



Jess Dannhauser, Commissioner

Testimony to the New York City Council

Committee on General Welfare and Committee on Finance

June 15, 2022

“Oversight: Juvenile Detention in NYC”

Good morning Chair Ayala and members of the General Welfare Committee. I am Jess Dannhauser, the Commissioner of the New York City Administration for Children's Services (ACS). With me today from ACS are Nancy Ginsburg, the Deputy Commissioner for the Division of Youth and Family Justice (DYFJ) and Charles Barrios, Associate Commissioner of Juvenile Justice Programs and Services in DYFJ. We are pleased to be here today to provide an overview of our juvenile justice continuum, focused on detention, and to discuss the bills also being heard today.

ACS appreciates the Committee's interest in the young people served throughout our juvenile justice continuum. Thank you, Chair Ayala for prioritizing the young people in detention, and for taking the time to visit Horizon to tour the facility and meet with our staff. Your interest, compassion and commitment were palpable and greatly appreciated by our staff.

As I hope you will see from my testimony today, we have worked hard to weave the principles, programs and services of child welfare into our youth justice programs, so we can empower youth with the tools they need to succeed. ACS oversees services and programs at every stage of the juvenile justice continuum, which includes community-based alternatives for young people and their families. In addition, we provide secure detention services and oversee nonsecure detention and the Close to Home juvenile justice placement facilities.

The past decade has seen two major progressive reforms in juvenile justice in New York City and New York State. Since 2012, with the enactment of Close to Home, NYC youth who are adjudicated in Family Court receive services in or close to the communities where they live, rather than hundreds of miles upstate. These young

people are placed into the custody of ACS and receive rehabilitative and therapeutic services at a small home-like, residential setting operated by ACS-contracted provided agencies in or near the five boroughs, as well as aftercare services upon their return to the community.

Second, and long overdue, New York State has finally caught up to the rest of the country and raised the age of criminal responsibility. In New York City, no 16- or 17-year old youth has been held at Riker's Island since October 2018; if they are ordered to be detained, they are now detained at one of ACS's juvenile detention programs.

We have made significant strides to improve the lives of children and families involved in the juvenile justice system, with a special focus on keeping young people strongly connected to their families and communities, and by connecting youth and families with the individualized supports needed to help them succeed. To do so, we collaborate with numerous City partners including the Department of Probation (DOP), the Department of Education (DOE), Department of Youth and Community Development (DYCD), and the Mayor's Office of Criminal Justice (MOCJ), as well as the City Council, advocates and providers.

Despite the many challenges the COVID-19 pandemic has presented, we have worked closely with our provider community to adapt our entire continuum of juvenile justice programs to meet the needs of youth and their families while conforming and adapting to the public health demands. Our community-based alternative programs have continuously provided prevention and diversion services to safely keep youth out of the justice system and supported in their homes and with their families. Our

detention facilities and Close to Home residential placements have effectively adopted public health protocols.

Before focusing on detention, I will provide you with an overview of our juvenile justice continuum, the young people and families that we serve, and the ways that we are continuing to strengthen our programs.

The Juvenile Justice System: An Overview

Young people can be charged as Juvenile Delinquents (JDs), Juvenile Offenders (JOs) or Adolescent Offenders (AOs). Youth ages 7-17, are charged as JDs in Family Court. These types of cases include all misdemeanors, most violations for 16-17- year olds and most felonies for youth under 16. Effective December 2022, children under the age of 12 will no longer be prosecuted in Family Court except for the most serious offenses. If a judge orders a JD to be detained, the youth can be in either secure detention or nonsecure detention; only JDs can be detained in nonsecure detention. ACS also has a number of community-based alternatives to court involvement and detention for young people, including programs and services centering youth development and strengthening family relationships, with the goal of enabling youth to remain safely with their families in their communities.

Judges can order youth to be in detention while their cases are pending or for sentences out of the Youth Parts of one year or less. ACS operates two secure detention facilities, and we contract with non-profit providers who operate 7 nonsecure detention facilities. At the disposition of a family court case, the court can order that the

youth be placed in non-secure or limited secure Close to Home facilities, which ACS administers.

JOs and AOs have their cases heard in the Youth Part in Supreme Court. JOs are youth ages 13-15 charged with violent felonies. AOs is the new category created by the Raise the Age law, for 16- and 17- year olds facing felony charges in the adult court system. The most serious cases are retained in the Youth Parts by law, while others can be removed to Family Court by the Youth Part judge or on consent of the prosecutor. If JOs or AOs are sentenced to a period of incarceration longer than a year, they serve that time in facilities administered by the New York State Office of Children and Family Services until the age of 21.

Strengthening the Juvenile Justice Continuum

The implementation of Raise the Age is historic and has required ACS to continue to transform our system, as the youth we are serving are now older and stay in our care for longer periods of time due to the serious nature of the charges.

We are currently taking a close look at our entire continuum to meet the needs of an older age group, and in April, we brought on a new Deputy Commissioner of the Division of Youth and Family Justice, Nancy Ginsburg, who will be leading this effort. Prior to coming to ACS, Nancy spent the past 30 years at the Legal Aid Society of New York City where she was most recently the Director of Adolescent Intervention and Diversion Project, and worked directly with the youth who are in ACS's juvenile justice programs. Her wealth of professional experience will help us to strengthen our programs, ensure our staff and providers have the tools and supports they need, and

support young people and their families so they can develop to meet their full potential.

We are in the process of expanding the Fair Futures program to our juvenile justice continuum. Since 2018, Fair Futures has been providing coaching, tutoring and other supports to youth ages 11-21 who are in foster care. With the Mayor's commitment of \$30.7 million baselined in ACS's budget, we can now not only expand to youth ages 21-26 from the foster care system, but we will extend the critical mentorship, educational and vocational opportunities to the juvenile justice system. We have seen the positive results of Fair Futures, and so we are excited to add these supports to court-involved young people.

Community-Based Alternatives

Our goal is to keep young people out of the court system whenever that is safely possible, through community-based services. We know that the best way to intervene positively in the lives of young people is to engage with the whole family.

Our Family Assessment Program (FAP) is a diversion program available to families of youth up to age 18, to help avoid involvement in the juvenile justice or child welfare systems by providing therapeutic services, and it is grounded in a child welfare framework. Our voluntary services support families to address difficult teenage behaviors such as skipping school, using drugs, running away from home and/or struggling with mental illness. To minimize court involvement, families in NYC must first participate in FAP services before a Persons in Need of Supervision (PINS) petition can be filed.

ACS also administers the Juvenile Justice Initiative (JJI), which serves youth adjudicated as juvenile delinquents who are under probation supervision, as an alternative to placement. Specifically, JJI provides intensive services to youth in their communities rather than through placement in a custodial setting. JJI helps parents develop skills to support their children, enforce limits, and steer them towards positive peers and activities.

FAP and JJI use home-based interventions, drawing on skilled clinicians to work closely with parents and youth in their homes and communities while engaging schools, after school programs and other professionals to support the family. These services, which range from community-based supports such as mediation, respite and mentoring programs, to ACS-funded intensive, therapeutic evidence-based models such as Multisystemic Therapy (MST), Functional Family Therapy (FFT) and Brief Strategic Family Therapy (BSFT). In 2021, we served nearly 1,000 youth in these programs.

Currently, MOCJ administers the City's Alternative to Detention (ATD) programs, which are the services that youth charged as JDs can participate in so that they can remain in the community and get the support they need to address their needs. As you may know, ACS recently released a concept paper and will soon issue an RFP for ATD programs, which will be administered by ACS when the new contracts begin in July 2023. This move will enable ACS to administer the full continuum of juvenile justice programming in NYC.

Close to Home

In 2012, the State and the City partnered to create Close to Home, New York City's juvenile justice placement system in which adjudicated juvenile delinquents are placed in residential programs near their homes, schools and communities. Our Close to Home non-secure and limited-secure placement residences are located at 28 sites throughout the City and in Dobbs Ferry. They are run by seven nonprofit provider agencies. Close to Home is grounded in a youth and family development framework, and all of our providers are deeply experienced in serving the complex needs of the youth in our care.

Despite raising the age of criminal responsibility, ACS has seen a decline in the Close to Home census. In the past five years, ACS has seen admissions to Close to Home decrease 77%, in large part due to the community-based alternatives available through FAP and JJI. Prior to Close to Home, 540 NYC youth were placed in upstate juvenile placement settings run by New York State. In 2021, there were 59 youth placed in Close to Home. Currently there are 63 youth in Close to Home placements and 20 on aftercare.

All Close to Home programs offer structured residential care for youth in a small, supervised, and home-like environment. In contrast to the traditional larger juvenile placement facilities model, Close to Home programs have been intentionally designed to enhance participation in programming while preserving the safety and security of youth, staff, and the community.

Close to Home allows for engagement to occur simultaneously with the youth, the family and the community to ensure that factors leading to juvenile justice system

involvement are addressed before the youth returns to the community. Each Close to Home program is required to implement an evidence-based therapeutic program model that serves as the primary mechanism of behavioral support. Through the chosen program framework, youth address their interpersonal relationships, communication skills, and emotional regulation.

Close to Home allows youth to be placed close to their families and home communities which has made it easier to include the youth's family at every level of intervention. Youth in Close to Home participate in DOE's Passages Academy, with youth in Non-secure Placement (NSP) attending either Belmont or Bronx Hope and youth in Limited Secure Placement (LSP) attending school on-site.

Youth returning to the community receive aftercare supervision from their Close to Home provider. The goal of Close to Home aftercare is to build on the skills youth acquire while in placement and help develop a network of support that will allow them to succeed in the community. While in placement, youth form positive, trusting relationships with caring adults. These relationships are critical to facilitate each youth's growth, skill development, and progress as they learn new ways of thinking and changing their behaviors. Residential providers build on their relationships with youth during aftercare, also leveraging broader agency resources and relationships with community-based organizations, to supervise youth in the community with support from ACS, to ensure each youth's needs are being met.

As you may know, in early May, ACS released a concept paper for the Close to Home juvenile placement and aftercare system. Given the census trends, the concept paper envisions a smaller, more robust system of care with a capacity of 172 beds, as

compared to the current system of 289 beds (after the FY23 PEG is implemented.) The concept paper also envisions smaller facility sizes (maximum of 8 beds rather than 12 beds), increased salaries for provider agency staff, adding Master's level licensed mental health clinicians and CASACs at all programs, and additional enhanced staffing such as an educational/vocational specialist, additional case planner, a recreational specialist and peer counselors/mentors for youth on aftercare. ACS very much looks forward to receiving the comments on this concept paper by June 24, 2022, releasing the RFP at the end of summer, and entering new contracts in July 2023.

Detention

While there are many "off-ramps" in place, including the community-based alternatives I described earlier, judges in both the Family Court and Supreme Court's Youth Part may order a youth detained.

Non-Secure Detention

Non-Secure Detention (NSD) is a smaller, less restrictive residential setting for youth who are remanded to detention by the Family Courts during the pendency of their court case. ACS contracts with 5 providers, currently operating 7 NSD sites. Each NSD residence houses up to 12 youth and offers young people a supportive, family-like environment and close supervision. There are currently 34 youth in NSD. Youth attend school through Passages Academy and receive the full support of DOE services, including opportunities to engage in after-school activities and access to tutoring.

ACS Secure Detention

ACS operates two secure detention sites, Crossroads Juvenile Center in Brooklyn and Horizon Juvenile Center in the Bronx. Crossroads houses young people held on securing orders from Family Court and Supreme Court while Horizon houses only youth with securing orders from Supreme Court.

In CY 2021 861 young people were served in secure detention. The overwhelming majority of the youth are youth of color: 89% identified as male; 67% were African American and 26% were Hispanic/Latinx. On any given day, nearly 90% of the youth in secure detention are 16 or older. Assault, robbery, criminal possession of a weapon and murder were the most common top charges, accounting for 60% of the youth in detention.

To prepare for the implementation of Raise the Age and ensure proper staffing of both Crossroads and Horizon, ACS created a new job and title, Youth Development Specialist (YDS). The YDS title represents an updated approach to juvenile justice that stresses the importance of establishing credibility with youth, connecting with them, and effectively de-escalating situations when necessary. ACS works hard to recruit YDS from across the City by doing extensive outreach in the neighborhoods and communities where our youth and families live to find qualified people committed to working with youth.

All new YDS undergo an intensive six-week training program that includes two weeks of on-the-job training at the detention facility. The James Satterwhite Training Academy provides pre-service training on fundamental skills, such as: understanding youth development and relationships; maintaining safety, and security; providing

effective supervision of young people; managing challenging behaviors; supporting mental health care; and facilitating groups. All of our Youth Development Specialists have received training in trauma-based approaches to working with teens and on de-escalation of conflict and anger. Their skills are reinforced through intensive Safe Crisis Management training, with a focus on verbal de-escalation techniques as much as possible and physical restraint only when necessary. We also offer Core Supervisory training to all mid-level managers and supervisors in secure detention to provide them with the skills they need to properly manage and coach staff and create stable, safe environments for everyone.

All our staff are all trained on de-escalation techniques, which is critical to safely run detention centers. Prone restraints, which can be dangerous, are prohibited in our facilities. Instead, our staff are trained to employ Safe Crisis Management (SCM) and we have SCM coaches embedded in both of our facilities. As you may know, ACS entered into a voluntary agreement to receive technical assistance and expertise from the Nunez Monitors. In their most recent report, they wrote, “[Detention] staff appear to use physical restraint safely and proportionately and do not rely on the use of room isolation to manage youth behavior, both of which are important hallmarks of facilities that strive to promote positive relationships among youth and staff.”

While the Department of Correction (DOC) staffed Horizon for a time after implementation of Raise the Age, ACS resumed full operational control of Horizon in January 2020. For the past four years, we have been aggressively recruiting, hiring and training multiple classes of YDS. Like all City hiring, ACS’s hiring of YDS was impacted by the citywide hiring freeze at the beginning of the pandemic. However, since August

2020, ACS has been onboarding new classes regularly, the most recent of which started on April 25, 2022 and graduated from the Academy earlier this week. We look forward to our next cohort beginning on June 27th and graduating on August 12th.

These classes are helping ACS increase the available staff in our detention facilities as we work collaboratively with the union and OLR to safely return from 12-hour shifts implemented during the pandemic, back to 8-hour shifts.

Medical and Mental Health Services

We have a full array of on-site medical and mental health care serving the youth at Crossroads and Horizon. ACS contracts with The Floating Hospital to provide health services (collectively, medical and dental services) and Bellevue Hospital Center to provide mental health services. Since 2012, ACS has been working closely with Health + Hospitals / Bellevue Hospital Center to provide trauma-informed screening and care, and comprehensive mental health services to young people in secure detention (as well as in our non-secure detention continuum). Through its team of psychiatrists, psychologists, social workers and mental health clinicians, Bellevue works closely with Youth Development Specialists, Case Managers, Program Counselors, and our contracted medical services staff to provide comprehensive care for all our youth.

