty-amid-prosperity/article_f8fe9f28-5b7e-11e7-9ef2-fbb4aa5eefd6.html. Accessed 1 May, 2020.

¹⁷ U.S. Census Bureau. *The 100 Poorest Counties in the United States: 1979 and 1989*. <https://www.census.gov/data/tables/time-series/dec/cph-series/cph-l/cph-l-184.html>. Accessed 4 May 2022.; U.S. Census Bureau. *SAIPE State and County Estimates for 2020: U.S. and All States and Counties*. <https://www.census.gov/data/datasets/2020/demo/saipe/2020-state-and-county.html>; Accessed 4 May 2022.

Genoa, Nebraska, on the land of the Pawnee people, enrolling over 4,300 children from over forty Indian tribes.¹⁸ This was government-sanctioned cultural genocide and intentional separation of children from their families, tribes, and cultures in which children as young as five years old were forbidden from speaking their native language, required to convert to Christianity, subject to abuse and exploitation, and killed by diseases in over-crowded schools.¹⁹ The Nebraska Commission on Indian Affairs and researchers are currently in the process of searching for mass graves at the Genoa School site.²⁰

In addition, beginning in the 1920s until it became illegal in the 1960s, redlining was rampant in Omaha.²¹ This government action of denying home loans and other services based on race systematically created disparities in generational wealth that even current income and education cannot bridge.²² Redlining has had a lasting impact on upward mobility for generations of black and African American families, and can still be plainly seen in local communities.²³

Today's reality is a direct line from Nebraska's history of systemic racism. Moreover, the "child welfare system" itself—which some now refer to as the "family regulation system"—is an extension of America's dark history of forced family separation based on race and poverty. The thread weaves from the U.S. government dispossessing Native lands and Native children to white slave owners separating Black families and devaluing Black family bonds through orphan trains bringing children for forced child labor in the Midwest. It also extends today to family separation through immigration and criminal justice systems.²⁴

Even reforms to address poverty have conditioned assistance on family regulation. Federal Temporary Assistance for Needy Families (TANF) reforms in 1996 increased surveillance of poor mothers and reduced services, particularly in communities of color.²⁵ This, in turn, resulted in the child welfare system being used as a means of accessing assistance, conditioned on the state custody of children.²⁶

Ongoing Harms and the Need

The creation of informal and formal community supports for children and families, through local community collaboratives, rather than punitive systems has been transformative. However, even in light of this progress, the net of the formal child protection system is still too expansive—particularly at the front-end, with overbroad investigations and statutory definitions of abuse and neglect.

Today, nationally, more than half of all Black children will be the subject of a CPS investigation at

¹⁸ The Genoa Indian School Digital Reconciliation Project. *About Genoa & Indian Boarding Schools*. <https://genoaindianschool.org/about-genoa-indian-boarding-schools>. Accessed 28 April 2022.

¹⁹ The Genoa Indian School Digital Reconciliation Project. *About Genoa & Indian Boarding Schools*. <https://genoaindianschool.org/about-genoa-indian-boarding-schools>. Accessed 28 April 2022.

²⁰ Chung, Christine. "Researchers Identify Dozens of Native Students Who Died at Nebraska School." *New York Times*. 11 Nov. 2022. <https://www.nytimes.com/2021/11/17/us/native-american-boarding-school-deaths-nebraska.html>. Accessed 28 April 2022.

²¹ Fletcher Sasse, Adam. "A History of Redlining in Omaha." *North Omaha History*. <https://northomahahistory.com/2015/08/02/a-history-of-red-lining-in-north-omaha/>. Accessed 1 May 2022.

²² The Union for Contemporary Art. *Undesign the Redline*. <https://www.u-ca.org/redline>. Accessed 28 April 2022.

²³ Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright Publishing Corporation, 2017.

