



# Child Welfare System and Family Regulation: History & Strategies for Change

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# Objectives

1

Understand the history of America's child welfare system and its interactions with race, class, social policy, and other legal systems.

2

Learn about different approaches to addressing systemic racism in child welfare, and apply reform and abolitionist frameworks to current policy issues.

3

Practice tools for evaluating and challenging systemic inequities in your own work.

# California's Juvenile Dependency Court: A Brief Overview

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# The Juvenile Court

Goal: To “provide for the protection and safety of the public and each minor of the jurisdiction of the juvenile court and to **preserve and strengthen the minor’s family ties** whenever possible, **removing the minor from the custody of his or her parents only when necessary** for his or her welfare or for the safety and protection of the public. If the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents.” Welf. & Inst. Code 202(a)

# Stages of a Dependency Case

Initial removal by police or social worker

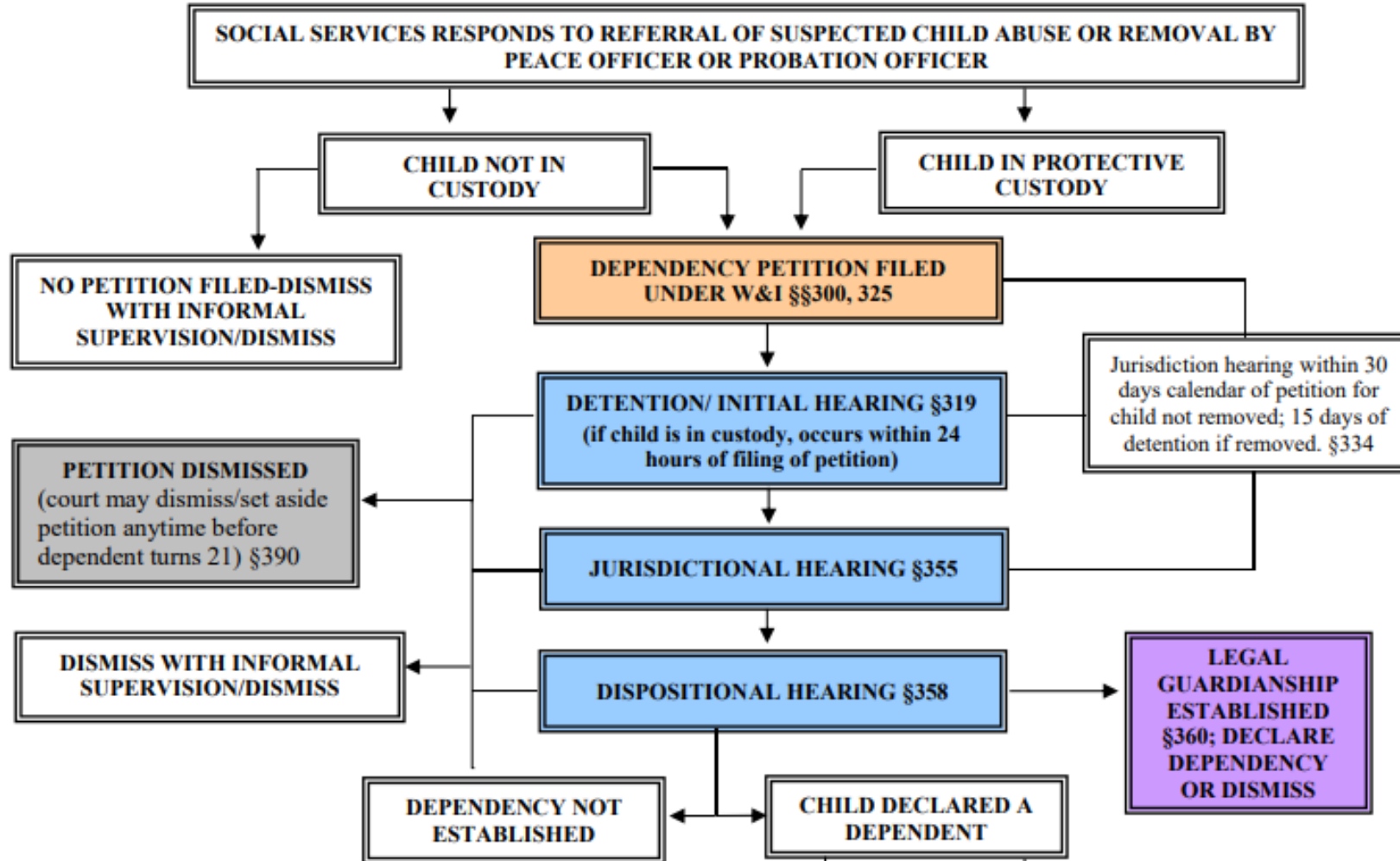
Filing of petition in juvenile dependency court