Bellevue Juvenile Justice Mental Health Services provides mental health, psychological and psychiatric services on-site at Horizon and Crossroads, as well as to each of the DOE District 79 Passages Academy schools and to youth in non-secure detention. There is coverage 24-7. It is important to note that all Mental Health services provided in the secure and non-secure detention facilities are voluntary and approximately 95% of the youth are engaged in mental health services.

Education and Programming

The NYC Department of Education's District 79 program, Passages Academy, provides educational instruction, counseling, and transition services to youth in detention. Like many students across the city, our young people reacquainted themselves with full-time in-person instruction after engaging remotely and through various hybrid modalities. We have experienced some challenges in supporting youth through this transition, but we are taking steps to prepare for the summer and for the fall. We are working closely with our NYC Department of Education partner to monitor daily attendance, addressing daily barriers to engagement in real-time; we are meeting weekly to collaboratively plan and problem-solve around systemic issues; we are focusing staffing resources to support the timely execution of morning routines and to support coaching of youth; and we are implementing incentive programs to recognize academic engagement and achievement.

We are currently planning for the summer, which includes both summer school through Passages Academy, Freedom School and Summer Youth Employment. Freedom School is a summer literacy and enrichment program. ACS looks forward to welcoming interested Council Members to "Harambee," the morning opener for Freedom School. "Harambee" joins staff, youth, and invited guests in dance, music, mindfulness, and close readings of culturally responsive texts. In addition, this summer, we will expand our post-secondary offerings to include career exploration courses in partnership with Kingsborough Community College's Office of Workforce Development, Continuing Education & Strategic Partnerships, as well as a credit-bearing course for high school and/or high school equivalency graduates in partnership with Manhattan

College. We will also continue to offer individual and small group tutoring throughout the summer. We know that engaging youth in these types of work and learning experiences lays the foundation for their successful transition to adulthood.

We believe that programming is essential to enhance the therapeutic environment in detention, while helping youth build self-esteem, take part in positive activities, reduce idle time, connect with role models and credible messengers, and develop skills to redirect their lives in a positive direction.

Since late August 2020, all programming in detention returned to in-person, with strict safety guidelines in place. Youth receive programming daily, either facilitated by an ACS-contracted vendor or by an ACS program counselor. We work closely with a variety of program vendors, such as the Center for Community Alternatives, Sprout by Design, Audio Pictures, The Kite, and Carnegie Hall, so that we can offer a range of social enrichment, recreation, and prosocial activities every day. Program vendors are available to offer programming in designated spaces throughout the facility as well as on the halls, and work in concert with ACS program counselors to engage youth and expose them to a variety of activities.

ACS offers a variety of programming opportunities to youth, including: arts & crafts, games, financial literacy workshops, and theme-based (monthly) offerings related to or in recognition of significant events and achievements throughout history.

We also believe in the value of partnering with credible messengers. As partners with the Mayor's Office of Criminal Justice to offer Cure Violence programming to youths across our detention and Close-to-Home continuum. Through our partnership with select Cure Violence organizations, credible messengers are regularly in the

facilities providing violence interrupter services, conducting workshops for youth as well as doing conflict mediation when requested. At Horizon, ACS partners with SAVE, which is under the umbrella of Getting Out and Staying Out (GOSO), and at Crossroads we partner with Man Up! Youth can also work with the violence interrupters through paid internship opportunities where they become Junior Violence Interrupters. The dedicated and engaged staff from both SAVE & Man Up provide services on the halls to with youth, which includes peer mediation and conflict resolution,

We are also releasing a new Workforce Development RFP, which we expect to release this summer. While ACS has offered vocational programming to court-involved youth on a small scale, this will enable us to expand to a broader workforce development program to connect a higher volume of pre- and post-adjudicated/sentenced to a variety of structured activities and vocational programming including career readiness, work readiness, vocational education, access to occupational skills training, employment opportunities in emerging job sectors, and links to resources that can help youth address personal obstacles to long-term employment and employment-related skills gains.

It will include a Fair Futures component and provide year-round support services (e.g. career readiness, work readiness, career pathways, vocational education and training, labor market readiness, and life skills) to youth ages 14-23 in detention and Close-to-Home. The Workforce Development program will help justice-involved young people prepare for, obtain, and maintain employment. These programs will introduce youth to a variety of career exploration, readiness, vocational, education, and

employment opportunities as they prepare for their future beyond detention or placement.

Strong family engagement is another essential part of our model of care, and we have adapted to make sure youth remain connected. Our Case Management staff connect with parents by phone at intake, and they call parents to provide weekly progress updates. Since February 2022, on-site visiting has returned to our secure detention facilities, with measures in place to address health and safety issues caused by the pandemic. Specifically, family visitors need to either show proof of vaccination or a negative COVID test to attend in-person visits, and we have rapid tests available for those who need them. Throughout the pandemic, ACS case management staff maintained frequent contact with the youth's parents or guardians. ACS also facilitated additional parent support services including parent coaching and assistance with systems navigations through partner community-based organizations at Crossroads and Horizon.

While we have more work to do to continue to strengthen our work in detention, we have made significant progress in transforming our system and implementing Raise the Age. In the most recent report this past April, the Nunez team acknowledges that while the COVID-19 pandemic has had an extraordinary emotional and operational impact on the youth and staff in detention, ACS has made progress "in all areas" during the monitoring period. They also applauded ACS's advocacy to implement incentive bonuses for attendance for the YDS and the continued efforts to recruit and train YDS, which led to a significant increase in the number of staff in this reporting period compared to the last.

Int. 139-2022

According to the Citizens' Committee for Children, 4,730 NYC children under age 18 lost a primary caregiver to COVID-19 from March 2020 through December 2021. Clearly, the trauma and tragedy of COVID has impacted us all, particularly children. As a City we must do what we can to address the needs of the children and families continuing to struggle with the impact of the pandemic.

The loss of a parent or caregiver has a profound impact on children. At the start of the pandemic, ACS worked with our partners at H+H to ensure that hospital social workers knew how to best help families when parents/caregivers were hospitalized or tragically passed away. Together we developed this guidance <https://www1.nyc.gov/assets/acs/pdf/covid19/unaccompaniedchild.pdf> to help families identify alternate caregivers, and turn to the child welfare system as a last resort. ACS also created a new section of our website to help parents and caregivers develop plans in case they got sick: <https://www1.nyc.gov/site/acs/about/planforyourchild.page>. We hope that these resources have been helpful to families both for peace of mind and for the worst-case scenario.

While ACS does not have a way to track COVID fatalities in the State's system of record that we are required to use (CONNECTIONS), at the start of the pandemic, ACS was very concerned about the tragic loss of life we were seeing and together with our providers sought to manually track COVID fatalities. Through this effort, we believe that since March 2020, 5 families with 8 children came to the attention of ACS because a parent died from COVID. Five of the children (from three families) were placed into foster care and the other three children from two families are living with family members

(adult sibling in one instance and father in the other). All of these instances occurred early in the pandemic. The fact that just a small number of children who lost a parent to COVID came to the attention of ACS indicates to us that communities and families have come together to provide care, love and stability for New York City's children who lost a parent or caregiver to COVID.

Earlier in the pandemic, we also asked our providers to track and report to us similar information. From this reporting, for March 2020 through July 2021, there were no reports of parents receiving prevention services who died from COVID. According to the reporting from our foster care agencies, for March 2020 through March 2022, 5 children in foster care had a parent who died from COVID-19 and 22 children had a foster parent who died from COVID-19. Given that the overwhelming majority of children suffering the immeasurable loss of a parent due to COVID are in the community, we at ACS have been continuously working to ensure that families and communities have the resources and supports they need to thrive. Through a partnership with the New York Society for Prevention of Cruelty to Children (NYSPCC), ACS and our providers refer children to their Trauma Recovery Program and parents to their Crisis Grief Counseling Program.

In addition, at the start of the pandemic, we created new website pages that we continue to update: one for families ([Coping through COVID](#)) and youth ([Teens Take on COVID](#)) to provide information about how to access resources and supports needed. Our child protection staff, the Community Partnership Programs, the Family Enrichment Centers, and the prevention service agencies have spent the past two years providing families with diapers, cribs, hand sanitizer, face masks, food, formula, laundry cards and

transportation. I want to take this moment to thank them all for this incredible work and for their commitment to making sure that families had the supports they needed during this challenging time. In addition, as you know, ACS is in the process of expanding our Family Enrichment Centers from 3 to 30 over the next three years- to the communities that were identified as hardest hit by the COVID-19 pandemic. These new community resources will be available for years to come, as communities and families navigate with the lasting impacts of the pandemic.

While ACS appreciates the Council's interest in ensuring the children who have lost a parent or caregiver to COVID-19 receive the services and supports that they need, we do have some concerns with the proposed data reporting required by Int. 139. Given the thankfully small number of children who lost a parent to COVID who are placed with ACS, and the laws requiring confidentiality for ACS-involved families, we are concerned that the reporting could violate these confidentiality laws. In addition, ACS does not have a data system that records the information required, and as such we would need to manually track this information for the next 10 years. ACS looks forward to negotiating this bill with the City Council.

Int. 294-2022

Int. 294-2022 would require ACS to provide parents or guardians with a multi-lingual disclosure form during a child protective investigation, with information about the investigation, parents' rights, contact information for legal organizations and contact information for the ACS Office of Advocacy.

ACS agrees that parents and guardians should receive written information, regarding the child protective investigation and resources that can help them and their family. ACS looks forward to negotiating this bill with the City Council.

Conclusion

In conclusion, I would like to thank all of the staff across the juvenile justice continuum for all their efforts to provide a safe, supportive, caring and programmatically engaging environment for youth. I know that this has been even more challenging throughout the pandemic, and this work has not gone unnoticed. I have been visiting these sites and facilities and so impressed by the dedication, commitment, thoughtfulness and creativity.

Thank you and we look forward to taking your questions.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON GENERAL WELFARE
JUNE 15, 2022**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. Thank you to Chair Diana Ayala and the members of the Committee on General Welfare for holding this hearing today.

I am pleased to share that the number of youth who are incarcerated in New York and nationwide is shrinking. However, we must still be vigilant about how our young people in secure detention facilities are being treated. I am particularly concerned about the use of restraints, including transitional holds, and room confinements in these facilities. That is why I have introduced Resolution 0035-2022, which calls on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional holds as a form of restraint in detention and placement facilities.

The Administration for Children's Services defines room confinement as the involuntary confinement of a youth in a room, including the youth's own room, when locked in or when the youth is authoritatively told not to leave. In recent years, juvenile justice practitioners, researchers, and advocates have raised awareness of the harms of room confinement or isolation of youth in detention and residential facilities, including negative impacts on young people's developing brains and mental and emotional health. Isolating youth is especially dangerous for young people with disabilities, psychiatric diagnoses, and histories of trauma and abuse, who are overrepresented in youth detention facilities. Despite the wealth of research on the negative and harmful effects of isolation and confinement for young people, many facilities continue to rely on the practice.

A transitional hold, or prone restraint, is a brief physical restraint that consists of pinning a person face-down on the ground. This is a dangerous practice that not only puts young people in danger of physical harm—including death—but is often traumatic and frightening. It is not therapeutic nor does it de-escalate emotionally charged situations. In fact, the trauma and psychological harm that incarcerated youth experience while isolated or restrained make young people and staff less safe, as it only perpetuates cycles of trauma, distressed behavior, and escalation. Trauma leads to changes in the brain, leading to hypervigilance, distress, and escalation or fight or flight responses in response to compliance demands, resulting in more

punishment and trauma.

Many advocacy organizations and other jurisdictions across the country have outlined and implemented ways for detention facility staff to hold youth accountable for their actions without causing more harm, and how to implement safe and healthy practices for everyone. It is time to end these dangerous and harmful practices and replace them with what we know keeps young people safe, including positive reinforcement and de-escalation techniques. Secure detention facilities are home to many of New York's most vulnerable youth, and I look forward to working with the City Council and the State Legislature to protect and support these young people and establish practices that we know keep us safe. Thank you, and please vote yes on Resolution 0035-2022.



Coalition For Asian American
Children+Families

**New York City Council
Committee on General Welfare
June 15, 2022**

**Testimony of Amy Lin, Policy Fellow
Coalition for Asian American Children and Families (CACF)**

Good afternoon, my name is Amy Lin, and I am a Policy Fellow at CACF, the Coalition for Asian American Children and Families. Thank you very much to Chair Ayala for holding this hearing and providing this opportunity to testify.

Founded in 1986, CACF is the nation's only pan-Asian children and families' advocacy organization and leads the fight for improved and equitable policies, systems, funding, and services to support those in need. The Asian American Pacific Islander (AAPI) population comprises nearly 18% of New York City. Many in our diverse communities face high levels of poverty, overcrowding, uninsurance, and linguistic isolation. Yet, the needs of the AAPI community are consistently overlooked, misunderstood, and uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents our needs from being recognized and understood. Our communities, as well as the organizations that serve the community, too often lack the resources to provide critical services to the most marginalized AAPI New Yorkers. Working with over 70 member and partner organizations across the City to identify and speak out on the many common challenges our community faces, CACF is building a community too powerful to ignore.

We are testifying today in support of Intro 294, and we thank the sponsors of this bill for bringing it forth. CACF has long worked with our member organizations and with ACS to address the challenges faced by AAPI families in the child welfare system, and language access – especially at the time of a child protective investigation. When language and cultural barriers are present, misunderstanding and delayed access to supportive services result in unnecessary trauma to children and families.

Nearly 19 million people reside in the New York City metropolitan area, and over 800 different languages are spoken. Because of New York's linguistic diversity, it is incredibly important to ensure language access in all settings. Language barriers are a huge obstacle faced by many folks in immigrant communities, and especially in the AAPI community. In New York City, AAPIs are majority immigrant and have the highest rate of linguistic isolation of any group, as 46% have limited English proficiency (LEP), meaning that they speak English less than very well, according to a recent report from the New York City Department of Health and Mental Hygiene. Moreover, more than 2 in 3 Asian seniors in New York City are LEP, and approximately 49% of all immigrants are LEP.

As reported by many of our AAPI organizational members, language barriers that exist within the child welfare system in New York City include: a mismatch in interpretation services with requested language/dialect; a lack of quality interpretation and interpreter bias in working with families; delays in accessing interpretation and use of services like Google Translate in a pinch; and poor-quality translations of written materials that do not convey information accurately.



Limited access to culturally responsive and linguistically accessible services, especially at the point of first contact with the child welfare system, leads to misunderstandings of family needs and children's safety. We have heard from our member organizations of instances where, due to lack of language access and cultural humility, families' routine cultural practices have been misconstrued as abuse by child protective workers. In other situations, child protective services have missed accurate assessments of families' real needs and challenges.

CACF has shared at multiple times with ACS our belief that the LEP of family members should be considered as part of the child welfare definition of high risk that draws the City's funding and attention for innovative child welfare programming.

