



# RACISM, RACIST INEQUITIES, & THE CHILD WELFARE SYSTEM: IMPLICATIONS FOR PREVENTION



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# Overview

- Review what we know about racial disproportionality and disparities in the child welfare system.
- Review evidence of the harm that results to children and families from child welfare intervention and the disproportionate harm that results to Black children and families.
- Introduce abolition as the solution to ending the racism and harm that results from child welfare intervention.
- Questions and Discussion



## Framing the Issue

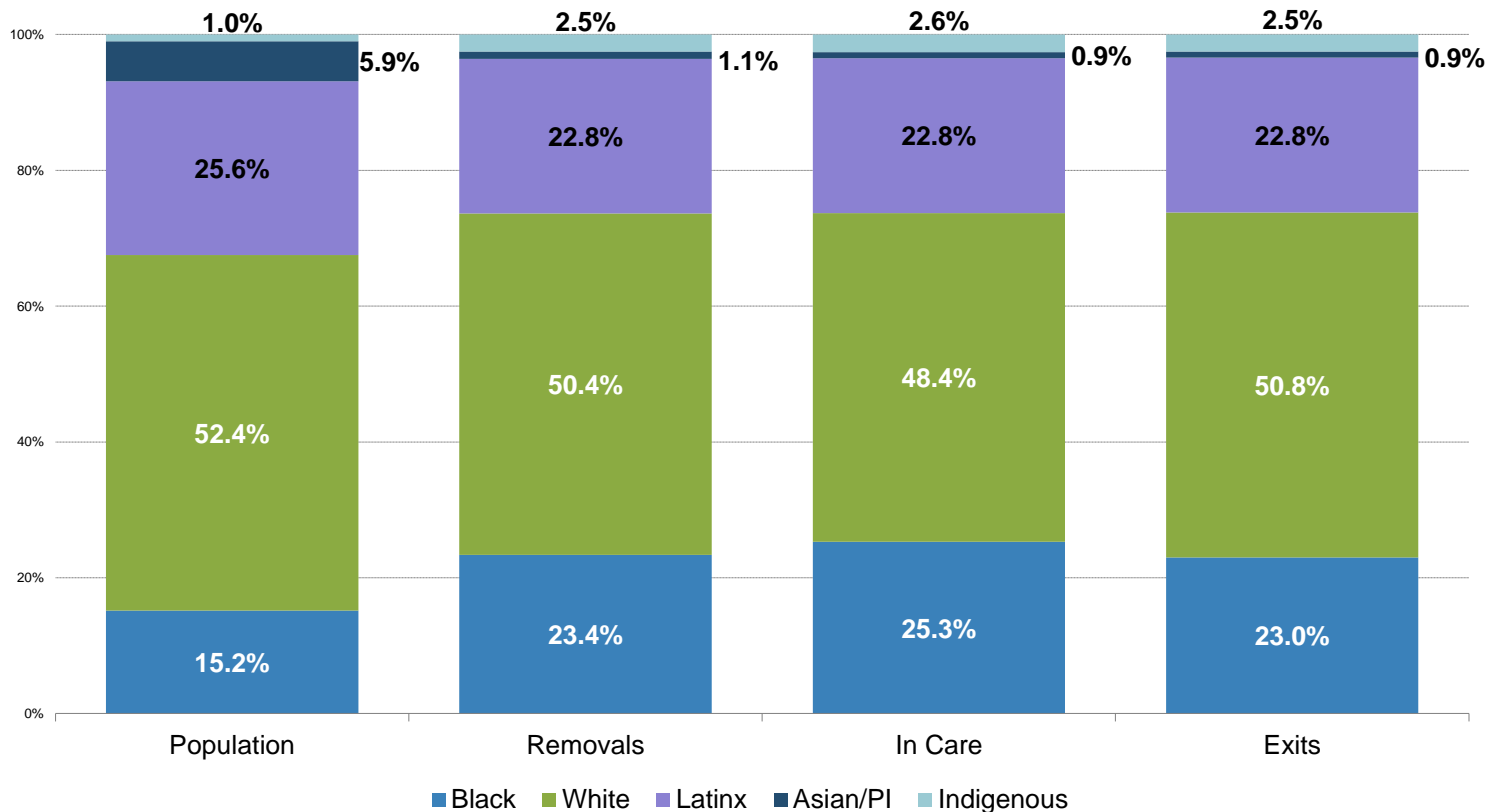
- Racial disproportionality has been observed in the child welfare system for over 60 years yet persists as a national problem.
- Due to ongoing debate about the causes of racial disproportionality, many efforts to address this have stalled, and what has been known as a problem in child welfare for decades remains unresolved.
- Disproportionate involvement causes disproportionate harm, and the failure of the system to address this problem perpetuates this harm.
- Given the inability of the current system to address this, it is time to consider a new framework that reimagines how we care for children.