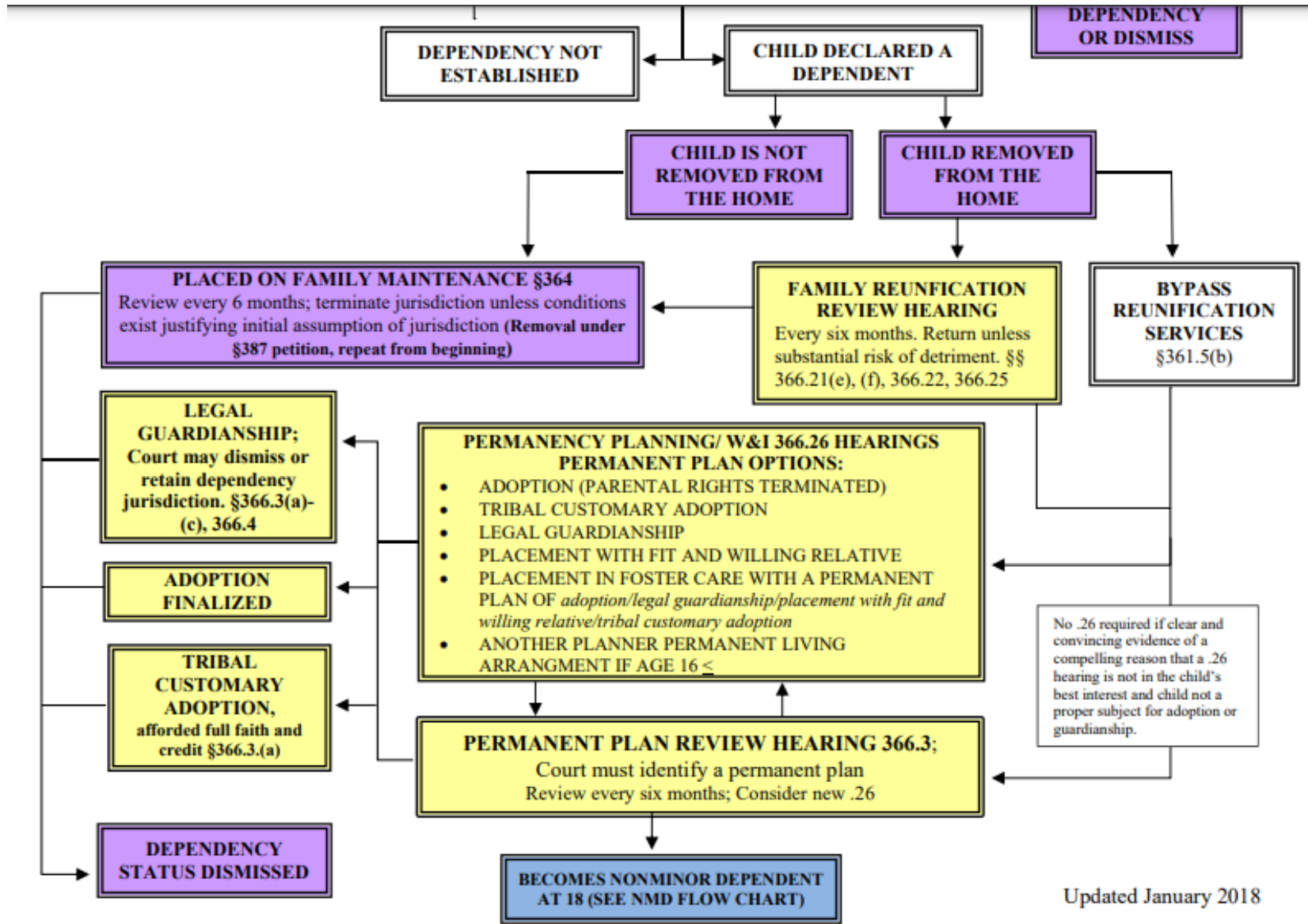
Initial court hearings (detention, jurisdiction, disposition)

Reunification (status review hearings in months 6-18)

Post-reunification (termination of services, permanency planning)

# Juvenile Dependency Flow Chart





Updated January 2018

# Basis for Jurisdiction: Welf. & Inst. Code 300

Physical abuse

Neglect

Emotional  
abuse

Sexual abuse

Severe physical  
abuse

Death of a  
sibling

No provision for  
support

Relinquishment



# What is neglect?

(b) (1) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of the child's parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. A child shall not be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. A child shall not be found to be a person described by this subdivision solely due to the failure of the child's parent or alleged parent to seek court orders for custody of the child. Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or nontreatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