We would like to acknowledge the recent efforts of ACS to work with CACF and invite in and understand some of our AAPI community needs. Prior to COVID, CACF coordinated with ACS and our partner organizations to provide trainings, directly in ACS child protective field offices, on working with diverse AAPI families. Child protective staff shared challenges they faced – many centering on the challenges in working with LEP families and bridging the cultural divide. These trainings were very well received, and we hope to continue that work.

Still, there remains much to be done, and multiple families are languishing because there is a lack of quality data and understanding of community needs. Despite Local Law 126 that called for City agencies to collect disaggregated data by ancestry and language, steps can still be made by ACS to improve data on families in touch with the system to ensure a proper response to their needs. In addition, improving language access and cultural competence within ACS is crucial to AAPI communities. All services should be linguistically accessible at all access points (phone, mail, website and in-person). City agencies must go beyond simple translation and interpretation services. Sustained oversight is needed to ensure that strategic policies and investments targeted at ameliorating the cultural gap between immigrant communities and child welfare systems are implemented.

We are fully supportive of a law requiring ACS to provide a multilingual disclosure form to parents or guardians during a child protective investigation, and we look forward to continuing to work with ACS and advocate for meaningful changes to ensure that families interacting with the child welfare system have access to appropriate language services.

Thank you very much for your time.



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**Center for Family Representation (CFR)
Submitted Testimony for
The New York City Council General Welfare Committee**

Hearing Date: June 15, 2022

Center for Family Representation (CFR) is grateful for the opportunity to submit testimony to the City Council Committee on General Welfare. We thank Chair Ayala and the Committee for holding this hearing, and Council Member Ung for introducing Int. 294-2022, a crucial step in ensuring that parents are informed of their rights at the commencement of an investigation by the Administration for Children's Services (ACS).

Overview of CFR

CFR is the county-wide assigned indigent defense provider for parents who are facing ACS prosecutions in Family Court Act (FCA) Article 10 proceedings in Queens and New York counties. We intake new cases every day, and since our founding in 2002, we have represented about 12,000 parents with more than 23,000 children. We represent parents on their original ACS case and on any related cases like custody, guardianship, visitation and termination of parental rights proceedings. Our goals are always to prevent a foster placement, or when one is unavoidable, to shorten the time children spend away from their family and to prevent re-entry into placement after reunification.

CFR employs an interdisciplinary model of representation, marrying in court litigation to out of court advocacy: every parent is assigned an attorney and a social work staff member beginning at intake, which is generally the first day a parent is summoned to court. These teams are supported by paralegals, supervisors, and parent advocates, who are parents who have direct experience being investigated and prosecuted by the family regulation system.¹ We estimate that we have saved

¹ Throughout this testimony, CFR will refer to the "child welfare" system as the "family regulation" system to recognize that the system "is designed to regulate and punish Black and other marginalized people." Dorothy Roberts, *Abolishing Policing also Means Abolishing Family Regulation*, IMPRINT (June 16, 2020, 5:26 AM) [hereinafter Roberts, *Abolishing*], <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480> [<https://perma.cc/3VAJ-H8WP>].

taxpayers \$50 million in reduced foster care costs since our founding. In 2015, the New York State Bar Association gave CFR its Award for Promoting Standards of Excellence in Mandated Representation, noting that CFR “exemplifies and defines the highest professional practice standards, is a recognized innovator in parent representation and is a tireless advocate for legislative and policy reform.” The federal Administration for Children, Youth and Families specifically cited CFR in the addendum to its January 2017 Memorandum on High Quality Legal Representation, issued to all fifty states.

To address collateral issues that often undermine family stability, CFR launched its Home for Good Initiative in 2015 to expand its work to provide families with additional holistic assistance in immigration, housing and public benefits, as well as criminal matters. In 2019, CFR created its Community Advocacy Project, thanks to City Council funding for the Right to Family Advocacy Project, to prevent family separation and court prosecutions by representing parents during an ACS investigation and to increase employment opportunities by representing parents in hearings to amend their records in the State Central Register of Child Abuse and Maltreatment (SCR). In 2019, CFR also expanded the scope of its work by launching its Youth Defense Practice, representing young people in Manhattan and Queens criminal and family courts, with the goal of avoiding youth incarceration.

Parents are Unaware of the Rights that Protect Them during Harmful ACS Investigations

For twenty years, CFR’s family defense teams have been meeting parents and caretakers on the first day a neglect or abuse petition is filed in family court, usually after an extensive and invasive investigation by ACS investigators. Our clients describe the initial knock at the door - the confusion, fear, anxiety, and panic that struck them. Parents are not aware that they do not need to let the investigator into their home, often in the middle of the night, without a court order. Caregivers repeatedly say that the investigator told them they would return with police, go to court, and/or remove their children if they did not allow them into the home, to interview the children and to observe their naked bodies. Parents are typically unaware of their right to speak to an attorney. Under threat and often to the detriment of the family, parents and caregivers, particularly poor parents without the means to access an attorney, comply with all of the requests of the ACS investigator, professionals trained to interrogate parents.

An ACS investigation is a confusing, terrifying, and destabilizing process for families, even when it does not result in long-term intervention or court involvement. Families first become involved with ACS when a child maltreatment report is made to the SCR. ACS is required to investigate all credible

reports of child maltreatment and those investigations typically remain open for a minimum of 60 days even when there is no evidence of child maltreatment at the initial visit. During an investigation, a family regulation worker will visit the home, usually unannounced, a minimum of two times per month, but often more frequently. In addition to interviewing the parents and each child, the family regulation worker may request that the child undress so the worker can observe his/her body, inspect the home, open cabinets and the refrigerator, speak to extended family, neighbors and employers, call medical providers and the children's school, and request that a parent submit to a drug and alcohol screen. These investigations place significant stress on families, with the threat of family separation looming.

The role of the family regulation worker is primarily to find evidence of neglect or abuse, not to identify needs and provide support and resources to parents. Even in cases where there is no evidence of neglect, many children express being traumatized by the investigation and continue to be fearful of being taken away from their parents after the conclusion of the investigation. Families subject to investigation often lose their housing, livelihood, and any sense of stability they built for themselves, because of the surveillance and overreaching of the family regulation system. An "indicated" case of abuse or neglect can lead to extended surveillance of the family, court intervention, and in the worst-case scenario, the removal of a child.

Parents who do not speak English, or for whom English is not their primary language, are even more disadvantaged when the investigator knocks on their door. Investigators often rely on language line services, but will sometimes request that other family members, even the children, translate for the parent or caregiver. For parents who speak some English, investigators often forego interpretation services, believing that the parent is fluent enough to understand. Many parents are too scared or confused to let the investigator know they do not understand or need an interpreter. The added confusion that stems from failing to provide proper interpretation services severely harms families and places them at greater risk of prolonged surveillance, involvement in the family regulation system, family court, and family separation.

When our family defense attorneys first meet the parents and caregivers we represent in court, they often express confusion about the family regulation investigation and court process. They tell us they were never informed why the initial report was made against them, or explain that the initial report was false, called in by an angry ex-partner, neighbor or landlord. Many times, the allegations alleged in the ACS petition have nothing to do with the initial report to the SCR, but are based on information the parent provided in the hope the investigator was actually there to help their family. ACS regularly weaponizes requests for assistance against parents, using these requests as grounds for a court

filing. A request for a mental health referral, assistance with obtaining food, or support for a troubled teen, often land parents in family court facing allegations of neglect.

Over 90% of CFR clients are People of Color. 27% are immigrants and 13% are non-English speaking. 100% are poor. While Black and Latine children make up only 60% of the total population of children living in New York City,² they account for 90% of children named in investigations, placed in foster care, and engaged in preventive services.³ The system was designed to “save children from harm,” but in reality, the vast majority of indicated cases of maltreatment are for poverty related neglect and the system itself delivers more trauma and harm to children than their parents ever could.

CFR’s CAP practice, funded by the City Council’s Right to Family Advocacy Speaker’s Initiative, allows CFR legal and social work teams to represent parents and caregivers during an ACS investigation and experience firsthand the treatment of parents by ACS and the tactics used to gain full access to every detail of our clients’ lives. CFR’s teams are able to advise parents of their rights and help them navigate the family regulation investigation in a way that is least harmful to their families. CFR was able to divert a court filing in 80% of our cases. When an investigation did result in a family court filing, CFR’s early advocacy allowed families to remain together, and avoid the foster system, in 76% of cases. Every parent deserves to know their rights and that they have the right to speak to an attorney. City Council funds CFR, Bronx Defenders, Brooklyn Defender Services, and Neighborhood Defender Services to provide early representation to parents and caregivers during an ACS investigation. Parents deserve to know.

City Council must ensure that all Families Know Their Rights

CFR calls upon the City Council to pass Int. 294, what advocates refer to as the Family Miranda Bill, with amendments to enumerate the existing rights of families. This bill, with the proposed amendments, does not create any new rights for families; it simply advises families of rights that already exist under current laws. It is crucial for families to have knowledge of their rights during an ACS investigation so they are able to make informed decisions about what is best for their families, or contact an attorney for support. Rights are meaningless if families are unaware of them and unable to invoke them. Int. 294 must be clear that:

² *Keeping Track Online: The Status of New York City Children*, Citizen’s Committee for Children of New York (viewed June 18, 2022), available at <https://data.ccnewyork.org/data/map/98/child-population#11/17/3/18/62/a/a>.

³ *Hearing Before the Comm. on the General Welfare*, N.Y. CITY COUNCIL (Oct. 31, 2019) (written testimony of David Hansell, Commissioner of the Administration for Children’s Services, at 9), available at <https://perma.cc/ZAY5-YS86>.

1. Parents have the right to know the allegations being investigated.
2. Parents are not required to release confidential health information or submit to a toxicology screening absent a court order.
3. Parents have the right to know that any statement they make can and will be used against them.
4. Parents have the right to speak to an attorney and have an attorney present during the investigation.
5. Parents have the right to refuse entry to their homes absent a court order.
6. Parents have the right not to speak to the family regulation worker.
7. Parents have the right to deny the family regulation worker permission to interview or examine a child absent a court order.
8. Parents have a right to know what resources, including legal services providers, are available to assist during the investigation.

Information is power. The family regulation system currently takes advantage of parents who do not have the necessary information and knowledge to protect their families. All parents, and particularly the Black and Latine families most directly impacted by the family regulation system, deserve to know their rights during an investigation that could lead to the separation of their families. Parents and caregivers who do not speak English as a first language, who are even more vulnerable to misunderstanding the purpose and scope of an ACS investigation, must be provided information about their rights in their preferred language.

City Council must take action to combat the structural racism of the family regulation system and ensure that families know their rights and are able to exercise them. Parents should be able to make important decisions for their families from a place of knowledge and empowerment, not a place of confusion and fear. CFR urges the General Welfare Committee and City Council to pass Int. 294, with the rights of parents clearly enumerated.

We are grateful for the invaluable opportunity to share our thoughts about these important issues and look forward to being a part of this ongoing conversation. If you have any questions, please do not hesitate to reach out to CFR's Litigation Supervisor for Policy and Government Affairs, Jennifer Feinberg, at jfeinberg@cfrny.org.

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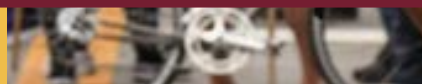


CW360⁰

a comprehensive look at a prevalent child welfare issue



Safety



Permanency



Well-Being

Confronting Racism | Engaging Partners | Finding Solutions
Summer 2021

From the Editors

Welcome to the Center for Advanced Studies in Child Welfare's annual issue of CW360°. The focus of this issue is confronting racism in child welfare and finding engaged solutions. In this issue, we explore the historical and ongoing racism embedded in the child welfare system. Additionally, authors offer approaches and possible solutions to address racist practices and policies that continue to cause harm.

This past year of unimaginable events has marked a critical time in our practice. In the context of converging crises, the COVID-19 pandemic and the racial reckoning following the murder of George Floyd, many people refer to the emergence of a double pandemic plagued with illness and racism. This past year of pain and exhaustion has forced overdue conversations related to racism in the child welfare system that are far too often ignored or avoided. As we reflected in last year's CW360° issue, we continue to engage in the discourse that child welfare MUST engage in related to our critical anti-racist work and the elimination of disparities and disproportionate involvement of BIPOC children and families in the child welfare system. We must acknowledge the deeply pervasive ways in which inequalities are built into our child welfare system and normalize the use of a historical trauma lens. The recognition of our history, intergenerational trauma rooted in racial violence, is critical in order to address the continued harm that occurs today.

This conversation and this work is not new. Contributions in this year's CW360° summarize the well-known inequities and vast

disproportionately which exist in all parts of the child welfare system but repeatedly discussing and writing about these is not enough! We know we must move beyond "admiring the problem" to intentional action. Therefore, we have included solution-oriented content to thoughtfully and skillfully address racism and to create sustainable changes in individual practice and within organizations. It is critical that within the field and in our educational settings, we provide education, training and tools to address racism and bias in the child welfare system and that we learn from people with lived experience as well as a diverse group of practitioners and researchers.

Preparation for each issue of CW360° begins with an extensive literature review and an exploration of best practices in the field. CASCW staff then identify individuals who have emerged as leaders or have a unique contribution to write articles that offer insights on a range of policies, programs and strategies to inform the child welfare practice community. CW360° is divided into three sections: overview, practice, and perspectives. The overview section takes a broader look at the history and patterns of inequity facing communities of color, including a deeper look at Black and Native communities. The practice section features articles on promising practices related to mandated reporting, relative and kin search/engagement, tools to address racism, and examples of successful program implementation. The perspectives section presents articles from a variety of voices of child welfare, many written by people with several

layers of child welfare experience, highlighting key lived experiences and ideas for moving forward. We have included information and tools throughout this publication that will help you apply the research, practice, and perspectives to your own work setting. In the spirit of shifting from discussion to action, we have added a lengthier discussion guide heavily focused on self-reflection and intended to be used by practitioners as a launching pad for action. Additionally, we have provided a resource guide to further support learning and growth. Note that we have removed the reference section from the printed editions of CW360° in order to make space for additional content. You can find a full listing of the citations in PDF format on our website at z.umn.edu/2021cw360.

As we work to eliminate cycles of harm, reduce disproportionate surveillance of communities of color, and support reunification of families if separation occurs, we also must work toward creating a system that supports all families ensuring that they have what they need in order to thrive. As Dr. Priscilla Day shares in her article "If you only surround yourself with people who see the world the way you do, you are only seeing part of the world." Our hope is that you find this issue informative and inspiring, and that it might help broaden the lens in which you do the work. We'd like to express a great appreciation for the dedication and hard work of professionals in the child welfare systems as well as those who have taken the time to contribute to this year's publication.