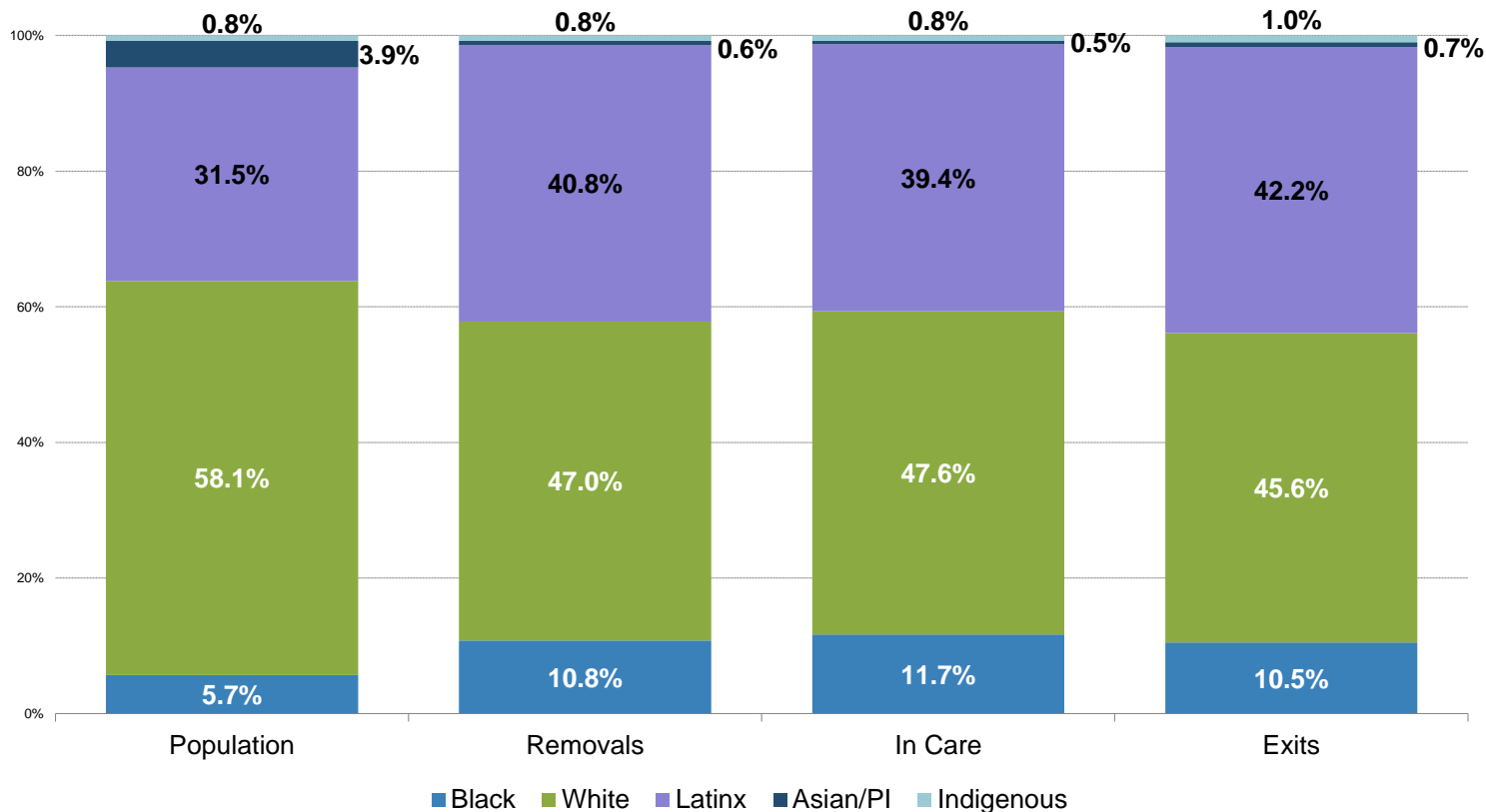
# Racial Disproportionality

- Disproportionality refers to the state of being out of proportion.
- In the child welfare system, disproportionality occurs when the proportion of one group in the child welfare population (i.e., children in foster care) is proportionately larger (overrepresented) than the same group in the general population.
- Disproportionality has most significantly impacted Black children, who represent 25% of children in foster care, although they represent only 15% of the general population.
- Racial disproportionality also exists among Native American and Latinx children, but to a lesser degree and with variations by state.

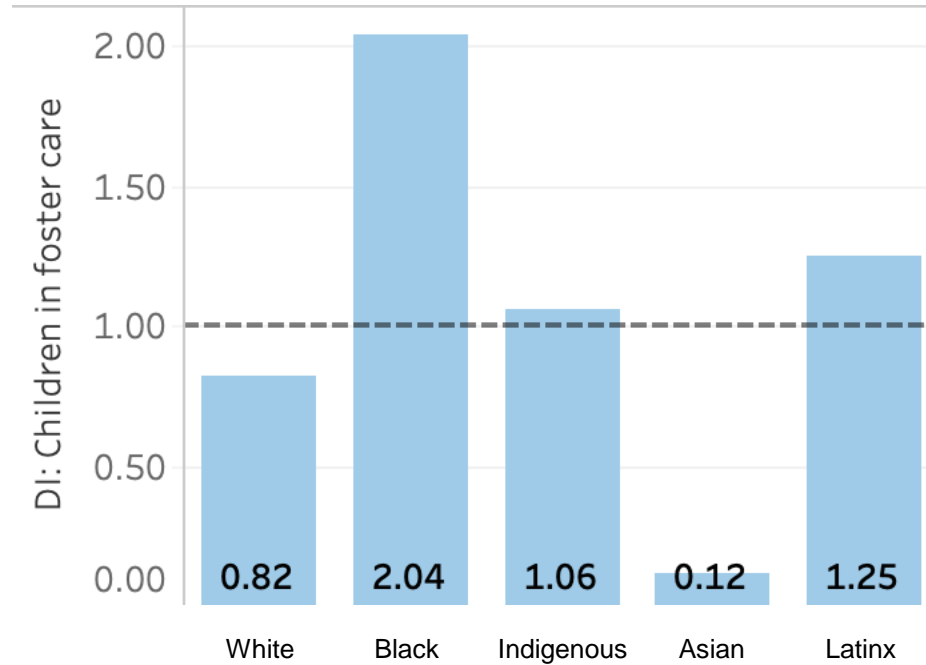
# Racial Disproportionality (National-FY2019)



# Racial Disproportionality (Colorado-FY2019)



# Racial Disproportionality (Colorado-FY2019)





# Racial Disparities

- Racial disproportionality exists because of racial disparities that occur along the child welfare service pathway that impact both entries into and exits from the system.
- Beginning with the point of initial referral, Black children are more likely than White children to be:
  - Reported for suspected maltreatment
  - Confirmed/substantiated for maltreatment
  - Removed from their homes and placed in foster care
- Black children are also less likely than other children to exit to reunification and spend longer time in foster care.