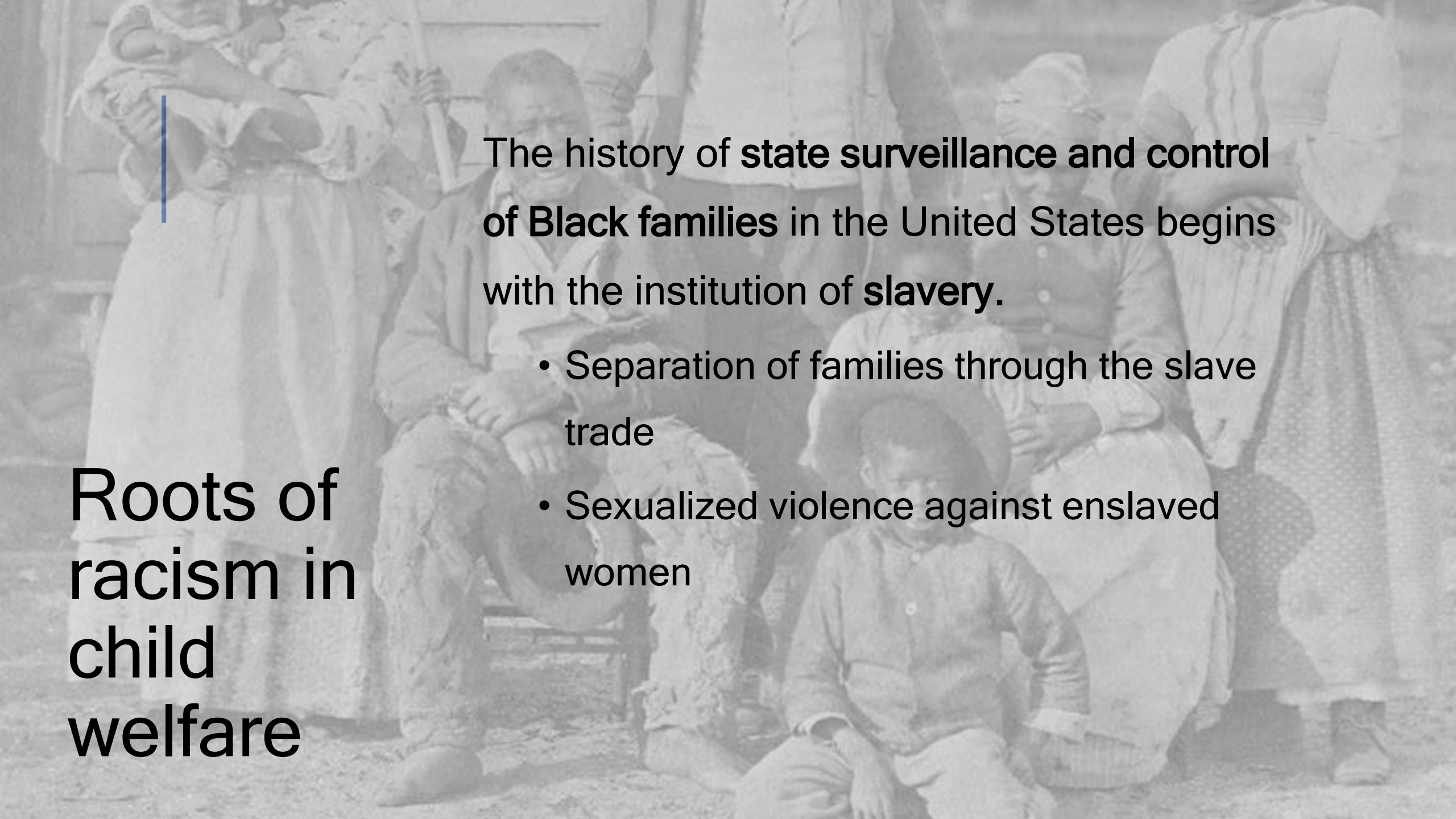
# California by the Numbers

There are  
60,000 children  
in California's  
foster care  
system

Foster care  
entries have  
fallen by ~30%  
over the past  
twenty years

87% of children  
who entered  
foster care  
were removed  
due to neglect

About one-  
third of foster  
youth are  
placed with  
relatives/kin



The history of **state surveillance and control of Black families** in the United States begins with the institution of **slavery**.

- Separation of families through the slave trade
- Sexualized violence against enslaved women

**Roots of  
racism in  
child  
welfare**



**COLORED  
ENTRANCE**

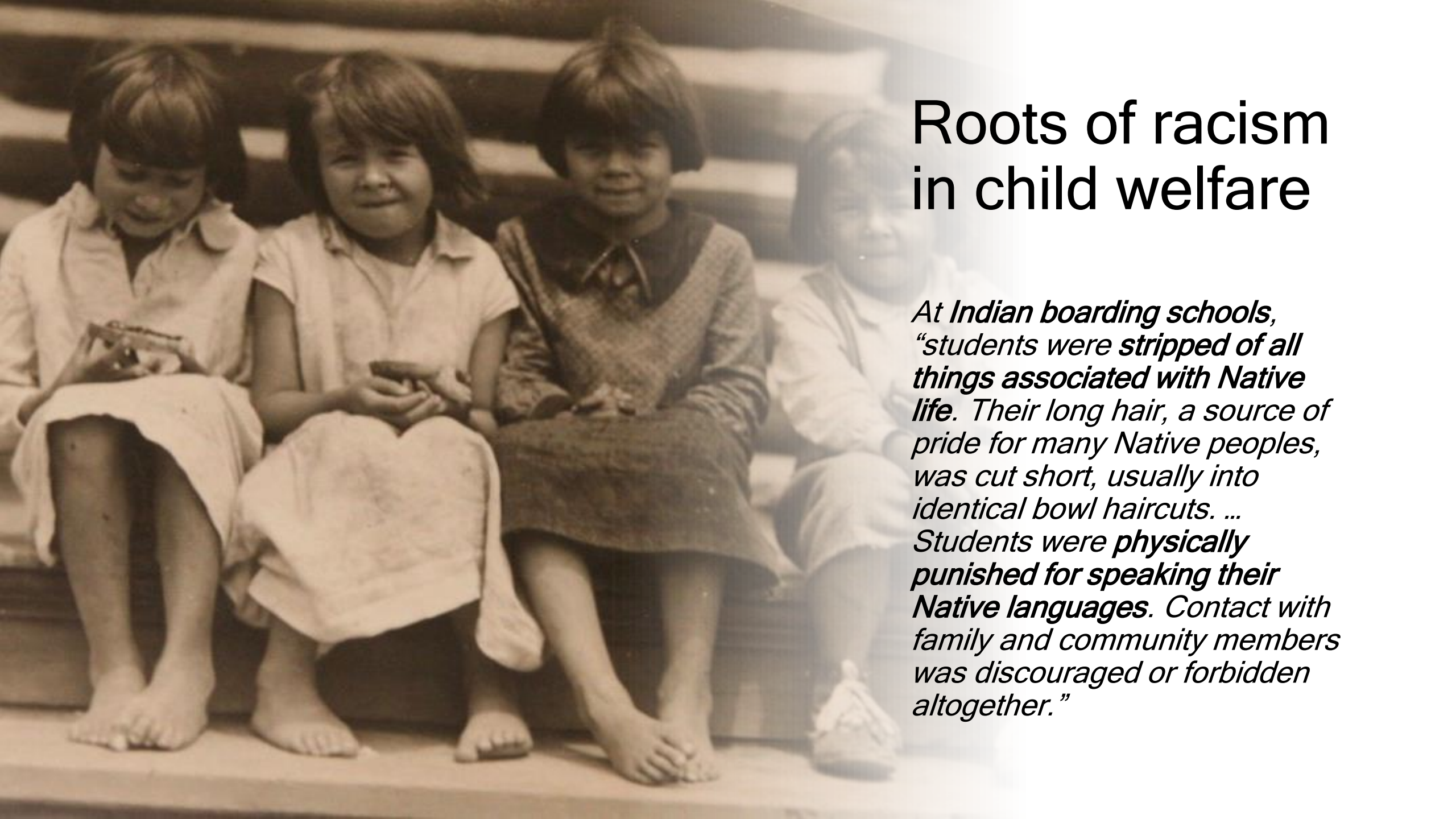


**IMPERIAL  
LAUNDRY CO**  
**WE WASH FOR  
WHITE PEOPLE ONLY**

Roots of  
racism in  
child welfare

... and continues with the  
segregation and  
disenfranchisement that  
defined the Jim Crow era.