²⁴ Minoff, Elisa. "Entangled Roots: The Role of Race in Policies that Separate Families." *Center for the Study of Social Policy*, Oct. 2018, p.4. <https://cssp.org/resource/entangled-roots/>. Accessed 28 April 2022.

²⁵ Roberts, Dorothy E. "Democratizing Criminal Law as an Abolitionist Project." *Northwestern University Law Review*, Vol. 111, 1597–1601, 2017, p. 1602–1603.

²⁶ Roberts, Dorothy E. "Democratizing Criminal Law as an Abolitionist Project." *Northwestern University Law Review*, Vol. 111, 1597–1601, 2017, p. 1602–1603.

some point during their childhoods.²⁷ Similarly, in Nebraska, there is significant disproportionality by race in hotline reports.²⁸

The potential for families to be subjected to CPS investigations in Nebraska is even greater because Nebraska is one of 18 states with universal mandatory reporting, in which all persons, not only certain professionals, are required to report suspected child abuse or neglect, subject to criminal penalties.²⁹ As a result, in 2018, only five percent of the total reports to the hotline were ultimately substantiated.³⁰ Moreover, the vast majority of substantiated cases (80 percent of the 5 percent) involved physical neglect, which is a failure to meet the child's basic needs and very often is an economic issue for families.³¹ Furthermore, Nebraska's statutory definition of neglect is overbroad and subject to bias. For example, current Nebraska law prohibits a child from being without "proper care" or control³² — which is open to interpretation and the second-guessing of reasonable parents' decisions.³³

Finally, our current response to substance use disorder takes a carceral rather than a public health approach. This is particularly true with regard to prenatal drug use. Nebraska law does not specifically criminalize prenatal drug use, and its mandatory reporting law does not specifically apply to unborn children/fetuses, yet pregnant people are often drug tested, sometimes without their consent, and their results are used as a basis for referral to CPS in potential violation of the patient's 4th amendment rights.³⁴

Next Steps at the Level of Law and Policy to Invest in Community-Based Solutions

While the movement in Nebraska toward a community-owned child and family well-being system is a model for the country—there is more that needs to be done to restructure a system that has been built on systemic racism, family regulation, and the traumatic separation of children from their families. Communities are the foundation, but they can only go so far, and solutions also are needed at the level of law and policy to support their efforts. Both nationally and locally, several specific, research-based policy changes and investments in community-based resources should be considered:

Take a Step Towards Reparations in the Form of Universal Basic Income/Direct Cash Transfers

System-involved black and brown families have faced decades of discriminatory policies and practices, and their needs have often been overlooked by a system that has remained punitive rather than restorative. Concrete financial supports, such as universal basic income or direct cash

²⁷ Roberts, Dorothy E. *Torn Apart: How the Child Welfare System Destroys Black Families – And How Abolition Can Build A Safer World*. Basic Books, 2022, p. 37.

²⁸ Helvey, Sarah, Summers, Juliet, and Conway, Sean. "Universal Mandatory Reporting of Suspected Child Abuse and Neglect in Nebraska: Current Law and Future Considerations." *The Nebraska Lawyer*. July/August 2020, p. 11. https://cdn.ymaws.com/www.nebar.com/resource/resmgr/nebraskalawyer_2017plus/2020/julyaugust/TNL-0720c.pdf

²⁹ Neb. Rev. Stat. § 28-106 (2019); Neb. Rev. Stat. § 28-711 (2019); Neb. Rev. Stat. § 28-717 (2019); Singley, Steven J. "Failure to Report Suspected Child Abuse: Civil Liability of Mandated Reporters." *J. Juv. L.* 19, 236, 1998.

³⁰ Voices for Children in Nebraska. *Kids Count in Nebraska 2019*. 2020, p. 63. <https://voicesforchildren.com/data-research/kids-count/#:~:text=in%20Nebraska%20Reports%3A-,Kids%20Count%202019,-%7C%20Kids%20Count%202018>. Accessed 1 May 2022.