# Why Racial Disproportionality & Disparities Exist



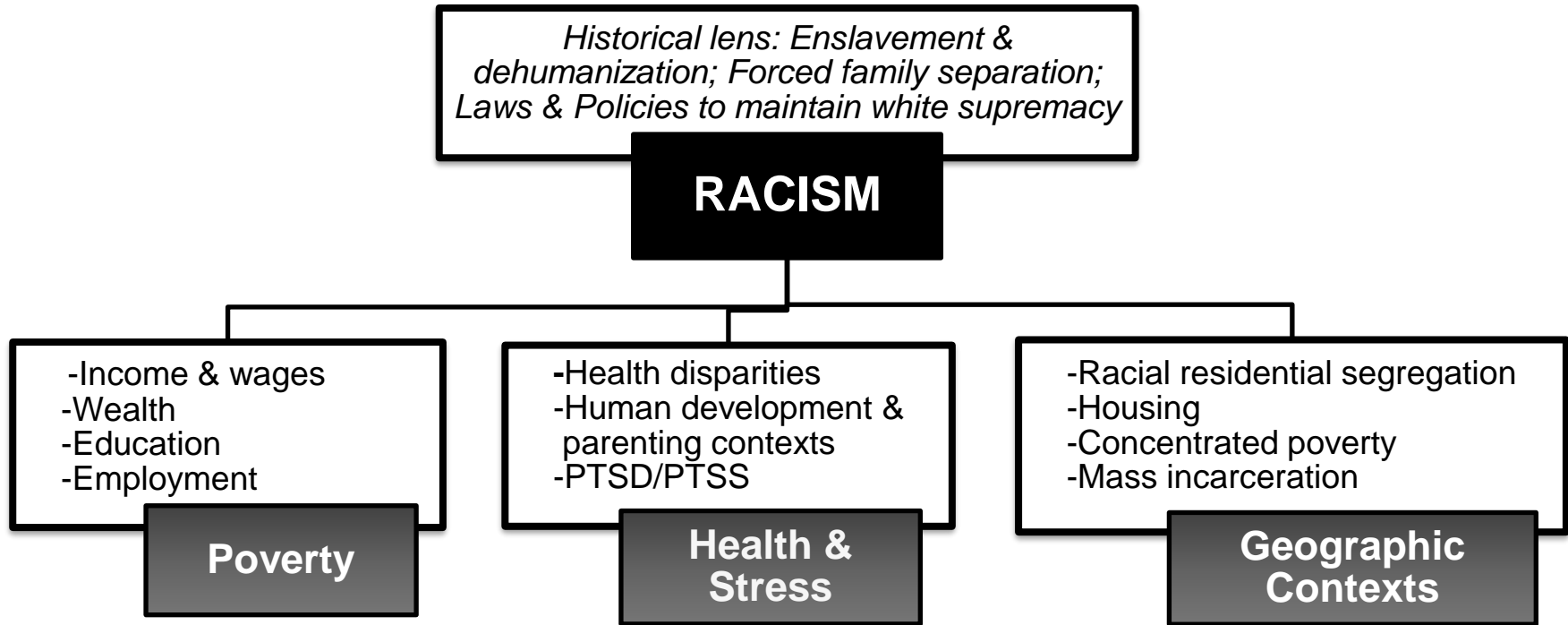


# Why Racial Disproportionality Exists

- ◎ Four predominant theories based on available evidence:
  - Disproportionate need resulting from poverty and related risks
  - Racial bias among child welfare staff and mandated reporters, as well as institutional racism in policies and practices of child welfare agencies
  - Child welfare system factors, including a lack of resources to address the needs of families of color
  - Geographic context, including neighborhood conditions of concentrated poverty
  
- ◎ Each of these factors result from a common underlying factor – structural and institutional racism.



# External Factors



Dettlaff, A. J., & Boyd, R. (2020). Racial disproportionality and disparities in the child welfare system: Why do they exist and what can be done to address them? *ANNALS of the American Academy of Political and Social Science*, 692, 253-274.

# The Racist History of the Child Welfare System





# The Racist History of the Child Welfare System

## African American Children in the Modern Child Welfare System: A Legacy of the Flemming Rule

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*Claudia Lawrence-Webb*

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Children of color throughout America—and especially those who are African American—are disproportionately represented in the child welfare system. This article links this current child welfare condition to the most significant but little known ruling in the historical development of the modern child welfare system—the Flemming Rule. The Flemming Rule, although intended to be constructive, was negatively implemented in a way that has had long-term serious consequences for African American children and their families. Implications for future policies are discussed.

- Passage of Social Security Act and Aid for Families with Dependent Children
- The Flemming Rule
- Child Abuse Prevention and Treatment Act (CAPTA)
- Adoption and Safe Families Act (ASFA)
- Best Interests of the Child Standard

Lawrence-Webb, Claudia. 1997. African American children in the modern child welfare system: A legacy of the Flemming rule. *Child Welfare* 76:9-30.