# Roots of racism in child welfare

*At Indian boarding schools, “students were stripped of all things associated with Native life. Their long hair, a source of pride for many Native peoples, was cut short, usually into identical bowl haircuts. ... Students were physically punished for speaking their Native languages. Contact with family and community members was discouraged or forbidden altogether.”*

# Federal Government's Role in Child Welfare: *Early 1900s*

- Attendees of **1909 White House Conference on the Care of Dependent Children** declared that “children should not be removed from their homes except for urgent and compelling reasons, and **destitution was not one of those reasons.**”
- **1935: Creation of Aid to Dependent Children** program (later renamed Aid to Families with Dependent Children, or AFDC) established federal funding for cash assistance to low-income single mothers.
  - **States systematically denied benefits to Black mothers.**

# Federal Government's Role in Child Welfare: *1960s*

- During the 1960s, federal child welfare policy reforms:
  - Forbade state agencies from denying AFDC benefits to families based on **“unsuitability” rules**;
  - Required case workers to provide services to families or recommend children be placed in foster care;
  - Required that child welfare agencies refer **“neglectful”** or **“abusive”** parents to the court system, and
  - Made funding available, for the first time, to assist state agencies with foster care placements.

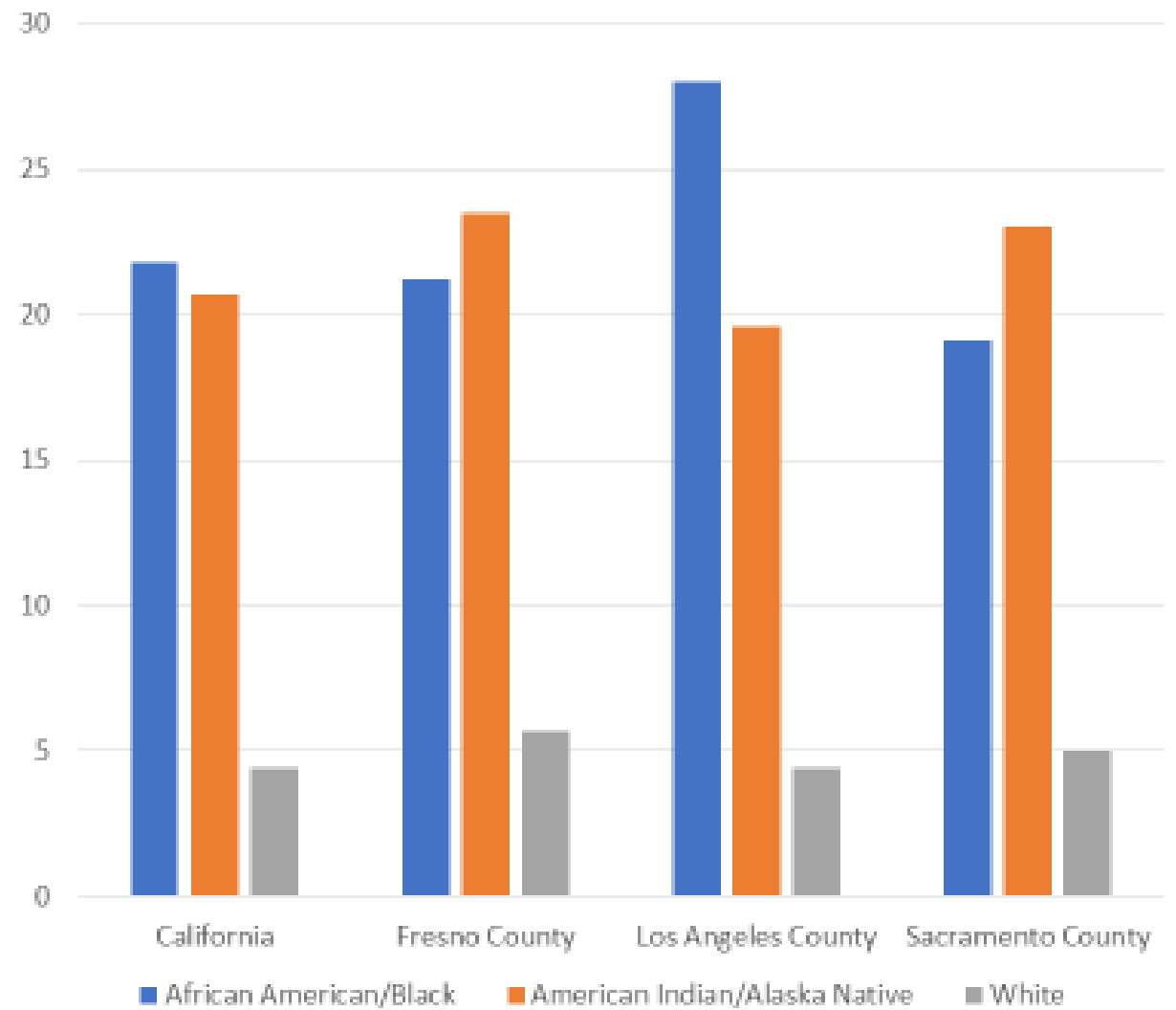
# Federal Government's Role in Child Welfare: *1970s-1990s*