³¹ Voices for Children in Nebraska. *Kids Count in Nebraska 2019*. 2020, p. 64. <https://voicesforchildren.com/data-research/kids-count/#:~:text=in%20Nebraska%20Reports%3A-,Kids%20Count%202019,-%7C%20Kids%20Count%202018>. Accessed 1 May 2022.

³² Neb. Rev. Stat. § 43-247(3)(a).

³³ Current Nebraska law at Neb. Rev. Stat. § 28-707 also criminalizes parents who permit their child to be placed in a situation that endangers their mental health – and parents of adolescents may feel that some everyday experiences could meet this definition. We also know – in Nebraska and across the country – that neglect is often confused with poverty. This same Nebraska statute criminalizes parents who negligently cause or permit their child to be "deprived of necessary food, clothing, shelter, or care" without any requirement of intent or ability to provide such care.

³⁴ *Ferguson v. City of Charleston*, 532 U.S. 67 (2001).

transfer programs which provide a monthly stipend without strings attached, have been shown in pilot programs to reduce child abuse and neglect by enabling families to better access resources and address their own basic needs.³⁵ Providing youth and families the freedom to use assistance funds the way they need, without required family regulation or policing, is a critical cultural shift from a system that has been heavy-handed with oversight of funds. These concrete financial supports will not take away the systemic disparities that black and brown families have faced but can help to challenge the narrative about who is deserving of assistance.³⁶

Narrow the Definition of Neglect and Clarify that Poverty Is Not Neglect

Nebraska's definition of neglect permits bias and inconsistencies in reports, investigations, and prosecutions, particularly for black and brown families.³⁷ A bill proposed in the Nebraska Legislature during its 2022 session, among other things, would have clarified the neglect statute to require the parent to have "willfully refuse[d] to provide such care despite being able to do so," to be charged with neglect.³⁸ The Nebraska bill did not pass this year, but this clarification – and tighter definitions of neglect in states across the country—would reduce the number of families who needlessly enter the family regulation system and who could benefit from community-based services and interventions.

End Childhood Poverty

Bryan Stevenson, in his book, *Just Mercy*, wrote, "The opposite of poverty is not wealth; the opposite of poverty is justice."³⁹ According to the 2020 census, 16 percent of all children in the United States are living in poverty.⁴⁰ This figure is on the increase and not surprisingly includes vast disproportionality for children of color.⁴¹ In order to address this injustice—and consequently reduce the number of kids in foster care—we must do what we know works: prioritize investments in ending childhood poverty. This includes extending the Child Tax Credit, directing more TANF funds to direct cash assistance to families rather than to subsidize foster care, and more broadly putting resources directly into people's hands through basic income programs, higher wages, and better jobs with benefits.

Eliminate Universal Mandatory Reporting and End the Child Abuse Prevention and Treatment Act Requirement for Mandatory Reporting of Neglect

Universal mandatory reporting states, like Nebraska, that require all individuals, regardless of profession, to report suspected child maltreatment should consider amending their statutes.⁴² Such a change would still permit all individuals to report if they have concerns but would not require them

³⁵ Weiner, Dana, Anderson, Clare, Thomas, Krista. "System Transformation to Support Child and Family Well-Being: The Central Role of Economic and Concrete Supports." *Chapin Hall at the University of Chicago*, July 2021, p. 4–6. <https://www.chapinhall.org/wp-content/uploads/Economic-and-Concrete-Supports.pdf>. Accessed 1 May 2022.

³⁶ Coates, Ta-Nehisi, "The Case for Reparations." *The Atlantic*. 21 May 2014; Downey, Nolan, et al. "Guaranteed Income: States Lead the Way in Reimagining the Social Safety Net." *Shriver Center on Poverty Law*, Apr. 2022, p. 27. <https://www.economicsecurityproject.org/wp-content/uploads/2022/04/220404-GI-States-Lead.pdf>. Accessed 1 May 2022.