## Internal Factors: Evidence of Bias

- Decision Point Studies in Texas (2008-2011) examined cases reported to DFPS between 2003 - 2005 (N = 176,734)
- Two decision-points: Substantiation & Services/Removal Decision
  - Need for Intervention (Services vs. Closed)
  - Type of Intervention (Removal vs. Family-Based Services)
- Controlled for family income and caseworkers' assessment of risk, as well as other factors

Detlaff, A. J., Rivaux, S. R., Baumann, D. J., Fluke, J. D., Rycraft, J. R., & James, J. (2011). Disentangling substantiation: The influence of race, income, and risk on the substantiation decision in child welfare. *Children and Youth Services Review*, 33, 1630-1637.

Rivaux, S. L., James, J., Wittenstrom, K., Baumann, D., Sheets, J., Henry, J., & Jeffries, V. (2008). The intersection of race, poverty, and risk: Understanding the decision to provide services to clients and to remove children. *Child Welfare*, 87, 151-168.



## Internal Factors: Evidence of Bias

- When controlling for poverty and risk:
  - Black children are 15% more likely than Whites to be involved in a substantiated case
- When controlling for poverty and risk:
  - *Among all maltreated children*, Black children are 20% more likely than White children to be involved in a case that is opened for services
  - *Of cases opened for services*, Black children are 77% more likely than White children to be removed in lieu of in-home services



# Internal Factors: Evidence of Bias







# Language Is Important

Racial Disproportionality

Racial Disparities



# Language Is Important

Racial Disproportionality

Racial Disparities

Racist Inequities

# Disproportionate Involvement Causes Disproportionate Harm





# Family Separation

- Research shows the act of forcible separation of children from their parents is a source of significant and lifelong trauma.
- Trauma associated with parental separation has been shown to result in cognitive delays, increased aggression, poor educational achievement, and adverse health outcomes including hypertension, difficulty sleeping, obesity, and diabetes.
- Following separation, children who spend time in foster care are more likely to experience a host of adverse outcomes.

<https://www.americanbar.org/groups/litigation/committees/childrens-rights/trauma-caused-by-separation-of-children-from-parents/>



# Outcomes of Foster Care

- In studies that specifically compared children who were removed from their homes to children who had experienced similar forms of maltreatment but remained at home, children who were removed:
  - had two to three times higher delinquency rates;
  - had higher teen birth rates;
  - had lower earnings as adults;
  - were twice as likely to have learning disabilities and developmental delays;
  - were six times more likely to have behavioral problems;
  - were more likely to have substance-related disorders, psychotic or bipolar disorders, and depression and anxiety disorders; and
  - had arrest rates two to three times higher and are more likely to have criminal convictions for violent offenses.

<https://www.nccprblog.org/2018/08/and-now-there-are-at-least-five-still.html>



## Disproportionate Risk of Harm

- While these risks exist for all children who enter foster care, the risk of experiencing these outcomes is exacerbated for children of color due to the ongoing legacy of racism and inequality.
- Black children in America are already at risk of poor outcomes over the course of their lives including economic hardship, poor health, low educational attainment, teen births, criminal legal system involvement, emotional distress, and suicidal ideation.
- For children who experience the added trauma of forced separation and placement in foster care, the risk of experiencing these outcomes is increased.



## Questions to Consider

**Can a system that began with a racist intent evolve into a system that achieves racial equity?**

**Can decades of racist policies be revised to no longer produce racist outcomes?**

**Is racial equity and appropriate goal for a system that produces harm?**

# The upEND Movement to Abolish the Child Welfare System







## Why upEND?

- Decades of research have documented not only the existence of racial disproportionality, but also the harmful effects of disproportionality on Black children and families.
- Despite decades of reforms and attempts to address this, racial disproportionality persists, and the harm that results to Black children and families continues.
- Given the inability of the current system to address this, it is time to consider a new framework that reimagines how we care for children, families, and communities.



## Why upEND?

- Reforms are no longer sufficient.
- Eliminating racial disproportionality and disparities, and the harm they cause, will only be achieved when the forcible and involuntary separation of children from their parents is no longer viewed as an acceptable form of intervention.



# What is the upEND Movement?

- An ***emerging***, collaborative movement aimed at:
  - ending the use of involuntary separation of children from their families; *and*
  - increasing meaningful supports so families and communities can care for their children.
- Seeks to rethink state sanctioned separation of children from their families as a response to social problems like food insecurity, poverty, lack of affordable and safe housing, and lack of meaningful prevention services.