- Passage of landmark federal child welfare legislation during 1970s:
  - **Child Abuse Prevention and Treatment Act (CAPTA) of 1974**
    - Established guidelines for state **mandatory reporting** laws.
    - **Maltreatment reports** nationwide rose from **60,000 in 1974** to **1.1 million in 1980**.
  - **Indian Child Welfare Act (ICWA) of 1978**
    - Congressional testimony revealed that **between 25 and 35% of Native American children** were being removed from their homes and placed outside their families and communities.
- Efforts to prevent children from long stays in foster care
  - **Adoption Assistance and Child Welfare Act of 1980**
  - **Adoption and Safe Families Act of 1997**



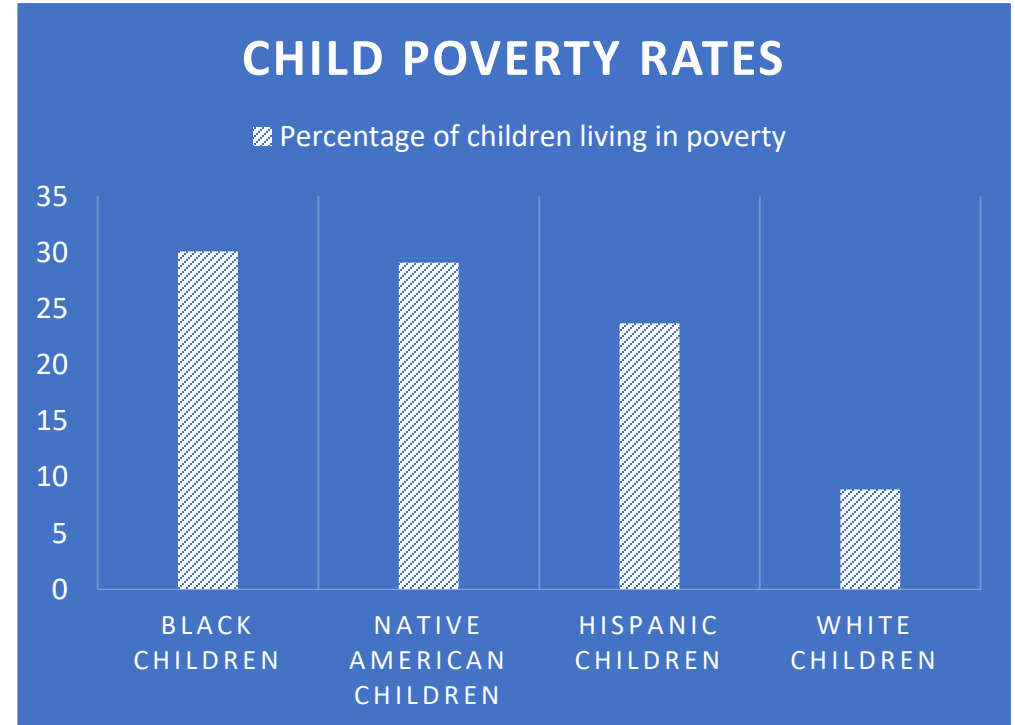
## Current Racial Disproportionality

Children in Foster Care by Race/Ethnicity (rate per 1,000)



# Poverty, Race, and the Child Welfare System: *Overpolicing and Oversurveillance*

**Overpolicing and oversurveillance** of Black communities—and specifically of **Black mothers**—contribute to disparities in the child welfare system.



# Poverty, Race, and the Child Welfare System: *Shrinking Government Safety Net*

- In mid-to-late 1970s, **AFDC** reached **more than 80 percent** of poor families with children.
- Today, **Temporary Assistance for Needy Families (TANF)** reaches **less than a quarter** of poor families with children.

# Key Observations

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The child welfare system is rooted in racist assumptions of who is fit to parent.

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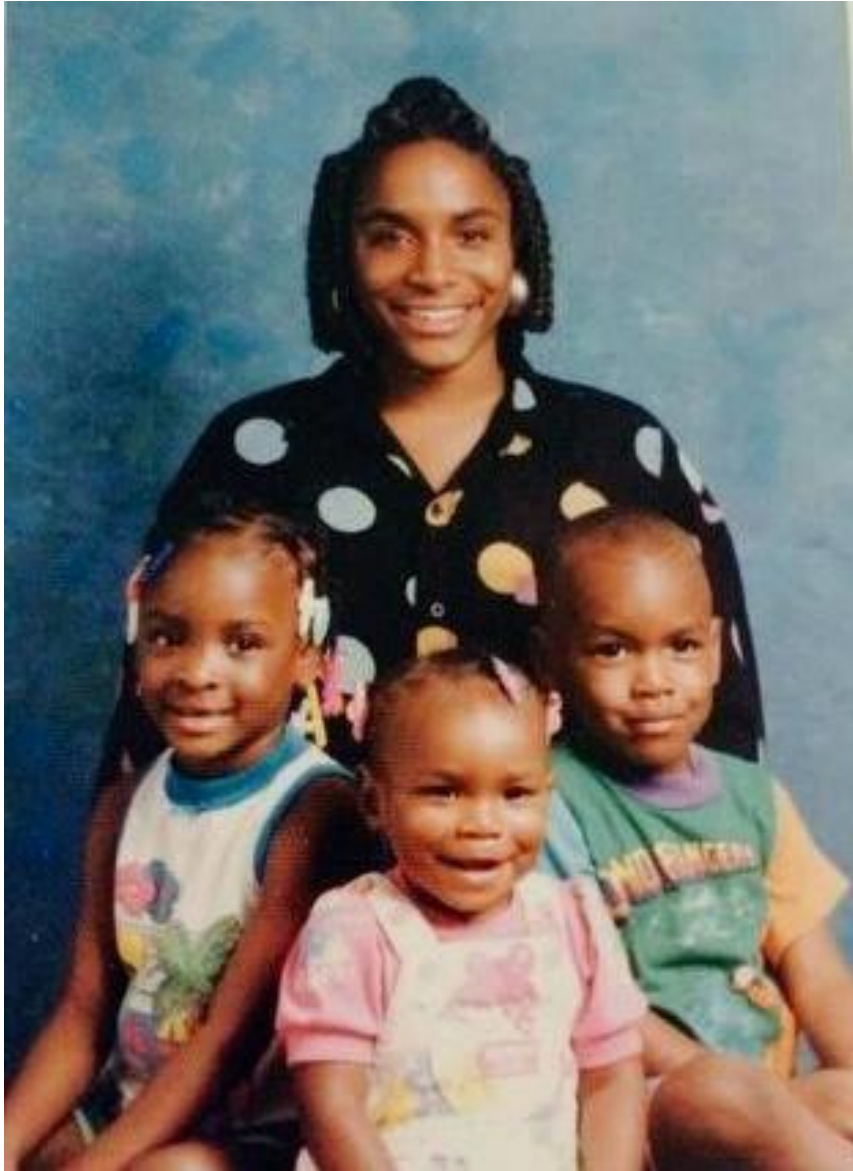
The child welfare system has emerged, to many, as a system of last resort for children experiencing poverty and homelessness when other safety net programs fail.