³⁷ Black and African American children made up 6 percent of Nebraska's total child population but were represented at 14.9 percent in the child welfare system in 2019. Native and Indigenous children made up 1.1% of the total child population in Nebraska but represented 4.8 percent of the child welfare population in 2019. Voices for Children in Nebraska. *Kids Count in Nebraska 2019*. 2020, p. 71. <https://voicesforchildren.com/data-research/kids-count/#:~:text=in%20Nebraska%20Reports%3A-,Kids%20Count%202019,-%7C%20Kids%20Count%202018>. Accessed 1 May 2022. <https://voicesforchildren.com/wp-content/uploads/2021/03/2020-Kids-Count-electronic-final-3-26-2.pdf>. Accessed 4 May 2022.

³⁸ Nebraska Legislative Bill 1000 (2022); proposing to alter Neb. Rev. Stat. § 43-247.

³⁹ Stevenson, Bryan. *Just Mercy*. Spiegel & Grau, 2015, p. 11.

⁴⁰ Shrider, Emily A., Kollar, Melissa, Chen, Frances, and Semega, Jessica. "Income and Poverty in the United States: 2020." *U.S. Census Bureau*. 14 Sept. 2021, p. 16. <https://www.census.gov/library/publications/2021/demo/p60-273.html>. Accessed 1 May 2022.

⁴¹ Annie E. Casey Foundation. *New Child Poverty Data Illustrate the Powerful Impact of America's Safety Net Programs*. 20 Sept. 2021. <https://www.aecf.org/blog/new-child-poverty-data-illustrates-the-powerful-impact-of-americas-safety-net-programs>. Accessed 1 May 2022.

⁴² Helvey, Sarah, Summers, Juliet, and Conway, Sean. "Universal Mandatory Reporting of Suspected Child Abuse and Neglect in Nebraska: Current Law and Future Considerations." *The Nebraska Lawyer*. July/August 2020, p. 13–14. https://cdn.ymaws.com/www.nebar.com/resource/resmgr/nebraskalawyer_2017plus/2020/julyaugust/TNL-0720c.pdf Accessed 1 May 2022.

to do so, subject to criminal sanctions. In addition, Congress should eliminate the requirement in the federal Child Abuse Prevention and Treatment Act (CAPTA) that requires mandatory reporting of neglect.⁴³ The requirements place a duty on the community that is oftentimes confusing and results in an investigative approach when one is not always needed. Instead, communities should be educated and encouraged to contact local helplines or service referral agencies when appropriate.⁴⁴ In Nebraska, the community collaboratives and central navigators serve a similar role and can match assistance needs with services and support.

Provide Pre-Petition Legal Representation

In 2021, Nebraska established a pilot program, through a public-private partnership with Legal Aid of Nebraska, to assist families at risk of system-involvement who have not yet had a juvenile court case filed, with legal representation to address ancillary issues and to protect their rights during their involvement with CPS. This program should be expanded to all eligible families. However, federal guidance has been unclear about the ability of states to draw down Title IV-E funds to reimburse state agencies for pre-petition legal representation.⁴⁵ A proposed federal rule would clarify that Title IV-E funds can, in fact, be used for this purpose, and we urge its final promulgation.⁴⁶ Several jurisdictions across the country have implemented similar programs and research supports that attorneys with a community-lawyering and multi-disciplinary approach can reduce the need for more formal system involvement.⁴⁷ This legal representation and other due process protections⁴⁸ are critical to ensure that so-called “voluntary” cases do not constitute “hidden foster care.”⁴⁹

Implement a Robust Public Health Response to Substance Use Disorder and Require Consent for Prenatal Drug Testing

As a society, we need to rethink our approach to substance use disorders. Instead of criminalizing and punishing addiction with foster care and criminal justice system involvement, we need to increase investments in community-based treatment, particularly approaches that keep families together. Moreover, hospitals should obtain written consent before drug testing pregnant and postpartum individuals in the absence of an emergency, preventing non-consensually obtained tests from being used to justify family separation. Related to this, CAPTA requires states to develop policies to address the needs of infants exposed to substance use during pregnancy. This provides an opportunity for states to clarify requirements around reporting by health care providers and to develop Plans of Safe Care focused on community-based services.⁵⁰

⁴³ 42 U.S.C. § 5106a.