# Abolition

- By abolition, we mean the elimination of the current child welfare system, which is built on a model of surveillance and separation of families, and a fundamental reimagining and recreating of the ways in which we support children, families, and communities.
- Abolition of child welfare does not mean abandoning the need to care for children.
- It means building new ways of protecting and supporting families while also dismantling coercive systems of surveillance and punishment.
- Abolition is a process – Abolition requires that we actively dismantle racist policies and create new anti-racist policies that provide the resources families need so that all children can safely remain at home.



# Reimagining

Re-imagining is a process of **co-creation** with community organizers, parents, youth, and advocates:

- Strong systems of support that enable families to have access to the resources in their community that they need to truly thrive.
- Creating and improving systems of community-based support that provide a child allowance, safe and affordable housing, jobs that pay sustainable wages, mental health services, food, domestic violence supports, and substance use programs.

What reimagining will look like:

- All families have concrete supports; residents of communities intervene when needed; community members provide support to those who need it; a sufficient community array of supports and interventions exist; and there is a community system of care that can minimize and address harm.



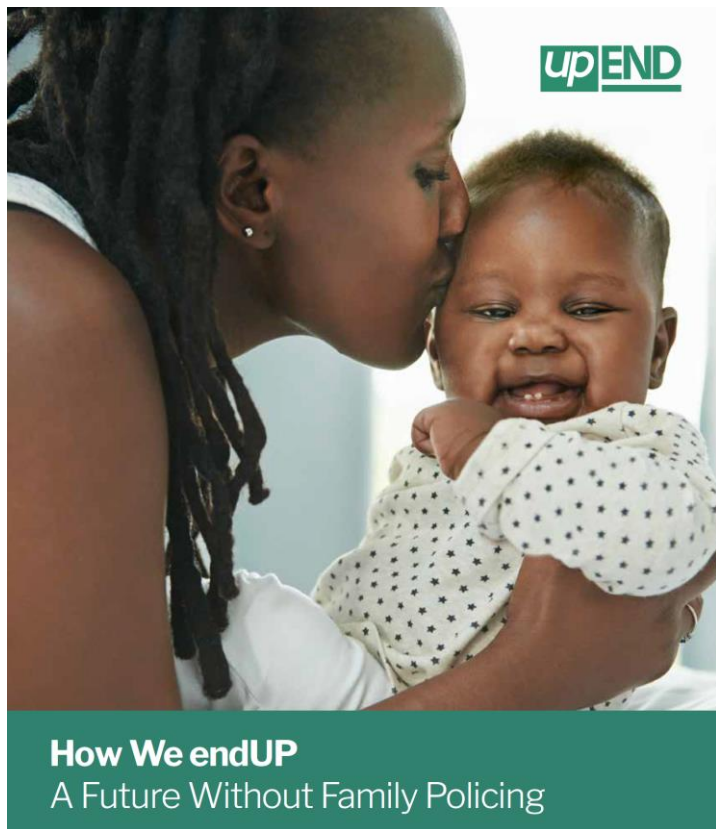
# What “Racial Equity” Obscures

<b>ACF</b> <b>Administration</b> <b>for Children</b> <b>and Families</b>	<b>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</b> <b>Administration for Children and Families</b>	
	<b>1. Log No:</b> ACF-IM-IOAS-22-01	<b>2. Issuance Date:</b> 02/02/2022
	<b>3. Originating Offices:</b> Office of the Assistant Secretary	
	<b>4. Key Words:</b> Advancing Racial Equity; Racial Equity, Racial Inequity; Equity; Equity in Action; Support for Underserved Communities; Race; Ethnicity	

**TO:** State, tribal and territorial human service commissioners; state, tribal and territorial agencies administering or supervising the administration of all programs funded by the Administration for Children and Families.

**SUBJECT:** Equity in Action: Prioritizing and Advancing Racial Equity and Support for Underserved Communities

# How We endUP: A Future Without Family Policing



- End Involuntary Separation of Children
- Reunite Children Currently In Care
- End Surveillance of Families
- Prioritize Care Over Punishment
- Transform Societal Conditions
- Reimagine Care for Children and Families
- Shift Power to Families as First Responders



## The upEND Movement

*Abolition is about presence, not absence.*

*Abolition is a way of seeing. Abolition makes you ask, when you look, what are you seeing, and what would you rather see?*

*~ Ruth Wilson Gilmore*





# The upEND Movement

## Questions / Discussion

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