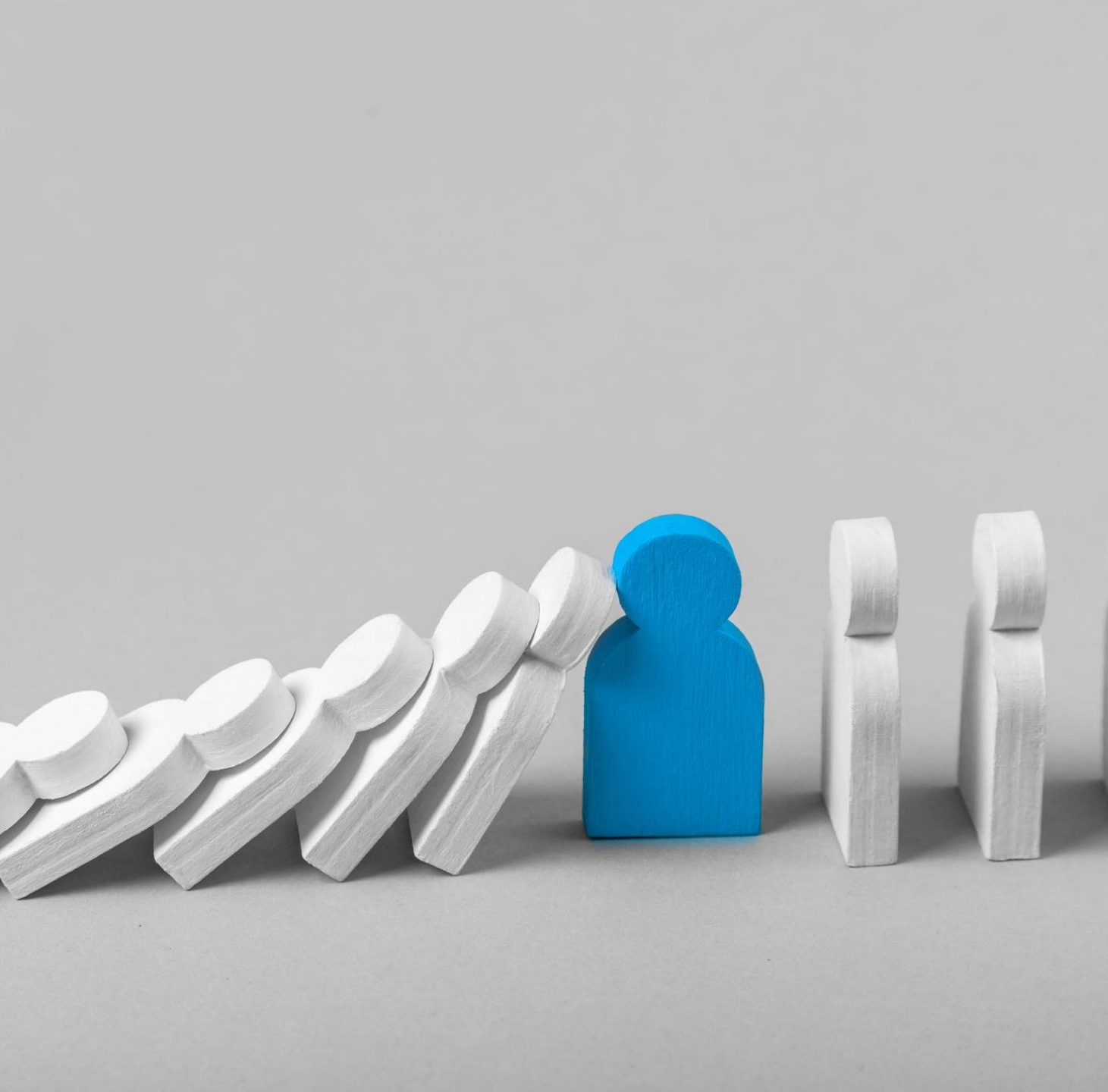
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Family separation is a direct and collateral consequence of policing and mass incarceration.