⁴⁴ *Nebraska’s Family Helpline: About the Helpline*. Nebraska Department of Health and Human Services, 2020. <http://dhhs.ne.gov/Pages/Nebraska-Family-Helpine-About.aspx>. Accessed 1 May 2022.

⁴⁵ *Child Welfare Policy Manual 8.1B, Title IV-E, Administrative Functions/Costs, Allowable Costs – Foster Care Maintenance Payments Program*. Children’s Bureau: An Office of the Administration for Children & Families. Questions 30–32. https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=36. Accessed 1 May 2022.

⁴⁶ Proposed 45 C.F.R. § 1356.60(c). <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202110&RIN=0970-AC89>. Accessed 1 May 2022.

⁴⁷ U.S. Department of Health and Human Services, Administration on Children, Youth, and Families. *Utilizing Title IV-E Funding to Support High Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*, ACYF-CB-IM-21-06. 14 Jan. 2021, p. 11. <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>. Accessed 5 May, 2022.

⁴⁸ In 2020, the Nebraska Legislature passed L.B. 1061 (codified, in part, at Neb. Rev. Stat. § 28-713.02(4)), which, among other things, requires DHHS to provide a written notice to the parent and caregiver in non-court-involved cases, including notice of the factual basis for DHHS involvement, the possibility that a petition could be filed in court in the future if it is determined that the safety of the child cannot be assured, and that the participation of the parent and caregiver in prevention services could be relevant evidence in any future proceedings.

⁴⁹ Gupta-Kagan, Josh. “America’s Hidden Foster Care System.” *Stanford Law Review*, Vol. 72, 841–913 April 2020.

⁵⁰ The federal Child Abuse Prevention and Treatment Act (CAPTA) as amended by the Comprehensive Addiction and Recovery Act (CARA); see 42 U.S.C. § 5106a(b)(2)(B)(ii) (2016); see also Protecting Our Infants Act, Pub. L. No. 114-91 (2015) (mandating that the U.S. Department of Health and Human Services make recommendations on preventing, identifying, and treating the effects of prenatal opioid use on infants); Infants Born Affected by Substance Abuse and an Update on Nebraska’s Response to the Comprehensive Addiction and Recovery Act (CARA), *Letter from Danette Smith to Nebraska Birthing Hospitals*. 23 Dec. 2019. <http://dhhs.ne.gov/Pages/Comprehensive-Addiction-and-Recovery-Act.aspx>.

Authentic Engagement and Equitable Partnerships with Youth and Families with Lived Expertise

Decisions that affect the lives of youth and families who are system-involved should include their voices in every step of the process in a way that creates equitable power-sharing and elevates their concerns. For far too long, engaging youth and families in decision-making has been an afterthought or has been in a tokenized capacity. Being sure that lived experience is valued also includes being willing to challenge outdated ways of thinking and operating, being flexible, meeting youth and families where they are at (including meeting at times and locations that are convenient and accessible), and being intentional about how youth and families are engaged in the work. In addition, youth and families with lived expertise should always be compensated for their time and talents.