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Pursuing Equity in Child Welfare: Learning from a Collective Process to Eliminate Racial Disparities

Becci Akin, PhD, MSW; Kelechi Wright, Med, LPC; Sarah McCall, BA; Kaela Byers, Ph.D., MSW; Dennis Alford, MSW; Shelby L. Clark, MSW; Nina Shaw-Woody, LCSW; Melina Kline, LSCSW

The child welfare system is plagued by racial disproportionality and disparities. Despite knowledge of disparities for decades, few actions have been taken to create the systemic reforms required to correct policies, procedures, and perspectives that perpetuate racial inequities and injustices. In the context of the federal Strengthening Child Welfare Systems grant (HHS-2018-ACF-ACYF-CO-1360), the Kansas Strong for Children and Families (Kansas Strong) initiative undertook efforts to understand and address racial

disparities in key child welfare outcomes. This prompted the Kansas Strong project to undertake several initiatives, which are described below.

Change the WORLD

Change the WORLD stands for Workgroup On Racial Disparities. With technical assistance and support from the Center for the Study of Social Policy (CSSP), our Change the WORLD activities began with learning and conducting Institutional Analysis. Institutional Analysis

We began the Institutional Analysis with one primarily urban county with demonstrated disparity in child and family outcomes, focusing specifically on the experiences and disparities for Black families with young children (ages 0-5 years). The main focus of our inquiry was stated in two questions: (1) How does it come about that Black families with young children experience low and slow reunification rates; spending more time in out-of-home placements and (2) How do the child welfare system, prevention services, and other partners support the bonding and well-being of Black families with young children? Data collection involved 58 participants and multiple forms of qualitative data, including case record review; document review of policies and forms; interviews and focus groups with a wide range of stakeholders including Black parents with lived experience of child welfare systems, frontline workers, supervisors, trainers, administrators, foster parents, attorneys, and judges; community mapping of services and community resources and barriers; and field notes from workgroup and community stakeholder meetings. Two critical components of our work included the involvement of Black community leaders and development of a guiding covenant. Each of these is briefly described below.

In general, most perceived the child welfare system as lacking an understanding of the unique needs of Black families and essentially acting as another policing arm of a racialized legal system.

disproportionality and disparities. Initially, we gathered and analyzed multiple data sources to understand the state's performance on child welfare outcomes. In one analysis, we found Black children, in comparison to their White peers in foster care, were almost twice as likely to experience placement instability even when accounting for age, type of maltreatment, and trauma symptoms (Clark et al., 2020). Figure 1 presents data on statewide permanency outcomes, showing that 57.1% of Black children versus 63.2% of White children achieved permanency during 2012-2016, which represents a percent difference of 10.7%. Overall, numerous findings pointed to racial

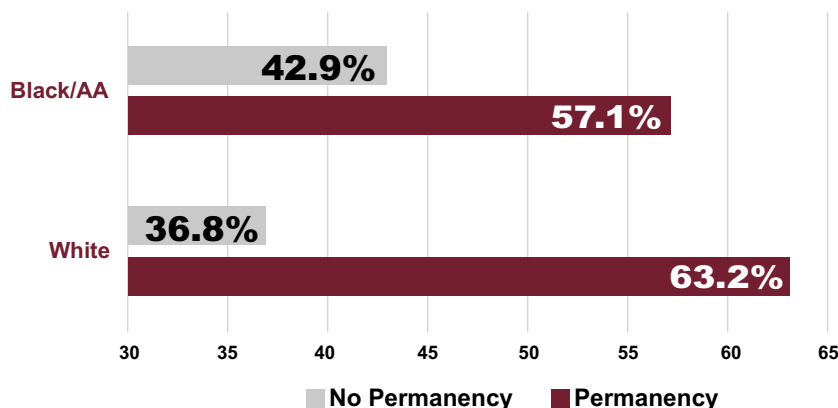
is a methodology developed by the CSSP in partnership with Dr. Ellen Pence of Praxis International, Inc., that is used to uncover the policies, procedures, and practices that contribute to disparate outcomes for specific populations (Weber & Morrison, 2021). In brief, Institutional Analysis strives to detect mismatches between what institutions do and what works for families (Pence, 2021). The CSSP has applied Institutional Analysis in more than 15 jurisdictions nationally, addressing disparities for Black, Indigenous, and other people of color and disparities related to sexual orientation and gender identity (Weber & Morrison, 2021).

Engaging Black Community Leaders

In seeking to understand the lived experience of Black families whose children were placed in foster care, we strove to understand their experiences within the community context. Black community members shared expertise by providing insights on how they saw the child welfare institution interact with Black families. In general, most perceived the child welfare system as lacking an understanding of the unique needs of Black families and essentially acting as another policing arm of a racialized legal system.

Community members also saw the child welfare system as stigmatizing and demoralizing for Black people. For example, many expressed the belief that a pathologizing and racist child welfare system characterized Black families as lazy and neglectful whereas White families in like circumstances were perceived as falling on hard times. These unconscious biases and negative assumptions added to Black community members' distrust and cynicism toward the child welfare system. Beyond this social climate of mistrust, the physical

Figure 1: Percent Achieved Permanency for Black and White Children Statewide, 2012-2016



Source: University of Kansas, School of Social Welfare

environment of the public child welfare agency was experienced as cold and unwelcoming, and staff were seen as rude and uninviting. Finally, Black community members asserted that too many Black children were placed into foster care unnecessarily and without consideration of alternatives. More attention should be focused on the resiliencies and strengths within the Black community which could avert many placements into foster care and, for those who do enter care, make their return home quicker and more stable.

Development of Guiding Covenant

In light of deep and longstanding harms to the Black community, and a history of inaction and lack of accountability, we undertook a

process to develop a covenant for Change the WORLD. The guiding covenant was created as a compass that outlined our purpose and intentions. Importantly, the process of

bolster accountability for action to create anti-racist practices, procedures, and policies as a result of the findings and recommendations identified through the IA and Kansas Strong.

The guiding covenant is a living and dynamic document intended to bind those involved in the project to their intention to be accountable to the community and to keep laboring for an equitable and just child welfare system.

developing the guiding covenant provided space to shine light on the racial disparities that exist in the current system, discuss the Black communities’ mistrust of the child welfare system, and establish agreement that would

The guiding covenant is a living and dynamic document intended to bind those involved in the project to their intention to be accountable to the community and to keep laboring for an equitable and just child welfare system.

Figure 2: Guiding Covenant of the Change the WORLD Initiative

<p>We believe in the equitable treatment and worth of every person.</p>	<p>We believe that change is possible and each individual’s contribution to the process is vital.</p>	<p>We believe in transforming our organizations and institutions to be more just and equitable.</p>
<p>We commit to actively challenge racism by:</p> <ul style="list-style-type: none"> • Evaluating and assessing practices that violate the dignity and equitable treatment of families to whom we provide services in the child welfare system. • Actively confronting and challenging perspectives, procedures and policies that infringe upon the equitable treatment of all individuals to whom we provide services. • Promoting sensitivity to and gaining knowledge about oppression and cultural and ethnic diversity. • Rejecting pathological explanations of behaviors and outcomes because such explanations mask the role institutional structures play in affecting outcomes. • Acknowledging and accounting for past and current inequities, and provide all people, particularly those most impacted by racial inequities, the infrastructure needed to thrive. 	<p>We commit to actively challenge racism by:</p> <ul style="list-style-type: none"> • Affirming and encouraging the incorporation of communities and individuals who have been marginalized by our systems and institutions in child welfare work and particularly in the work to abolish racial disparities within child welfare; recognizing that lived experience and knowledge constitutes expertise. • Staying open to the process of racial disparity analysis work and believe in the potential for change on individual and systemic levels. • Acknowledging the importance of learning and opportunities to learn, while honoring the different learning styles reflected in our community, to achieve community change. • Strategically collecting and using data and other information for planning and decision-making. • Conducting data review every 6 months to evaluate for change and effectiveness, establishing meaningful benchmarks that indicate real change. 	<p>We commit to actively challenge racism by:</p> <ul style="list-style-type: none"> • Recognizing that previous efforts to address racial disparities in the Kansas child welfare system resulted in studies and reports but produced limited action and reform. • Taking firm action, both in identifying and following through with steps to correct policies, procedures, and perspectives that perpetuate racial inequities. We commit to action that includes: • Being the leaders and guardians of action plans developed from this work by following them through to make real changes in our organizations and institutions. • Holding ourselves and other key stakeholders accountable for implementing action plans that will reduce racial disparities. • Staying engaged in the process of addressing the issue of racial disparity. • Encouraging our peers to continue to invest in the process of addressing racial disparities. • Strengthening and deepening practices that are in place that support initiatives towards racial equity and seek to improve the quality of life for families and children historically and currently harmed by racial disparities. • Revisiting this covenant every 6 months to ensure consistency in efforts to challenge racism in our practice and revise this covenant as deemed necessary.

Source: University of Kansas, School of Social Welfare

The process of creating the guiding covenant required courageous conversations to openly discuss the harms of anti-Blackness and racism for Black children and Black families. We met multiple times and created many revisions over a six-month period to reach a consensus-based covenant that was voted on and approved by the Kansas Strong steering committee. Figure 2 shows the covenant in its updated form as of the date of this report.

Acknowledgements

The authors wish to thank the Black community leaders who have given their time, wisdom, and expertise to guide this effort. The authors also thank the parents and professionals who gave their time for the Institutional Analysis interviews. Finally, the authors express their gratitude for the participation of professionals on the steering committee and the support and guidance provided by Kristen Weber and Sarah Morrison of the Center for the Study of Social Policy. This manuscript was part of the Kansas Strong for Children and Families, which was funded by the Children's Bureau, Administration on Children, Youth and Families, Administration for Children and Families, U.S. Department of Health and Human Services, under grant number 90-CO1139. The article's contents are solely

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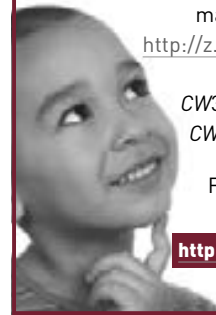
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To Address the Racist Inequities in Child Welfare Systems, Abolition Is the Only Solution

Alan J. Dettlaff, PhD, MSW

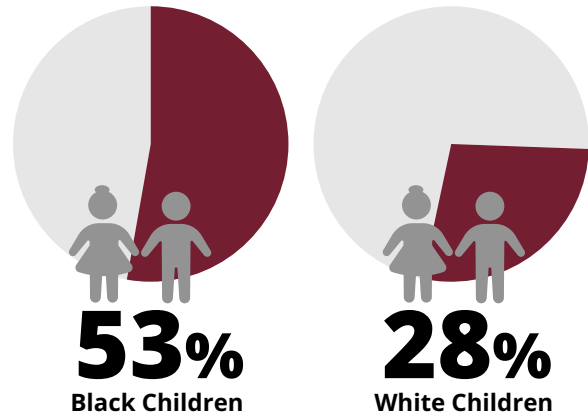
The practice of forcibly and involuntarily separating Black children from their parents dates back over 400 years to the beginning of slavery. Slavery institutionalized the forced separation of Black families as a means of maintaining power and control by a system of White supremacy that is foundational to our country's origins. Following the end of slavery, government systems, including the child welfare system, were formed with the intent of solidifying the White supremacy that was now threatened by abolition of this practice. Throughout its history, the notion of White supremacy has been embedded in child welfare systems' policies and structures to first exclude Black children from child welfare services and later to perpetuate oppression against them. Today, more than half of all Black families in America are investigated by child welfare authorities (Kim, Wildeman, Jonson-Reid, & Drake, 2017), and Black children are forcibly separated from their parents and placed in foster care at a rate nearly double that of White children (Puzzanchera & Taylor, 2021). This pattern of disproportionate surveillance and separation has been documented for nearly 60 years, yet the child welfare system has been unable or unwilling to substantively address it. But can a system that began with a racist intent evolve into a system that achieves racial equity? Or does a new approach need to be considered that fundamentally reimagines how we as a society care for the welfare of children as a means of ameliorating the racist inequities that exist today?

Racism, Racial Bias, and the Child Welfare System

Over the decades since they were first identified, much debate has emerged about the causes of the inequities that exist in child welfare systems, commonly referred to as racial disproportionality. Yet this debate was largely created as a means of distracting from the real problem that creates racial disproportionality, which is more accurately described as racist inequities. These racist inequities exist in the child welfare system because of racism. This racism exists both within child welfare systems and in broader society.

Within the child welfare system, research has consistently documented the influence of racial bias on decision-making. This occurs not only in the form of explicit and implicit biases among decision makers but also through implementation of decades of child welfare policies that largely reflect a White, middle-class parenting standard (Pryce &

Percentage of children who are the subject of a child maltreatment investigation by age 18



Yelick, 2021). Racial biases among mandated reporters are well-documented, particularly among medical and educational personnel. These biases result in a significantly higher prevalence of Black children being investigated by child welfare agencies than children of other races. In fact, 53% of Black children in America are the subject of a child maltreatment investigation by age 18, compared to only 28% of White children (Kim, Wildeman, Jonson-Reid, & Drake, 2018). Once this inequity exists, multiple subsequent decisions can either amplify or diminish this inequity. These include the decision to accept a report for investigation, the decision to substantiate

of centuries of structural and institutional racism that have created the conditions of risk that exist within Black families (Dettlaff & Boyd, 2020). Beginning with the forced enslavement of Black people in the United States, laws and policies have consistently been designed and implemented to maintain the system of White supremacy upon which this country was founded. The consequences of these racist policies include racial residential segregation, the increasing wealth gap, unequal access to education, and inequities in housing and employment that each act to maintain the disproportionate need experienced by Black families. These issues of disproportionate need

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allegations of maltreatment, the decision to place a child in foster care, and the decision to enable a child to exit foster care. Yet evidence shows that racial biases continue to impact decision-making along this child welfare service pathway, resulting in the racist inequities that maintain the disproportionate involvement of Black children in this system.

Outside the child welfare system, Black children and families are more likely to experience poverty and related risk factors. Often referred to as disproportionate need, these factors may be associated with greater risk of maltreatment and make Black families more vulnerable for contact with child welfare systems. Yet disproportionate need is the result

are then compounded by the surveillance and disproportionate reporting of Black families to child welfare systems, which begins their involvement in a system governed by racist policies that maintain these inequities.

Narratives that have framed disproportionate need as the primary driver of racist inequities have led some in child welfare systems to believe these inequities exist due to factors beyond their control, and as a result, nothing can be done to address them. These narratives also largely discount the role of racial bias and have been critical of efforts to address this, which has led some in child welfare systems to discontinue efforts to address racial bias and in some cases, to deny it even exists. Yet ignoring



this problem will not make it go away. Given the racist inequities that persist in child welfare systems, combined with the glaring evidence of the problem of racism in this country, from racial violence in policing to the racist inequities that have been exposed from the COVID-19 pandemic, it is no longer acceptable to say that the child welfare system is somehow immune to this problem. The racist inequities that exist in child welfare systems are the result of racism,

these efforts are not at all sufficient. Despite decades of reforms, racist inequities in child welfare systems persist and the harm that results to Black children and families continues.