# A Story of Lived Experience: Yahniie Bridges







# Frameworks for Change: Reform vs. Abolition

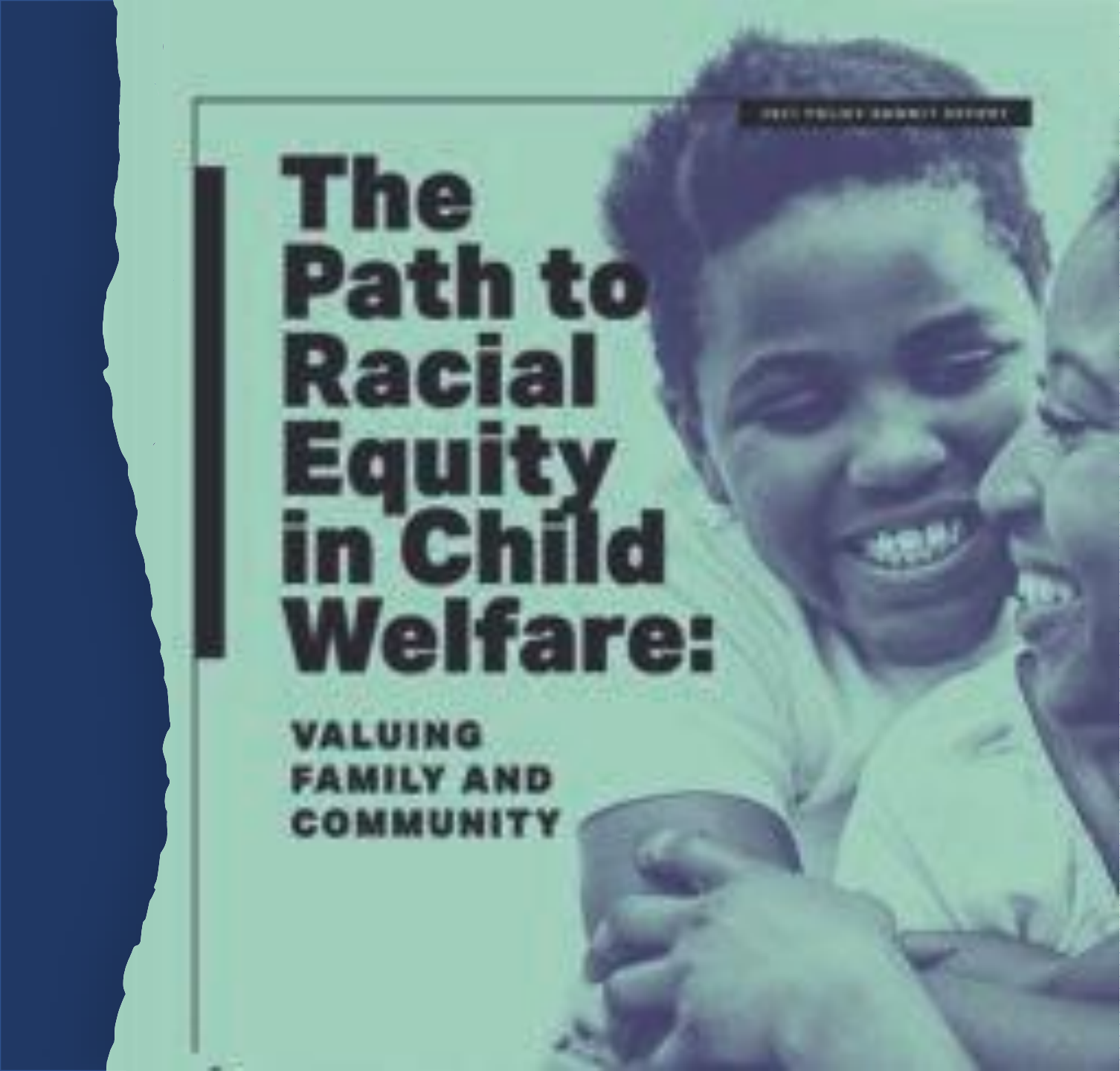
# Child Welfare System Reform

- Approach: Aims to build upon and improve existing policies and practices, often by increasing funding for and expanding reach of the system
  - Blind removal
  - Improving training for mandated reporters
  - Flexibilities to encourage placement with family members in foster care



# Child Welfare System Abolition

- From the upEnd Movement: “Abolition requires ending this oppressive system AND imagining and recreating the ways in which society supports children, families, and communities in being safe and thriving.”
  - Do not remove Black children; invest in Black neighborhoods
  - Remove mandatory reporting requirements; create community pathways for intervention
  - Provide temporary and long-term custody options outside of child welfare for relative and community care of children



# The Path to Racial Equity in Child Welfare:

**VALUING  
FAMILY AND  
COMMUNITY**

## Recommendations for the Path to Racial Equity

**Whole Families, Whole Communities** campaign vision:

- All families will have equitable access to services and supports regardless of their socioeconomic background, race, or ethnicity. As a result, no child will be at greater risk of entering or aging out of foster care based on these characteristics.
- Recommendations
  - Limit “neglect” removals
  - Pre-petition legal rep
  - Restructure visitation and reunification services

# Reimagine Child Safety Coalition

**#REIMAGINECHILDSAFETY**

- Vision: “...a world in which the safety of children is not determined by the economic status of their families, and parents are not deemed ‘unsafe’ or ‘unfit’ based on the color their skin.”
- [Demands](#)
  - Ending partnerships between law enforcement and DCFS
  - Ending detentions based on general neglect; domestic violence experienced by parent/guardian; positive drug test during pregnancy or at birth
  - Eliminating drug testing by DCFS and by hospital staff for pregnant, laboring, and postnatal people

# Discussion

- Compare the policy recommendations developed by the Alliance for Children's Rights and the Reimagine Child Safety Coalition.
  - Which recommendations apply a reform framework?
  - Which recommendations apply an abolitionist framework?
  - Which recommendations are hard to categorize?