Protect and Fully Enforce the Indian Child Welfare Act

The Indian Child Welfare Act (ICWA), which was passed to address the “alarmingly high” rate of removal of Native children by the state, has been called “the most ignored federal law ever,” and, currently, its constitutionality is being questioned in a case pending before the U.S. Supreme Court.⁵¹ In light of this, specific state-level ICWA statutes are all the more critical to protect the rights of Tribes and Native children and families. In 2015, Nebraska passed a model state ICWA statute⁵² and is also fortunate in the recent establishment of a unique nonprofit coalition of tribes and stakeholders, the Nebraska Indian Child Welfare Coalition (NICWC), which has, among other things, strengthened relationships between DHHS, juvenile courts, and tribes.⁵³ These and additional efforts should be considered in other states.

Conclusion

When we look ahead at the next 20 years in Nebraska and nationally, our hope is for a further transformation that is almost unrecognizable from where we started. While we still have a ways to go, Nebraska now has a shared vision for a re-imagined and community-owned child and family well-being system that acknowledges systemic trauma, honors family bonds, seeks to meet families’ true needs, and is accessible to them in their communities, within their cultural contexts.

⁵¹ 25 USC § 1901 (1978); Eveleth, Sherri. “Overview of the ICWA: The Most Ignored Federal Law Ever,” *The Nebraska Lawyer*, August 2005; *Haaland v. Brackeen* (U.S. Supreme Court Docket No. 21-380; formerly *Brackeen v. Bernhardt* and *Brackeen v. Zinke*).

⁵² Nebraska Legislative Bill 566 (2015) codified at Neb. Rev. Stat. § 43-1501 et seq.

⁵³ Nebraska Indian Child Welfare Coalition. <https://nicwc.org/>. Accessed 1 May 2022.

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Reflections

Expanded Conception of "Community" Needed for Families Involved with the Child Welfare System

Jey Rajaraman

In March 2020, while working at [Legal Services of New Jersey](#) (LSNJ), I received a call from my client P.B., a grandmother living in Irvington, New Jersey. We represented her in a child welfare proceeding where she was seeking custody of her grandson currently in stranger foster care (where he had been for the last two years). She was on welfare and lived in public housing. I went to visit her because the local food pantry was closed due to COVID-19, and she could not access her food stamps card. She was unable to get anyone on the phone at the food pantry or at the social services building. No one was at either location to assist her. Grocery stores were closed. There was no public transportation to access resources or to get her to family or friends. My only option was to see her in person to bring her food and necessities, such as canned goods, a can opener, and a mini microwave.

When the shutdown happened, food insecurity was the most critical issue affecting low-income families. My organization moved quickly to identify, coordinate, and provide relief to the immediate daily needs of the low-income families and individuals we served. Our clients, the most vulnerable and poorest families, were impacted disproportionately and in a more perilous manner than society at large. COVID-19 decimated the already weak safety nets our clients pieced together from a combination of public and private services and support.

The pandemic highlighted how poverty and existing social welfare systems provided little opportunity for low-income families to prepare for a crisis. The desperate and urgent need for food brought this disparity clearly into focus. P.B., like so many others living in poverty, had neither the financial nor the physical

and logistical means to amass food supplies and other essential items to use in a crisis.¹ While Supplemental Nutrition Assistance Program (SNAP) and (Women Infant Children) WIC programs are highly successful, they only address minimal needs one month at a time.² They are not designed to be responsive to an emergency situation like the pandemic or the current shortage of baby formula. Low benefit amounts often fail to meet monthly needs and do not enable recipients to plan for emergencies. Access issues and rapidly rising food prices have made this even more challenging. While community food pantries try to bridge the gap, they cannot meet the ever-increasing need.