The failure of these reform efforts to result in meaningful change is largely because these efforts have focused primarily on system improvements, while the foundational intervention upon which child welfare systems are built – the forcible and involuntary

Abolition of the child welfare system involves the complete elimination of the existing child welfare system and a fundamental reimagining of the ways in which we as a society support children, families, and communities. Abolition involves simultaneously dismantling the racist policies and structures that produce harm and replacing them with resources and supports designed by families and communities that promote the safety and wellbeing of children in their homes.

which manifests through racially biased decision-making, implementation of racist policies, and broader societal factors that perpetuate risk among Black families. These racist inequities are a national crisis that must be addressed, not only by child welfare systems, but also by legislators, researchers, policy makers, and all who care about the wellbeing of children.

Responding to Child Welfare's National Crisis

The racist inequities that exist in child welfare systems have been known for decades, and over the years, a number of strategies have been employed in efforts to address these inequities. These have ranged from sweeping system reforms to specific interventions at the individual and systems levels. Over the years, these efforts have garnered considerable philanthropic support, as well as legislative support in some jurisdictions. Yet it is clear

separation of children from their parents – has remained unchanged. This intervention, if not fundamentally reconsidered, will continue to produce racist inequities because it is rooted in the racist origins of family separation as a means of maintaining dominance and control over Black families. Today, this dominance and control is maintained through the systemic surveillance and over-involvement of Black families in this system and the harmful outcomes that result from family separation and placement in foster care.

Eliminating the racist inequities that exist in child welfare systems, and the harm that results, will only be realized when the forcible separation of children from their parents is no longer viewed as an acceptable intervention. Given the history of family separation in this country, child welfare systems must begin to consider the consequences of state-sanctioned removal of Black children from their parents

in a society plagued by racist violence and the pervasive racist inequities that exist across every aspect of our health and social services systems. This practice of forcibly and involuntarily separating children from their families must be understood through the history from which it came, and the trauma this practice continues to produce must lead to a demand that this practice ends.

Thus, the vision for the future of the child welfare system must be a vision of abolition. The racist origins of family separation and the racist intent upon which the child welfare system is built are so deeply rooted in child welfare policies and structures, they cannot simply be revised or modified. Rather they must be fundamentally reimagined and recreated as a means of confronting the racist history of this system and the harms that have resulted. Yet by recreation, this does not mean the development of a new government system. Abolition of the child welfare system involves the complete elimination of the existing child welfare system and a fundamental reimagining of the ways in which we as a society support children, families, and communities. Abolition involves simultaneously dismantling the racist policies and structures that produce harm and replacing them with resources and supports designed by families and communities that promote the safety and wellbeing of children in their homes. In this way, abolition is not about simply ending the child welfare system, it is about creating the conditions in society where the need for the child welfare system is obsolete.

Decades of racist policies have created the child welfare system that exists today, and as such, abolition of this system is a long-term strategy. However, this must be established as the goal, and actions need to be taken to move toward that goal. After decades of reforms and attempts to address the harm the child welfare system causes to Black children and families, it is time to acknowledge that reforms cannot right a fundamental wrong. The harm caused by the child welfare system, and the families that are destroyed as a result, will only end when the child welfare system no longer exists, and we begin the work of creating a society in which families are strengthened and supported, rather than surveilled and separated.

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For more information on Alan's work, check out his keynote from the Fall, 2020 Council on Social Work Education (CSWE) Child Welfare Track Meeting on YouTube at <https://www.youtube.com/watch?v=sv5MaKtJ3As>.

Generations of grief unprotected in child welfare systems

Shannon Smith, JD with Karl Nastrom, JD

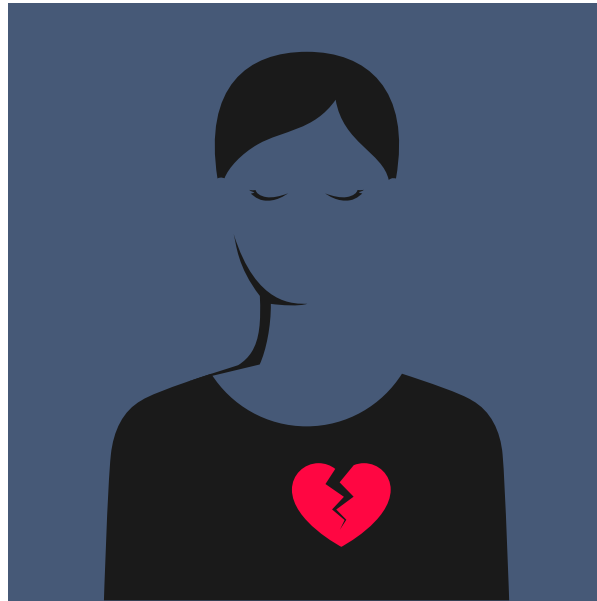
We all know what to do when a family member, friend, or colleague suffers a crisis or loss. We support, listen, and understand. We expect less, we tolerate more. We support the other person as long as they need support. We show up with compassion.

Unfortunately, the child protection system, established to help children and families in times of crisis and loss, frequently lacks this very kind of compassionate response. The parents I represent as executive director of the Indian Child Welfare Law Center often find their losses minimized and their grief discounted. They are blamed for their challenges and treated as deserving of the consequences. And thus, even in moments of crisis and loss, they are expected to give more, not less.

In 2020, the pandemic made this systemic bias even more obvious. Across our community, many people stayed home to shelter in place as offices and businesses closed. Meanwhile, families we represent were asked to leave the places they were staying—where social distancing was often impossible in the first place—and travel, typically via public transit, to the Hennepin County Medical Center to submit urinalysis samples. Alternative methods of documenting sobriety were scarce, so families had to choose to venture out or miss a test (treated as a positive result) which would bring the children nearer to permanent removal.

In contrast, the foster homes where our families' children were placed had wide discretion early in the pandemic, based on the foster parents' COVID-19 safety concerns, to restrict our families' in-person visits with their children. When foster parents felt unsafe, our families did not see their children in person. Eventually the county offered video visits—no substitute for a parent's time to hold and smell their newborns.

In both situations, the pandemic's unanticipated burden shifted onto our families; in their grief, they were required to give more. This pernicious sentiment underlies an overly rigid systematic response to exhaustion, fear, and trauma that ignores family connections and the profound loss sustained when those connections are severed. Parents are expected to accept and rationally respond to the removal of children from their care, simply because the



Parents are expected to accept and rationally respond to the removal of children from their care, simply because the government knows better.

government knows better. This paternalistic attitude has devastating consequences for Native children in Minnesota, who as of 2019 are 16.8 times more likely than white children to be in out of home placement MN Department of Human Services, 2020).

Our families are not permitted to grieve. Their disenfranchised grief is minimized, ignored, and not acknowledged as legitimate. When someone cannot grieve, they often become depressed or angry, beyond a typical grief response.

I have seen many examples of this grief response over the years. In one instance, a child died in foster care. My client, the deceased child's mother, was in treatment for substance use disorder. We learned of her child's death via the county's notification to the court, before the mother was notified. Then, to accommodate the mother's grief, the county suspended the mother's treatment—when she needed treatment more than ever.

Lack of access to timely treatment also causes avoidable heartbreak. When a parent is willing to enter treatment, the appropriate, caring response—what one would do for family or friends—is to get that parent into treatment immediately. Yet the systemic response lacks urgency. While awaiting a bed at a treatment center, too many parents change their minds, with terrible consequences. It is such an

unnecessary, devastating loss whenever a child loses a mother who wanted treatment but overdosed while on a waitlist.

For hundreds of years, Native families were openly targeted by government policies predicated on disregard of Native families' grief. Native nations lost ancestral lands and were removed to reservations promptly broken apart by the government's allotment policies. Next, generations of Native children were enrolled, often under extreme duress, in faraway boarding schools established with an avowed assimilationist mission to sever traditional Native cultural ties.

As boarding schools waned, the government's Indian Adoption Project was so successful in removing Native children for adoptive placement with white families that by the early 1970s, 25% of Native children under 1-year-old were in white adoptive homes (Mississippi Band of Choctaw Indians v. Holyfield, 1989).

The Indian Child Welfare Act (ICWA) of 1978 responded to blatant abuses, such as counties removing children and placing them for adoption

because of poverty. Yet much work remains in a system that fails to recognize how the profound human experience of loss and grief creates devastating intergenerational trauma—failing to protect the children and families it purports to help.

Since 1993, the ICWA Law Center has advocated for Native families. Sometimes that means going to court or filing a brief. However, our most meaningful advocacy is our compassionate response to a family's basic human right in times of crises to grieve losses. The child protection system all too often tolerates a family's loss without allowing a chance to grieve while minimizing the devastating individual and systemic impacts.

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A Call to Action from a Retiring Tribal Child Welfare Advocate

*Dr. Priscilla Day, University of Minnesota Duluth, Professor Emeritus,
Leech Lake Tribal Member and Grandmother to 10 children*

During the past year, racial bias in law enforcement has become more visible, consequently bringing disproportionality in the child welfare system to light. In Minnesota, American Indian/Alaska Native (AI/AN) disproportionality remains high. As a long-time advocate for child welfare reform, I have a few thoughts to share.

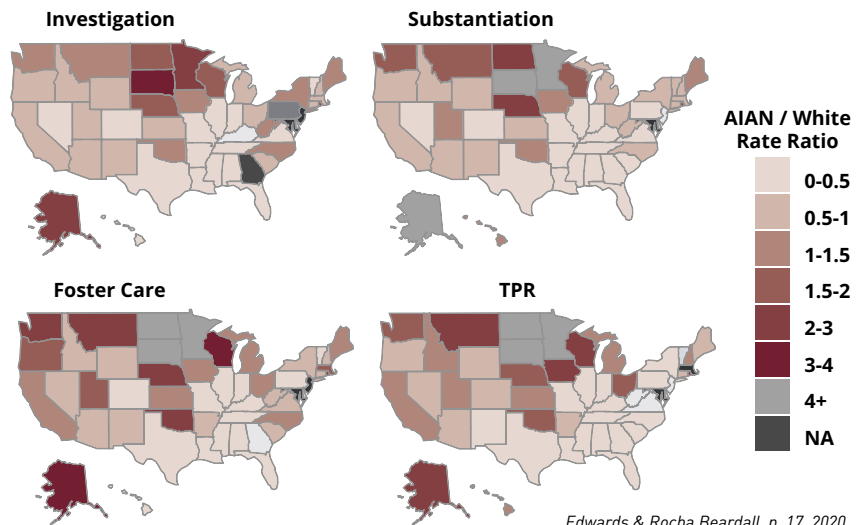
Clearly, Minnesota's child welfare disparities with AI/AN children are much higher than other states, yet few changes to practice have occurred over the years. This data drives my passion and fuels my comments about how implicit bias plays a strong contributing role in disparities.

No indigenous or person of color escapes the insidiousness of bias, whether you are an AI/AN parent in the child welfare system or a highly educated professional. As an American Indian tenured professor with a doctorate, I have encountered bias many times. *Caste*, by Isabel Wilkerson (2020), says bias occurs when a group of people sees "another group of people as inherently inferior in such a deep way that it is normalized" and leads to "containers of expectations."

Whites in the United States have deeply ingrained ways of seeing "others" — implicit bias that can lead people to make negative assumptions about others that don't look like them. Years ago, I participated in Take Your Daughter to Work Day. As my daughter and I visited another department, a well-respected White female university leader approached us. Smiling at my daughter, she greeted her pleasantly and asked me, "What department are you in?" I told her, "Social work." She responded, "Oh, you must be the secretary." Temporarily stunned, I said, "No, actually, I'm a professor there." She looked at me in disbelief and, for a second, I thought she was going to call me a liar. Then she looked embarrassed and hurried off. I looked at my young daughter and we had a learning moment conversation that most AI/AN parents have with their children.

Another time, a White male state employee, years my junior, spoke to me in a degrading, paternalistic way about adult learning theory, although I'd been teaching graduate students for 25 years. Bias is when White colleagues are okay as long as I stay in my place and don't express an opinion with which they disagree. It is why, in spite of overwhelming and long-standing data about child welfare disparities in Minnesota, there lacks an urgency to address it, because somewhere deep in the hearts of my colleagues they expect disproportionality from those communities; the bias of bad parenting by those people is hidden yet expressed in ongoing and powerful ways.

Minnesota's disproportionate rates of AI/AN children in Minnesota's Child Welfare system



Edwards & Rocha Beardall, p. 17, 2020

How do you address inner beliefs that good people have when they do not see themselves as racist or deny their privilege, even when it is repeatedly exposed? Wilkerson (2020) writes, "...caste is the granting or withholding of respect, status, honor, attention, privileges, resources, benefit of the doubt, and human kindness to someone on the basis of their perceived rank or standing in the hierarchy" (p. 71). Caste is "invested in keeping the hierarchy

away. Later that day, I got an email from the attorney saying, "You are dead to me." Again, this response was not a subtle message, showing that when you go against powerful White people, you will be threatened or punished. I'll share just one more example: A White woman who works in a high administrative position for the state told me after an emotional meeting that she was told not to meet alone with me anymore. What kind of privilege does it take for a White high-ranking state official

If you only surround yourself with people who see the world the way you do, you are only seeing part of the world.

as it is or [be] content to do nothing to change it, but not racist in the classical sense, not active and openly hateful of this or that group" (p. 71). It sounds like "Minnesota nice."

Once in a negotiation between a tribe, represented by a White male attorney, and the university, represented by a high-ranking White female administrator, I was advocating for what tribal child welfare directors wanted. The attorney wanted the university to fund the project, and the university wanted the tribe to fund it. You can guess what happened: The voice of the tribe was repeatedly overshadowed. I tried my best to advocate; in fact, the university administrator said to me, "You know, you work for the university." There was no veiled threat there. When it became apparent that we were at a stalemate, I chose to walk

to say that she won't meet with an American Indian professor alone? I cannot tell you how many meetings through the years where I have been the lone tribal voice, and all of my tribal colleagues find themselves in similar circumstances in meetings. Privilege and bias are powerful indeed.

During my career, I have researched cultural competence methodologies and trained students and colleagues to develop cultural competence skills. Imagine spending a lifetime trying to get White people to "get it" and yet not being able to escape the "containers of expectation" of others who cannot hear my pleas for social justice. Imagine how it feels to have colleagues continually question my competence, put up barriers to change, and

cling to the unearned privilege of whiteness. Then multiply that by the thousands of AI/AN in Minnesota. There is so much lost potential to change the state in ways that would uplift everyone.