# Which Framework?

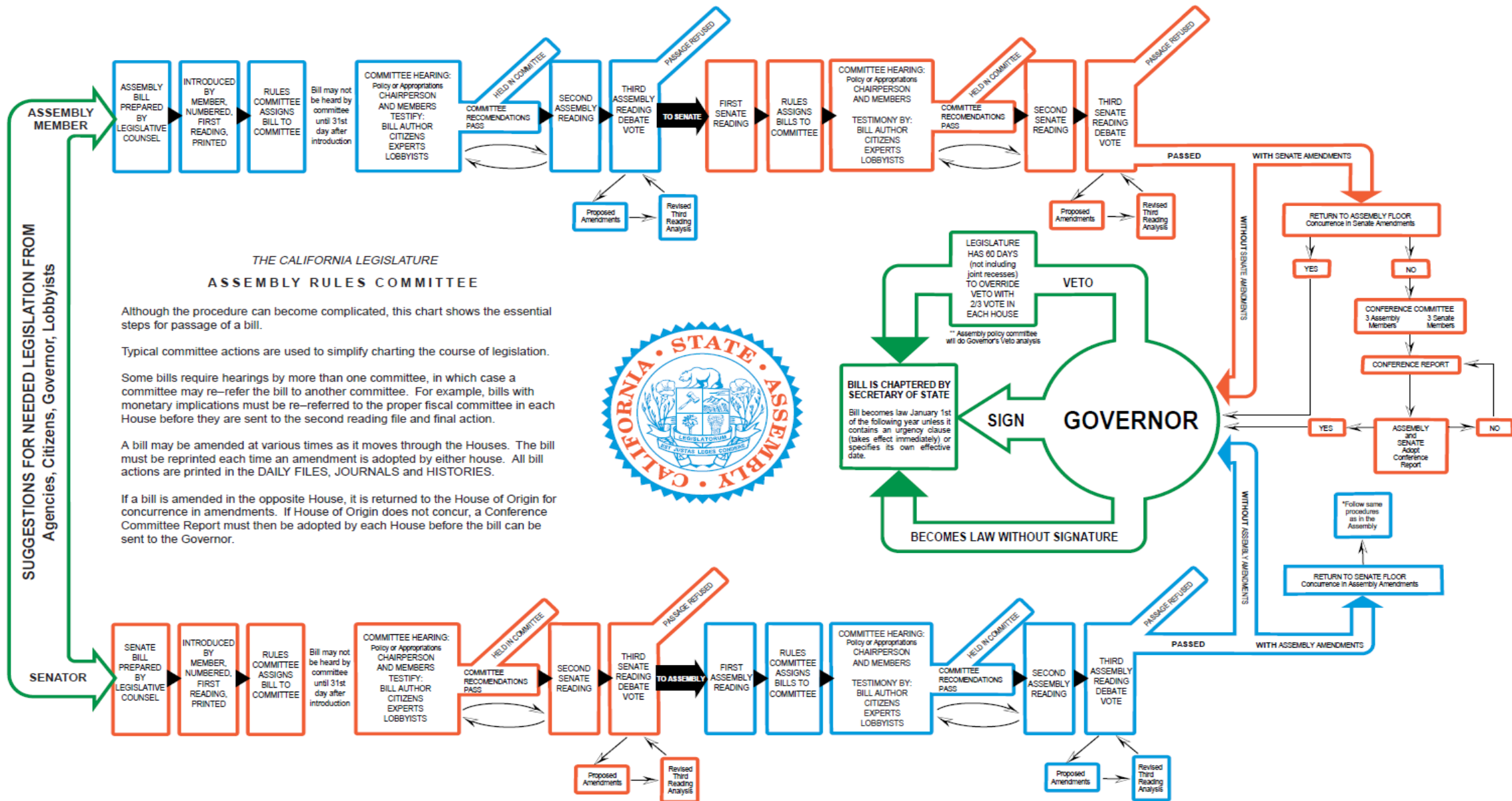
- Expand primary prevention services to support families before maltreatment occurs.
- Guaranteeing basic income for all families.
- Gives families in crisis the option to seek help from behavioral health specialists rather than law enforcement.
- Make child and family team meetings more culturally competent.
- Establish an independent civilian oversight committee led by parents/people with lived experience to allocate funding to family preservation-focused programs.

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# Policy Developments

# THE LIFE CYCLE OF LEGISLATION

## From Idea into Law



## Role of an Advocate

*represent the interests of communities and organizations (such as nonprofit organizations, grassroots organizers, corporations, charities, and labor unions) to influence legislation*

persuade others to accept the viewpoints of the represented entity

influence political decisions

*offer the right solution to the problem*

find solutions lawmakers will embrace

### Policy - Technical Expertise

- Understanding what issue does
- Understanding how issue impacts represented interest

### Politics - Political Expertise

- Building professional relationships
- Building a persuasive argument
- Making the ask



# New Policies

- SB 354 (Skinner) Resource Family Approval and Criminal Record Exemptions
- AB 670 (Calderon) Protections for Parenting Foster Youth
- Guaranteed Basic Income Funding

# Legislative Proposals

- AB 2665 (Carrillo) Blind Removal Pilots
- AB 2085 (Holden) Limiting General Neglect Reports
- AB 2159 (Bryan) Preventing Termination of Reunification Services Due to Pre-Trial Detention

Now What?

- What ethical challenges do you face when working within or adjacent to systems that are not equitable?

# Discussion Strategies

- Always center voices of those with lived experience
- Understand the history, structures, and policies that shape inequities in the present day
- Acknowledge to clients that we are working within an inequitable system
- Remember that manifestations of racism within systems are symptoms of broader systemic/structural inequities
- Don't be defensive! Don't buy in to false dichotomies or divisions

# Shift Thinking from Laws and Rules to Universalizing Wellbeing

- Building an equitable safety net for all families and communities
- Decriminalizing and destigmatizing poverty
- “No wrong door” —break down silos so that families don’t have to fall into a particular category to get support

Questions?