Poverty Cannot Be the Basis for Separating Children from Families

In addition to my concern about the pandemic's impact on my client's physical well-being, I was afraid that this temporary inability to access sufficient food would work against her in her child welfare case. I was also meeting with her to prepare a certification in support of a motion to the court to:

¹ "Number of Families Struggling to Afford Food Rose Steeply in Pandemic and Remains High, Especially Among Children and Households of Color," Center on Budget and Policy Priorities, April 27, 2021, www.cbpp.org/research/food-assistance/number-of-families-struggling-to-afford-food-rose-steeply-in-pandemic

² See "Barriers That Constrain The Adequacy Of Supplemental Nutrition Assistance Program (Snap) Allotments" U.S. Department of Agriculture. Pre-pandemic 61% of SNAP participants reported affordability barriers even with SNAP and 20% reported transportation barriers. <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-Barriers-Summary.pdf>

- 1) Approve her home for her grandson, even though it was a studio apartment
- 2) Recognize that receiving government benefits was not evidence of her inability to care for her grandson
- 3) Acknowledge that stranger foster care licensure requirements do not apply to kin.

Would the courts find that she was unable to parent because of how her life situation had worsened during COVID-19? Would she be blamed for her food insecurity even though it was caused by a failure of government and community resources?

Federal and state laws do not permit child removals or separation based on impoverished living conditions. Under New Jersey law, before separating a family or otherwise exercising the state's *parens patriae* rights, child welfare agencies must do everything possible to keep the family together.³

Federal and state law requires courts to assess whether an agency's removal was justified. Removal should only occur when there is actual harm to a child or when immediate removal is necessary to avoid imminent danger to the child's life, safety, or health. For example, housing instability does not render a parent incapable of parenting his or her children. While living in a motel or shelter or remaining in an apartment pending eviction is not ideal for children, such conditions do not necessarily mean the children are unsafe or at risk of harm. When a court grants a removal application based on a lack of housing, or other manifestations of poverty, such as food insecurity, the holding essentially equates a parent's state of poverty with neglect. This both misapplies legal requirements and causes unjustified and tragic trauma.

Yet, in practice, child welfare agencies struggle to distinguish between how the circumstances of poverty impact a family and the legal requirement that these conditions in and of themselves cannot form the basis for a finding of abuse or neglect. In most circumstances, conditions that lead to a family being in poverty are beyond the family's control and often stem from multi-generational poverty and racism.⁴

Nationwide, agency-involved interventions and removals arise from poverty-related issues. The most common being the inability to access and maintain stable housing. Children are routinely removed from their families solely for a parent or caretaker's inability to pay rent. Greater support from child welfare agencies for struggling families could significantly decrease the number of family separations.

Courts must ensure child welfare agencies comply with federal and state reasonable efforts requirements. For example, in New Jersey, the child welfare agency must demonstrate they have "made every reasonable effort, including the provision or arrangement of financial or other assistance and services as necessary, to enable the child to remain in his home."⁵ The supports and interventions a child welfare agency employs can bring a family to a level of sustained stability that strengthens the family unit, meets reasonable efforts requirements, and leads to a reduction in removals.

During our time together, I asked P.B. if she was afraid of COVID-19. She said, "No, I am a Black woman in America, and COVID means nothing." She continued to say, "I am preparing for everyone who is supposed to help me to let me down again, like the welfare and housing departments." She went on to say that COVID-19 would cause the Division of Child Protection and Permanency (DCPP) to stop tracking her. In the ensuing weeks, her unsupervised visitation weekly with her grandchild completely stopped due to a lack

³ In *Doe v. G.D* 146 N.J. Super. 419 (App. Div. 1976); the appellate division held that the existence of substandard, dirty and inadequate sleeping conditions may be unfortunate incidents of poverty, but they do not establish neglect or abuse. The Appellate Court noted, if we were to accept such an interpretation and approach, it would result in the mass transfer of children from underprivileged and improvised homes to more luxurious and upper-class accommodations. This clearly was not the design of the statute nor the intent of the Legislature.

⁴ Roberts, Dorothy, *Shattered Bonds: The Color of Child Welfare*, Civitas Books, 2009. See also Roberts, Dorothy, "Prison, Foster Care, and the Systemic Punishment of Black Mothers" 59 UCLA L. Rev. 1474(2011-2012).