I share this not to shame or get sympathy but to try to enlighten those with privilege to AI/AN realities. Every one of us who is non-white has experienced similar and greater insults to our human dignity. Some who try to speak up for their communities never get promoted; they find themselves ostracized until they have to leave a job they worked hard to attain or develop chronic physical and mental health issues. It is understandable why some AI/AN go along with or stay silent about disproportionality; to speak is truly dangerous.

to share privilege in meaningful ways; even when it is uncomfortable—especially when it is uncomfortable. Those in power need to trust non-white colleagues and community members to know what is best for our communities. There needs to be a reckoning that the child welfare system is a system of oppression designed to continue the unspoken caste system in the U.S. These systems are designed to get the disparity results that we see today.

Wilkerson (2020) says people are exposed to a lifetime of “pollution and toxins” that infect and remind all of us of our “place.” It is reflected in who holds positions of authority, who makes the laws and enforces them, and who sets the norms. Even if, as an AI/AN child, you have a strong family and community, bias

raise our children, have them be safe in the world, and make our own decisions about how our communities function. We want to have equal access to resources, to be included in decisions that affect us, and to be seen as equal partners. True collaboration means seeing one another as competent and supporting each other in our contributions.

Movements like Black Lives Matter have heightened awareness and discussion about racism and how White people can support Black people who live with the daily oppression of police violence. This movement is a start, but the question remains: What really has changed for Black and Indigenous people? Now is the time for Minnesota to show leadership in social and racial justice, to collaborate with AI/AN in meaningful ways, to be open to learning from us, and to practice humility. It isn't difficult to find new directions for family preservation: Just look to the communities most impacted (AI/AN) and with the most to gain from change. Tribes have always practiced family preservation and have so much to offer to everyone. We are always here and ready to partner if your heart and actions are sincere.

Tribes have always practiced family preservation and have so much to offer to everyone. We are always here and ready to partner if your heart and actions are sincere.

As writer and civil rights activist Audre Lorde (1984) says, “the master’s tools will never dismantle the master’s house.

In this time when bias in child welfare is being exposed, we must examine what needs to be dismantled and what needs to undergo major transformations. This transformation will never happen, however, unless the people who benefit from these systems look deeply at themselves, truly hear AI/AN concerns, and commit

still contaminates how you see yourself. Bias affects decisions, shapes friendships, determines who your neighbors are, and dictates with whom families interact. If you only surround yourself with people who see the world the way you do, you are only seeing part of the world. It is the physical, mental, and social equivalent of a gated community.

AI/AN communities want to have our ways acknowledged as valid. We want to be able to

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The Well-being Indicator Tool for Youth (WIT-Y)

The Center for Advanced Studies in Child Welfare (CASCW) at the University of Minnesota has partnered with Anu Family Services to develop the Well-being Indicator Tool for Youth (WIT-Y), a self-assessment tool for youth aged 15-21 years. The WIT-Y allows youth to explore their well-being across eight domains: Safety and Security, Relationships, Mental Health, Cognitive Health, Physical Health, Community, Purpose, and Environment.

The WIT-Y consists of three components:

The WIT-Y Assessment, The WIT-Y Snapshot, and The WIT-Y Blueprint.

For additional information visit: z.umn.edu/wity



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Before You Make the Call: Rethinking Mandated Reporting

Miriam Itzkowitz, LICSW and Katie Olson, JD



In recent years, child welfare has supposedly shifted its focus to implementing preventative supports as opposed to reactionary practices. However, practically speaking, the rate at which children are being removed from their primary caregivers is increasing (ACE, 2020). Similarly, mandated reporting laws were

by families in the child welfare system, cultural parenting norms, or alternative responses available for families experiencing the effects of poverty. Training, and the professionals who rely on it for direction, employs reporting as the only response, as opposed to being one possible response in qualifying circumstances.

The belief that “Making a report will not hurt anybody, but not making one might” discounts the harm that children and families commonly experience when involved in the child welfare system.

created to prevent child abuse and neglect, yet there is no evidentiary link to support this idea. The United States has continued to see an increase in maltreatment reports over the last several years (ACE, 2020). This is especially true for families and communities of color. While there may be times that the immediate safety of a child dictates the necessity of removal from their parent, we cannot dismiss the fact that family separation exists in a context of historical and racial trauma in this country. By rethinking how we engage mandated reporters, we come closer to ending the harmful outcomes of family separation and diminish the disparate racial impact in our child welfare system.

Given the understanding that the mandate to report can cause fear, anxiety, and confusion, required training for mandated reporters often centers on how to report. When discussing why a report is necessary, however, training typically focuses on the potential legal consequences of not reporting as well as discussions of risk and safety. This assumes that making a report is always the safest avenue for support and fails to acknowledge the history of mandated reporting in its legal and social context. The mantra, “When in doubt, report” has become a core theme in most education, which typically omits themes of trauma, increased risk experienced

The legal threshold for making a mandated report uses vague language of “reasonable belief” (CAPTA, 2010; Child Welfare, 2019). The term reasonable is not defined and can have both objective and subjective meaning. Because most training does not allow for in-depth conversations on what is reasonable, mandated reporters without sufficient legal knowledge must decide what might be reasonable in any situation. We argue that too often reporters use a first suspicion or first anxiety threshold, instead of the required reasonable belief standard. When we add implicit bias to this ineffectual training as well as the increased level of eyes on, or surveillance of, families of color, particularly Black and Native families, we begin to understand why over half of Black families have been the subject of a maltreatment report and those children are more likely to be removed from their home—even when their White peers have similar allegations in reports (Kim, et al., 2017).

The belief that “Making a report will not hurt anybody, but not making one might” discounts the harm that children and families commonly experience when involved in the child welfare system. Recent data indicate that removal of a child from their home, even for safety reasons, offers little to no benefit over remaining at home after alleged maltreatment,

in terms of cognitive or language outcomes, academic achievement, mental or behavioral health, and suicide risk. The trauma a child experiences during and after removal is well-researched and documented, and it indicates that removal can lead to difficulties in normative cognitive, physical, emotional, and social development (Baldwin, 2019; Conn, 2015; Cote, 2018; Doyle, 2007; Lawrence, 2006; Maclean, 2016; Yoon, 2018). Following removal, there is an increased risk of juvenile and adult criminal behavior, trauma disorders, and early mortality (Sugrue 2019). Additionally, the traumatic cost to parents and communities of losing their children further exacerbates historical and generational trauma in a country where family separation has racial implications.

Trauma, on its most basic level, occurs when an event happens to an individual, or group, over which they had no control, with little power to change their circumstance and which overwhelms their ability to cope. Generations of family separation and the ongoing fear of governmental intrusion into parenting certainly qualifies as trauma for communities most impacted by child welfare. Trauma-responsive strategies for engaging families focus on collaboration and mutuality, cultural attunement, sharing of power, and giving voice and choice rather than on investigative, punitive, or coercive authority approaches (SAMHSA 2014).

Again, current research indicates that mandated reporting and maltreatment prevention are not causally connected (McTavish et al, 2017; Melton, 2005). Instead, research shows a correlation between maltreatment prevention and trauma responsive practices, such as family engagement and support, service provision, and public health strategies (Ringel, 2017). As such, this country should exchange its reliance on mandated reporting as a primary prevention strategy for other evidence-based approaches. Mandated reporters can benefit from using the chart on the next page for using the described approaches before and then either in place of, or in addition to, an eventual report.

Decades of research clearly indicates that racial disparities exist within this country’s child welfare system, beginning with reporting practices. While it is sometimes necessary, our reliance on mandated reporting as the primary response to help all families introduces more opportunity for systemic racism and implicit bias rather than serving its intended function of preventing child maltreatment. Reporters must be given confidence in their own abilities to provide or connect families

Examine your relationship with this child and family.

Social work theory posits that the strength of the relationships we have is the single most influential factor in the success of our work (Miller 2013). Yet current mandated reporting culture dictates that we pass the concerns we have about families from those with whom they may have the strongest relationship to those with whom they have none, namely child welfare professionals and courts. Families need to remain in connection with those with whom they have a supportive relationship. To rely on a relationship at a time of concern you must, of course, already have an established relationship. In this way, establishing trusting relationships with families is a method of primary prevention.

Reflect on your own values, norms, and biases.

There are multiple safe ways to parent. Our cultural norms tend to frame the parenting of White, middle class parents as the safest, even when it does not differ in practice from those we label as neglectful in other communities. Take, for example, free-range parenting, defined by its founders as the “concept of raising children in the spirit of encouraging them to function independently and with limited parental supervision, in accordance with their age of development and with a reasonable acceptance of realistic personal risks” (Skenazy, 2009).

Allowing children to play unattended in a park or walk to school without an adult are, statistically speaking, safe parenting choices. Yet we frame these differently depending on the race of the parent. Note, for instance, the distinction between how Lenore Skenazy, founder of the free-range parenting philosophy, was treated after allowing her then 9-year-old son to take the subway on his own in New York City. While she faced her share of critique, she ended up with a popular newspaper column and a reality television series in which she provided parenting coaching. Most importantly, she never had her child removed from her care. Compare this with the outcome of South Carolina mother Debra Harrell, who in 2014, allowed her 9-year-old daughter to play at a nearby park—after having been given a cell phone—while Harrell worked her shift at a nearby McDonald’s. Harrell, who is Black, was arrested for child abandonment and spent the night in jail. Her daughter spent 17 days in the foster care system (Calarco, 2018).

For Skenazy and other free-range parents, this is parenting philosophy. For others it’s a necessity. Does the risk change because of the intent? Indeed, research has found not that actual risk changes but that perceptions of risk do. These perceptions of risk are correlated with race and ethnicity (Raz, 2020). These biases impact which families are initially reported by mandated reporters and are the first introduction of disproportionality in the child welfare process.

Think explicitly about race and culture. Ask yourself if this is truly about safety.

It may seem like an oversimplification, but we urge reporters to explicitly ask themselves, “Would I be making a report if this family looked like mine?”

In an illuminating article, Mical Raz argues that “... public attention has turned to the way which public reports to the police function as a form of control over spaces that Black people inhabit... Unnecessary or potentially avoidable reports to CPS [child protective services] should similarly be seen as a way of invoking agents of the state to control individual behavior” (Raz, 2020).

Employ a decision-making model. Consult with at least one other person whose primary focus is not liability.

Mandated reporters should regularly employ the use of an ethical decision-making model as a process for determining the most appropriate response. While several models are available for use, the model itself matters less than the fact that one is using a process which encourages critical thinking and reflective practice.

Consultation is a necessary part of this ethical process. Reporters should consult with at least one person whose response will not be based solely on the “When in doubt, report” mindset.

Be curious about what you’re observing. Have a challenging conversation.

We encourage curiosity, rather than judgment or anxiety. Sometimes reporters, because they have genuine concern for a child, mistake their own feelings of discomfort for risk. This can lead to reports made as a way of alleviating the reporter’s own discomfort. Examine these biases and implicit beliefs. Have challenging conversations—with yourself, with a colleague, and, when safe (remember that uncomfortable does not mean unsafe) with the family. Having these conversations is not investigation; it is a necessary step to reach the required reasonable belief rather than a potentially harmful feeling of anxiety threshold.

Offer support and/or supportive services.

There is no doubt that families and children need support. However, responding and reporting are not the same. There are more effective ways of supporting families than child welfare involvement that do not bring with them the same potential for harm.

Addressing Racial Equity through Individual and Organizational Actions

Sharon Kollar, MSW, LMSW, and Carole Wilcox, MSW, LSW, IDI QA

Every child, youth, and family, no matter their color, deserves effective supports and services to meet their unique strengths and needs. Yet, families and children of color and Indigenous children involved in today's public child welfare system experience worse outcomes as a whole; they are more often reported, screened in, investigated, substantiated, and placed in foster care than white children. The removal of systemic racism is urgent work for child welfare programs, spurred on by the mandate for social justice. It is the legal, moral, and ethical responsibility of those working in the child welfare field to address racial equity at the individual and organizational level. Like all systems across the country, the child welfare system must do the work of dismantling embedded policies, programs, practices, and protocols that sustain disproportionate overrepresentation of children of color and Indigenous children while contributing to the poorer outcomes they experience.

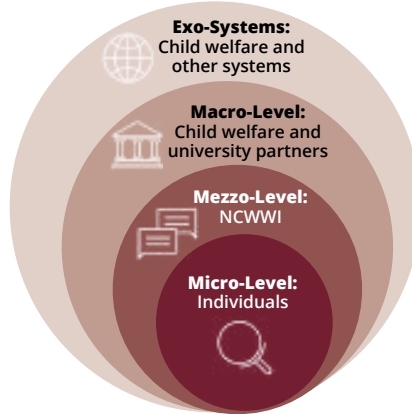
The National Child Welfare Workforce Institute (NCWWI) supports child welfare programs and university schools of social work in order to embrace racial equity cultures and inclusive practices that ensure equitable outcomes. This includes creation of a Racial Equity Team (RET) as a vehicle for organizational change and the provision of individual growth opportunities that help advance racial equity actions.

NCWWI defines racial equity as a world in which racial identity no longer predicts how someone will fare in the child welfare system related to assessment, service quality, or opportunities. Since racism occurs at multiple levels, NCWWI uses a framework to support actions at four levels. (see figure 1)

In 2015, NCWWI created a RET to guide the work of fulfilling a vision of racial equity. Since our journey began, the RET has deepened our intent and related actions to advance racial equity, self-awareness, and self-guided learning and growth. We have also increased diverse staff representation within NCWWI and on the RET.

Racial equity teams are useful in guiding intentional actions and as a vehicle for organizational change. Creating and empowering a high-functioning RET helps assure intentional implementation and assessment of equitable workforce development efforts. An RET keeps internal and external supports, such as resources, research, and learning opportunities, at the forefront to accomplish racial equity. Within NCWWI and with our partners, we found it helpful to create this team structure using distributive leadership supported by principles of inclusivity and transparency. We encourage other

Figure 1: NCWWI Framework



- builds a racial equity culture across all teams,
- supports child welfare programs and universities in building a culture that prioritizes diversity, inclusion, and anti-racist practices, and
- supports necessary collaboration with partners of the Children's Bureau, NCWWI advisory board members, and community organizations with a mutual dedication to eliminate inequity in child welfare programs.

RETs to include representatives across roles and program areas within the organization and from diverse populations.

Individual work is critical and necessary when working within teams and with external partners. The Intercultural Development Inventory, or IDI, was recommended by the NCWWI RET to provide for individual self-awareness and growth regarding intercultural capacity.

The IDI is a research-based, reliable, and validated assessment instrument that provides group and individualized results regarding capacity to connect and bridge across cultures.

The Colorado Child Welfare Scholars Consortium (CCWSC) is a state, local, and four-university partnership, providing federal stipends and supports to students committed to entering the child welfare workforce. In 2020, the CCWSC integrated the IDI into student programming to advance the intercultural competencies of the developing workforce to effectively support people from different cultures and gain a better understanding of how one engages across cultural diversity to achieve positive outcomes. The success of the CCWSC has led other university partnerships to explore integration of the IDI into their programs.

Advancing racial equity involves more than performative efforts such as responding to current social injustices through social media postings or employee communications.

The IDI results show an individual's perceived orientation and developmental orientation on intercultural capacity and provide a measure of where people or groups believe they are developmentally versus where they actually are developmentally. Results can be provided at the group level to inform organizational change and supports. The IDI:

- is a reliable assessment grounded in a comprehensive, cross-culturally validated theory of intercultural competence,
- is available in multiple languages, and
- provides an individualized intercultural development plan to support growth.

Learn more about the IDI later in this publication (Maeker, Braxton-Frierson and Madsen).

Advancing racial equity involves more than performative efforts such as responding to current social injustices through social media postings or employee communications. Child welfare programs must also take intentional action at multiple levels. A racial equity team and the offering of an IDI for individual growth help support the organizational and individual actions needed to create equitable outcomes for all children and their families.

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Truth, Reconciliation, and Reparation in Child Welfare

Jessica Pryce and Amelia Franck Meyer, this article originally appeared in The Imprint (March 2021)

In January, the American Psychological Association publicly apologized for its role in perpetuating racism in psychiatry. Within its statement the association, which counts more than 100,000 members, declared its intent to create a more equitable future.

Such a reckoning with past mistakes is also needed in the practice of child welfare.

There is an urgent need for a different way to work, but before that can happen, we must also acknowledge the harm caused by our system, in particular, to Black, Indigenous, and families and communities of color.

We often teach our children that an apology should be followed by a change in behavior. In child welfare, although we are working on transforming how we do our work, we have skipped an essential step. We have not made efforts to admit our shortcomings and make our intentions of changing child welfare's future clear to the very people to whom it matters most — families.

It is not easy, but it is brave, to admit how our system has, even if unintentionally, participated in perpetuating systemic racism. Facing head-on the harm that has been done means first accounting for it to more clearly understand the scope of the harm.

Racism is often marked by an action or inaction which enables the sustainability of inequity, and our child welfare system has not taken a clear stance against racism. For years, the system has over-surveilled and over-investigated families of color, and has been more likely to substantiate claims of abuse and neglect and separate Black and Indigenous families. The disproportionality data that has persisted over the years has seemingly been tolerated, though not intentionally addressed.

It is harmful to watch vulnerable subgroups, who are already at multiple intersections of inequity, suffer within our system at over-represented numbers. And, based on quantitative and qualitative findings from decades of research, it is time to admit our system has not approached our work with a racial equity lens.

As poet and civil rights activist Maya Angelou says, “Do the best you can until you know better, then when you know better, do better.” We know better, and it's time to do better.

So, how do we “do better” when it comes to a revolutionary approach in child welfare? How do we build an anti-racist system and move forward from our past?

We start by admitting how wrong we've been, especially as it relates to children and families of color. That can't happen until we can fully account for, and transparently face, that history of harm.

To begin, Congress should authorize a Government Accountability Office (GAO) study to perform a national accounting of the children who have been victimized by the overuse of family separation through foster care, group and residential care, Native American boarding schools, and border separations. This accounting should detail the number of children who, at the very least, were physically abused, sexually abused or died while in the care of the government. The data must include race as an identifying factor to account for and examine the disproportionate impacts of family separation on children and families of color.

Those driving child welfare policy in the Biden administration should consider creating a commission to examine how the current structure, funding and operation of the child welfare system allows these disproportionate harms to continue and to recommend changes that must be made to keep all of America's children safely with their families.

It means that leaders of state, regional and county child welfare agencies will conduct the same analysis and publicly and transparently share the data so the depth of harm can be collectively acknowledged and grieved.

Although there is likely no way to measure the neglect, emotional abuse, relational trauma or resulting life-long impact, accounting for and acknowledging the truth of what happened to our nation's children is an important first step.

This transparent accounting and analysis of historical data, and the crafting of recommendations to move forward to reduce harm, must also be followed by a public apology from governmental leaders to the yet unaccounted for children and families who have suffered, many at disproportionate rates, as a result of our national approach to child welfare. Not only will this approach illuminate harm experienced by the children of color and their families, it will show us how our system has impacted families overall.

On an individual level, workers — past and present — may find themselves in need of truth-telling, forgiveness-asking and compassion with themselves, their colleagues and families they have served or are currently serving. Many of us in the field carry stories in our hearts about a child or family who, in hindsight, was not better off after our intervention.

A sufficient apology doesn't end with, “I'm sorry.” Rather, it includes taking responsibility for the specific harm caused (the “truth”), asks for forgiveness (reconciliation), and then asserts a desire and commitment to do things differently. That change will include committing to revolutionizing the system to

move from punishing to supporting families, from using family separation to using family strengthening, and supporting the workforce so they can be their best for families.

A revolutionary shift will only come when we stop assuming that we know what's best for families, or that we know what families need. It will be revolutionary to trust the wisdom of children and families and to co-design with them better ways of supporting families. Revolutionary redesign builds ways to work with families that are void of racism and bias and are instead built by sharing power, which brings us to the step after truth and reconciliation ... reparation.

How can we begin to make reparations to children whose lives have been forever impacted by family separation or the harm that came to them while in out-of-home placement? We suggest that a place to start is by sharing power as a form of reparation. Working with youth and families to lead or co-design the transformation of the child welfare system, so that it better meets their needs and does less harm is, we believe, a revolutionary act of reconciliation and reparation.

African American novelist James Baldwin once noted, “Not everything that is faced can be changed, but nothing can be changed until it is faced.” We can move on from here, following the lead of what youth, families and communities help us to understand in a path forward. Reparations may also include tangible commitments of extended supported housing, healthcare, mental health care or better education for youth who had “the system” as parents.

But we don't need to guess what could be helpful. If we acknowledge the mistakes of the past and present, our communities would be much more likely to join us in co-designing that next phase together.

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Amelia Franck Meyer is the founder and CEO of Alia.

For more information on Jessica's work, check out her keynote from the Fall, 2020 Council on Social Work Education (CSWE) Child Welfare Track Meeting on YouTube at <https://www.youtube.com/watch?v=sv5MaKtJ3As>, and on Blind Removal in the Resources section of this publication.

Addressing Racism in the Child Welfare Industry Through the Family-Centered Service Model

Cameron Lewis, MPA

As an industry, we need to address systemic racism in child welfare. Agencies, firms, and universities develop training models to educate social workers on systemic racism, implicit bias, and other topics. These courses attempt to improve how social workers provide services to a diverse population and communities of color. However, regardless of the effectiveness of these courses or how many times social workers complete them, systemic racism is present in the child welfare system.

This article emphasizes the family-centered model as a practical method to addressing the implicit bias of social workers. In this model, the social worker and collaborating partners address the needs of all family members to help the family develop a collective effort to improve their in-home functioning and stay together.

A Problem Example

As students decide to pursue graduate degrees in psychology or social work, they may prefer to serve a particular demographic. While they are effective in working with this demographic, they may struggle to work successfully with a different community. Although there are usually personal motivations behind pursuing a career in social work, personal motivation does not prepare an individual to serve a diverse community. A social worker that holds past lived trauma, such as living in foster care or having a parent with a substance use disorder, might foster a great deal of passion for their work. However, this passion does not necessarily translate into their ability to adapt to a community with a racial makeup that they have not lived or worked with before.

For example, an MSW intern raised in an upper-middle-class family on the northeast coast of the United States pursues an MSW. The student selects an internship at a school in a predominately Black and Latino community in South Los Angeles. The intern has a meeting with the Black parent of a student receiving mental health services. In this example, the parent becomes animated in front of the intern. They expressly declare that the school disciplines their child unfairly. At this moment, despite receiving no threats or physical contact, the intern feels that their life is in danger.

Why would this intern feel their life is in danger? Could they hold racial bias towards the Black community? Has this intern invested the time in professional relationships with community members in and around the school where they intern? These questions could be hard to determine without the intern outright explaining why they felt threatened. Although this interaction could be a lesson learned for them or

a tool for self-reflection, there are better means to achieving a more open-minded workforce in child welfare. Our nation has a nuanced culture, highlighted by a racial makeup originating from all parts of the globe. Additionally, because of centuries-long forms of racism at the personal and institutional level, we still find systemic racism in social service industries like child welfare. The child welfare industry needs an approach

Although there are usually personal motivations behind pursuing a career in social work, personal motivation does not prepare an individual to serve a diverse community.

that helps social workers develop an investment in and empathy for a family that can break down any implicit bias.

The Family-Centered Model

Luckily we have a potential solution—the family-centered model. In a family-centered approach, the social worker will assess and plan for the family as a collective unit. This approach involves helping the family build healthy interpersonal and problem-solving skills to use in the home. A model like this identifies not only the needs of the parent but also the needs of the children. A parent cannot fully develop the skills and tools they need for success if the social worker does not address other critical needs in the family. Through this approach, a social worker can help break down their barriers or biases toward the parent or the racial makeup of the family.

At SHIELDS for Families, we focus on family-centered services. SHIELDS utilizes a family-centered model for Genesis, our perinatal Substance Use Disorder (SUD) treatment program for women. At Genesis, participants work in group and individual sessions as well as with SUD counselors during the day. Meanwhile, their babies are cared for in our child development center next door. In addition to the child development center, our Heroes and Sheroes program provides afterschool programming for the participants' school-aged youth. In order to include the fathers, we have our Fatherhood program, which offers parenting classes, groups, and family-centered events to help nurture these men to become the fathers they wish to be.

At our agency, we often collaborate among programs serving members of the same family. During special events, such as a Fatherhood or Christmas event, all family members are welcome. At the same time, case managers, therapists, and other staff that work with their respective family members join in the event.

Consequently, we create lasting bonds with families in the community. In this sense, we serve the family, not the individual. When we collaborate between programs and members of the family, we create our community. This community helps our team transcend the original definition of a social worker. We are extended family, advocates, and coworkers. These families are supported through multiple

generations, loss, struggles, triumphs, graduations, new jobs, and more.

When committed to the family-centered model, we develop a cultural mindset. Too often, we see child welfare workers callously handle cases, remove children from homes, and contribute to the grave problem of systemic racism. The family-centered model benefits the families we work with by offering a comprehensive continuum of services to the whole family. Through this approach, our industry can improve how we treat communities of color, indigenous communities, and others far too often maltreated by child welfare agencies.

We have a 30-year history of providing multiple services to multiple members within the same family. It is distinctly through this approach that we can develop a bond that overcomes implicit bias and preconceived notions a clinician may hold coming into the job. Clinicians, case managers, and counselors learn a great deal as they collaborate to provide services to a family. They develop a better understanding of the family and their culture, and experience a first-hand account of generational trauma that families face. Most importantly, they root for the family: They want the family to succeed.

We have a comprehensive array of training and programs within our agencies and higher education to focus on diversity, inclusion, and challenging systemic racism. However, implicit bias does not go away overnight with professional training or a single experience. Agencies can utilize a family-centered model to promote collaboration among family members and programs offered at an agency. With these collaborative efforts, our industry can take a step forward in overcoming a history of systemic racism.

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Creating an Equitable Road Map for Truancy Programming

Tim Zuel, MSSW, PhD, LICSW

The last decade of research has confirmed ongoing and persistent racial disparities in child welfare systems (Courtney & Skyles, 2003; Courtney et al., 1996; Fluke et al., 2011) across the United States. In one large midwestern county, there was a decision in 2010 to create a specialized program unit for one access point for schools to report disengagement of students. The program was modeled on increasing interventions dependent on the number of reported days missed from the school. According to the state statute, schools make their first report at seven unexcused days. They continue to report at nine days (report 2), 15 days (report 3) and 22 days (report 4). An electronic reporting process was created for schools to make the county report. Within four years (2014/2015) the number of unduplicated reports to the county approached 10,000 students from 23 school districts. The county board passed a resolution in 2015 requiring all service areas to create action plans to address the increasing racial disparity happening in the community and across multiple service delivery areas.

The school engagement team held a daylong retreat to create a map of how to address the racial and cultural inequities in truancy intervention. Data showed African Americans (AF) were approximately 60% of the referrals in a county that had a 5- to 17-year-old population of African Americans at 9%. A closer look showed inner city districts having a lower disparity rate while suburban districts were very high. The greatest disparity from one large suburban district was 72% of referrals being AF while the district's enrollment of AF students was 17%. The final result was a document that clearly stated the issue, our goals, the actions needed to attain the desired outcomes, understanding who the important partners needed to be, strategies that held us and our partners accountable, and finally, our hope of what the results would achieve.

What problem are we trying to solve?

The program has a dual role of being the front door access for schools to report education disengagement to the county and providing services to those students in need. In our discussions, we realized there were two problems: (1) delivering equitable interventions for children and families experiencing school disengagement and (2) partnering with school districts to ameliorate disparities in reporting students of color.

Who is our audience?

Our audience included children and families of the county, our school systems and their staff, other children service departments in

the county, and our contracted agencies that provided the bulk of direct services for students.

What strategies were needed for change?

Internally, we began with discussions with our community-based agencies to make sure their complement of staff reflected the racial composition of the students and families they were working with in the community. We further realized the need for intentional efforts for more recruiting of community agencies that focused on specific racial and cultural services. We changed the substance of our data for the program by making sure information was broken out by race and ethnicity. This became our standard for monthly reports on our website as well as any public presentation of the program. Furthermore, we rewrote all public information documents, as well as the mission statement, to affirm our commitment to cultural and racial equity. Finally, we included race and culture as standing agenda items in all our internal unit meetings and direct practice supervision.

Focusing on external practice, we integrated race and culture into all our trainings with our community agency partners. Historically, race and culture were presented as a one-off training. By integrating it with all topics of practice discussions, it allowed for staff to reflect on issues of systemic biases. Meetings were set up with the 13 largest school districts that reported over 80% of the program's annual referrals. These meetings were organized with the direct staff, who were designated as the reporters to the county. Discussions included the internal school process for interventions prior to county reporting and the district's practice around services for students of color. We brought district-specific data, broken out by race and ethnicity, disaggregating it down to individual schools and reporters. This opened the discussions on policies and practices by the district, which inadvertently might have created reporting disparities for students of color.

Benefits of this work

We envisioned the benefits of our commitment to this process that race and culture will be seamlessly integrated across our programming and direct decision making. We also wanted to create an atmosphere where race and culture discussions were the standard in all of our settings on program planning and evaluations. Finally, we pledged to be intentional in our awareness of internal practices that may contribute to disparity and to continue to assist school districts to be intentional in their practice decisions for students of color.

Long-term changes we envision for this model

We hoped that the implementation of these principles would create more targeted and effective interventions for students of color. Targeted and intentional interventions early in the process prevented students from becoming involved in deeper-end services that ended up being much more burdensome for the families and the county. Increased school engagement contributes to higher graduation rates, increases earning potential for high school graduates, and serves as a protective factor for juvenile justice involvement.

Key Assumptions

In taking this journey as program staff, we felt it necessary to state our key assumptions moving forward:

- Our contracted agencies will be responsive to our agenda of equitable, effective service delivery to diverse communities
- School districts will be willing partners in addressing causation of the extreme disparities in reporting school disengagement.
- Societal and institutional structures that create and maintain racial and cultural oppression will persist
- Our program along with our partners, including community social service agencies and school districts, can influence the social and contextual factors of oppression.