⁵ N.J.S.A. 30:4C-11 states that while making reasonable efforts to preserve and reunify the child's family, the Division may make concurrent reasonable efforts to place a child for adoption, with a legal guardian, or in an alternative permanent placement.

of transportation by the agency. It took almost three weeks before DCPD set up FaceTime with her grandchild. It took almost three months before her grandchild was able to see his grandmother in person again.

Community and Child Welfare Agencies

The pandemic demonstrated how essential a functional community is for all of us. I left P.B.'s home that day thinking about what a community looks like for this grandmother living in poverty. She described that she knew everyone at the food pantry, the lady at welfare, and the housing worker sends her a Christmas card. She has lived in public housing her entire life. Was this her community? Are government providers a community? How should we integrate or support a network of both traditional community service providers and government agencies? Or is the question, how can government agencies and the people who work there be part of an individual's community?

At its core, a community is a group of people or organizations coming together for a common purpose. Traditionally, geography, family ties, or common interests or experiences form the basis of an individual's community. While we frequently identify certain community organizations like local schools and places of worship as core institutions within a community, they are not necessarily seen as actual components of the community. Instead, they are seen as external entities existing at the periphery of a group, often tied by geography or socio-economic level. These are places one goes to for a specific reason or necessity, like the Motor Vehicle Commission. With some adjustments, government agencies can be integral community partners along with other public, private, non-profit, and faith-based organizations, all working together on behalf of a family.

In New Jersey, the Community Food Bank of New Jersey (CFBNJ) provides an example of an expanded community. CFBNJ has increased its SNAP outreach and enrollment assistance program. They partnered with community-

based food pantries and other local organizations to provide onsite assistance with SNAP applications. During the pandemic, this assistance shifted to remote telephone, video, and mail-in assistance, in order to meet the varying needs of families requiring help. This same model—linking those in poverty who are receiving government supports to local organizations to meet on-the-ground needs—could be replicated to serve a variety of needs, from healthcare and housing assistance to education.

Like most of us, this grandmother looked to and relied upon her community for support. In the midst of a crisis, she continued to need critical help from government agencies that provided her with supports because of her poverty but was challenged because of program rules and structures that failed to have the flexibility needed to adapt to meet her changing needs. Since she was involved with the child welfare system, that agency, as part of its mission to provide “financial or other assistance or services as necessary,” could have played an important role in coordinating help for her during the pandemic crisis.

Using a framework where we include child welfare as a governmental agency designed to anticipate and adjust to an ever-fluctuating need, whether individually or societally based, enhances child welfare's ability to achieve its core purpose—ensuring the safety and best interest of our children. Caseworkers need to be empowered to respond quickly with a flexible array of supports and services. Caseworkers should establish internal mechanisms and protocols to meet families' needs through financial, transportation, and other assistance as well as tailored case planning. Child welfare agencies should be encouraged to coordinate with local legal services agencies and governmental authorities to identify needs and barriers of those living in poverty, connecting these families with resources for legal representation and housing options.

For child welfare agencies to meaningfully address poverty issues and the needs of struggling families, they must understand the ramifications for families living in poverty. For example, it is unrealistic to ask a family to relocate to an apartment during a pending

eviction when that family has poor credit or a criminal history, which could result in application denials. These agencies must fully understand and take seriously the legal and moral requirement that poverty cannot be the basis for removing or separating children from their families. By acting as part of the “community” for families living in poverty, child welfare agencies can achieve their true mission, becoming the allies, rather than the adversaries, of these families.

In order to best support our most vulnerable populations, all “members of the community” must coordinate and integrate. There needs to be flexibility in program rules and procedures to be ready to respond to changes and circumstances in crisis. Agencies and

organizations must share information, provide transparency on their systems (including where there are gaps in service and knowledge), and fully communicate with one another to enhance community support. Child welfare agencies could play the role of coordinating a tightly interwoven net of individual, governmental, and organizational supports which are better equipped to address needs during crisis and non-crisis situations.

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