Conclusion

Five years on, the implementation of this equity plan has improved the disparity rate in all phases of the program. Overall, school districts have lowered their disparity rate in referrals (although not eliminated) and the county has increased cultural- and racial-specific agencies and interventions. Internal decision-making regarding children of color are made with the intentional knowledge that over-reporting of children of color is multifactorial with poverty, which appears to be a predominate factor co-existing with race and ethnicity in creating disparity. The result is much greater coordination between the county system and school districts to plan effective interventions, prevent deeper systems involvement, and strengthen school engagement.

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Effective and Evolving Engagement with Relative and Kin Families

Renee Banas, MA

A closet stacked with unopened Christmas presents. An L.O.L. Surprise! doll comforter pulled up smoothly on an unslept bed. A birthday picture book with one missing sibling around the candlelit cake. The stark quiet of a room where once there were the sounds of children's cries and laughter. A bereft grandmother picks up the phone and reaches out for help, winding her way through a network of referrals that lead to Ampersand Families.

Ampersand Families has shaped our name and past 12 years of work around the concept that birth family matters. In connecting older youth to permanent families, we educate prospective adoptive families on the value of keeping that youth connected to family, culture, and community. Family members

Part of our relative and kin engagement work over the past few years has been a deliberate effort to reach out to communities, especially through organizations working with primarily African American and Native American clients. The disproportionate removal of children from these communities is a loss that has lasting impact, and our agency's current priority is to tackle this gaping disparity head on. We do not assume that we know how to work in communities without first asking people in those communities, "What do you most need? Where were the barriers and roadblocks for your family when you navigated the child welfare system? What do you wish someone had told you early on in the case about your rights or how to advocate for your

would be helpful to hand out bras. Years later the same missionaries returned to the area and the women were using the bras. They made excellent fanny packs worn around the waist to gather seed. Lesson learned; find out what the people need first, not what you think they need.

When working with relatives and kin, we put aside any assumptions we might have about how this family member arrived in our office. We tell relatives/kin going into the process that we cannot guarantee placement, only the judge can make those legal decisions about the child. We cannot guarantee the home study will be approved. What we can deliver to relatives/kin is their right to a fair assessment, the dignity to be heard, and hope. The hope of knowing that there are people willing to work toward making that lasting connection between them and the child/ren they love.

In the early stages of working with a relative or kin seeking to be a permanency resource, we gather information. There is a dignity restored when a family member is welcomed to tell their story to a worker who will listen without judgement, and make space for self-determination. We make accommodations in the process as needed. Sometimes that is filling out paperwork with the family when technology is a barrier, creating space for different styles of communication, steering families to supportive resources in the community, or helping with funds to make small improvements in the home for safety. Sometimes those accommodations are being okay with relatives/kin determining their own momentum and direction in the case of their loved one, even if that is contrary to what we might recommend. We respect that for relatives and kin this process is deeply personal and usually steeped in grief.

As the needs of the community change and are realized, we will evolve in our work. We continue to build our relationships with community partners and expand our ability to support families, such as guiding families to knowledgeable attorneys for legal advice, 1:1 peer support, and support groups for relatives/kin experiencing barriers in the child welfare system. Ampersand Families seeks to listen with impact, remaining on the frontlines in the work to keep kids with family when we can.

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Ampersand Families has shaped our name and past 12 years of work around the concept that birth family matters.

reaching out to us at wits' end in their attempts to navigate the child welfare system have demonstrated the need for us to become more intentional in our commitment to honor these family connections. Too often, when relatives and kin are not able to be a permanency option, they are severed from connection with their loved ones as these children are adopted into non-relative homes even though these relatives/kin pose no safety risk.

loved one? Where do you believe you were misrepresented in the system?" We have learned a lot of our skills from working with relatives/kin—opening up that conversation, sitting down to listen, and taking notes.

While teaching in Egypt, I was told a story by an elderly missionary who worked in Central Africa long ago. The white missionaries had noticed the African tribal women working out in the fields with breasts bared and thought it



Helping Adoptive Families Confront Racism

Cam Lee Small, MS, LPCC

I've asked transracial adoptive families, "Is the first person of color in your church going to be the one you adopted? Is your child going to be the first non-white person you've loved and served?"

As a mental health clinician and adult adoptee, I've worked with families who've been walking through their adoption journey for decades, as well as with families who have just begun to consider if adoption is an appropriate path for them. I also counsel families whose circumstances fall in between or even far beyond those two general narratives.

Adoptees—teens and adults—often report a lack of conversation about race in their families. Parents struggle to acknowledge how their

struggles with addiction. A caregiver perpetrates emotional abuse against their spouse. A cousin spoke out about a significant issue and now they are estranged from the family. Adoption. Race.

When we can name racism in session, and its harmful impact on children and communities, our conversations (and relationships) provide a model for the family for how to talk about it throughout their family system.

2) Provide psychoeducation: When a family does adopt (after a parent relinquishes their child by choice, mandate, or coercion), there are particular experiences that child faces that are worthy of our attention; perhaps they are not clinically significant by DSM-5 terms, but

context. Use as many possible tools to suit a family's learning style and background (e.g., books, film, music, YouTube, articles, TED Talks, poetry, artwork, social media, multi-week curriculums, etc.).

3) Meet families where they are at: I think about the Stages of Change model proposed by Prochaska & DiClemente (1983) and Prochaska et al. (1992) and notice where a family exists in their comfort/awareness level in anti-racism work. Their pace, background, and other cultural layers certainly shape the way they see and walk within the world. Part of my role is to recognize and honor that while we engage in mutual growth together.

4) Do projects together: This includes drafting an ecomap, genogram, Johari's window (Luft & Ingram, 1955), and a handful of other interactive interventions that help locate individuals and families in an environmental context, then exploring together what they need in order to understand, navigate, and thrive within and beyond it.

5) Push back and elevate adoption-related justice initiatives: Unfortunately, adoption agencies have historically fallen short of recognizing needs related to trans-racial adoption, identity, trauma, race, and ethnicity. Whether for monetary gain or for other reasons, we find ourselves in an era where people can conduct their unethical exploitative business practices with little accountability. For example, leaders in some adoption organizations capitalize on fear and power by exploiting birth mothers and adoptive families through the commodification of children and families. These stories continue to highlight the profound need for reform in today's child welfare system.

We need to be asking about the economic, historic, and social forces that create the conditions for such non-welfare to persist. We need to examine how the powers of whiteness influence policy- and decision-making in the relinquishment and placement of vulnerable children.

We need to explore the institutional layers behind the disproportionate numbers of non-white children represented in the child welfare system. Why are Black children placed in foster care at twice the rate of their White peers? Why, instead of supporting families to parent their children, are we bent on punishing them? (Roberts, n.d.). Why are we celebrating church members when they adopt those children, while their birth parents remain hungry, oppressed, isolated, and without hope?

Why, instead of supporting families to parent their children, are we bent on punishing them? (Roberts, n.d.). Why are we celebrating church members when they adopt those children, while their birth parents remain hungry, oppressed, isolated, and without hope?

adoptee's lived experience as BIPOC is different than their white parents, siblings, friends, peers, colleagues and leaders. This leaves adoptees feeling unacknowledged, unsupported, unheard, unvalued, and left out.

Here are some practical interventions I've been using in my work to help families that adopt trans-racially have these discussions. They are a combination of ideas personal to my lived experience as an adoptee as well as touchstones I've picked up along the way as a licensed clinician. Of course, these suggestions should be considered as launchpads for discussion: They were developed with the guidance and input received from many others who have taught me their ways; they stem from my lifelong journey as a student; and they flow from my multi-disciplinary approach to advocacy, healing, and hope.

1) Name it: One of the best ways to confront and dismantle the impact of racism is to acknowledge its existence. Not just between a few individuals here and there, but in and throughout intergenerational systems and ideologies that are upheld overtly and covertly.

Family systems are incredibly complex, and filled with incredibly complex people. And when a child becomes a member of that system, through adoption, it can have a ripple effect on everyone within it. At the same time, unfortunately, there can sometimes be little to no ripple effect. In some family systems, very few are willing to change, and we don't talk about it.

We don't talk about anything that might rock the boat: Someone had an affair. An aunt

dynamic and relevant nonetheless, and, yes, sometimes quite significant, clinically. Families need to be educated about those needs.

When a family adopts trans-racially, I would suggest there are even more layers a family needs to consider as they prepare to parent that child; with additional care when it is an international adoption. I offer some of that training individually and in group workshops.

When appropriate, I mobilize my personal narrative to call attention to theirs. Wise, thoughtful, intentional self-disclosure can be a way to connect with clients and families. I have found that revealing and offering pieces of my own adoption journey, either verbally, in person, or through my workbook, has given adoptees and their caregivers a space in which they can think about and make meanings regarding their own presenting concerns related to adoption and race, short-term and long-term.

Finally, when a white family adopts transracially, we do a disservice to the child by neglecting to consider the significant and lifelong implications racism (individualized and institutionalized) can have on their cognitive, occupational, physical, social, and spiritual experiences. Using strengths-based language can help families understand how to lift the burden of performance and functioning off their child and begin advocating for changes in their immediate environment(s).

I believe information empowers adoptees and their families. There are a variety of platforms to help families connect with, digest, and apply adoption-centered information to their family's immediate and surrounding

Intercultural Learning and Development as Antiracist Work in Child Welfare: Using the IDI as a tool

Akiko Maeker, PhD

Why care about antiracism when engaging in the work of child welfare? If we approach each child, each family, and each situation with professionalism and compassion, wouldn't it be good enough?

Simply seeing people as individuals is in fact not good enough. People live as unique individuals as well as members of groups and communities, and it is vital for us to pay attention to both aspects of people's lives. Race is one of many factors that forms group

adapt behavior as needed. In the context of child welfare, it can be translated into the ability to work with every child, family, and community as respected and valued individuals while paying thoughtful attention to group memberships, historical backgrounds, and complex cultural identities.

Furthermore, intercultural competence is not a trait we lack or possess; it is something that we develop. This developmental process is described in a framework called the Intercultural

in nurturing inclusion and equity. We focus on commonalities so much that we fail to see important differences. In terms of race, a statement like "I don't see color" could be very possibly coming from this orientation.

The fourth orientation is called Acceptance, and this is where we begin to have a more balanced consideration of the depth of both human commonality and human difference. Paying attention to this deep, complex nature of humanity requires a highly developed and nuanced understanding of human diversity. Accepting this complex reality is in fact what the "Acceptance" is about.

The fifth orientation is called Adaptation. Adaptation is a place of applied practice. It utilizes the nuanced intercultural awareness developed in Acceptance to enable us to intentionally shift perspectives and adapt behavior where differences need to be bridged. Adaptation does not mean you are perfect and know everything about every culture. Rather, it is about the attitude that you have toward your own shortcomings and the possible voids in your cultural knowledge. Because of this nature, Adaptation brings humility, creativity, and resilience in interculturally-minded practice.

The five orientations of the IDC illustrate how we develop intercultural competence and they give us a roadmap that we can use to focus and accelerate our development if we become aware of and deliberate about it.

Simply seeing people as individuals is in fact not good enough. People live as unique individuals as well as members of groups and communities, and it is vital for us to pay attention to both aspects of people's lives.

membership and identity. It is a factor that affects all of us, and it affects us differently depending on which racial group(s) we belong.

Intercultural Learning and Development

To address policies and practices that exacerbate racial disparities, it is essential that we become skillful in viewing and relating to people individually and collectively—individually, to see people as unique individuals, and collectively, to see people as meaningful members of groups and communities. The development of intercultural competence allows us to become skilled in this.

Intercultural competence is the ability to engage in effective interaction across cultures. It is our ability to pay attention to the differences and commonalities that exist among us, navigate disagreements with respect, and have constructive relationships with each other. It is our ability to shift perspective and

Development Continuum, or IDC, which consists of five orientations, or stages.

The first three orientations of the IDC are Denial, Polarization, and Minimization. The Denial orientation is a place of inexperience where you are unable to recognize cultural influence on human interactions. Polarization is a progression in development. Here, we begin to see that people are members of groups and that those memberships affect our lives. We see this through comparing and contrasting cultures. What is tied to this new mindset is judgment or an over-critique in an effort to determine which group should be a superior model for society. In a nutshell, it is an "Us vs. Them" mindset.

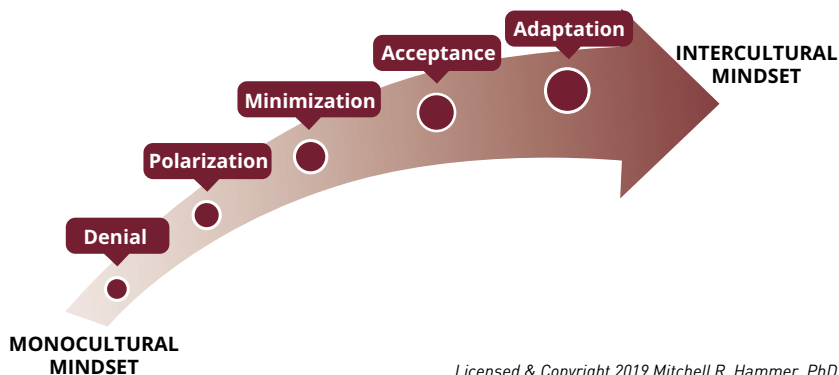
The third orientation in the IDC is Minimization. Instead of focusing on cultural contrasts, we begin to notice commonalities such as basic human needs or universal values that we believe all human beings share. This ability to recognize human commonality is important, but it is ultimately insufficient

The IDI

The Intercultural Development Inventory (IDI), is a rigorously validated psychometric instrument that assesses development along the IDC and helps guide us in advancing our development. When you take the IDI, your IDI Profile Report helps you learn where on the IDC you are aspiring to operate (your intent) as well as how far you have come in your own development (your current impact). You will most likely discover that you have a gap between your intent and impact, where your intent is more developed along the IDC than your impact. The key information you gain from utilizing the IDI is this gap.

The gap shows you how much you overestimate or underestimate your intercultural competence, and most results show an overestimation. For example, you may believe that you deeply respect and value human diversity (i.e. an "intent" in Acceptance) and yet still have a skewed focus on human commonality (i.e. "impact" in Minimization).

Intercultural Development Continuum (IDC)



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Continued on page 31

Good Intentions, Bad Results: The Unintended Consequences and Collateral Damage of DEI Training

Phyllis Braxton-Frierson, M Ed, MSW, LGSW

The American Academy of Pediatrics (2019) shared, “Racism is a social determinant that has profound impact on the health status of children, adolescents, emerging adults, and their families. Health inequities are not the results of individual behavior choices or genetic predisposition but are caused by economic, political, and social conditions, including racism. The impact of racism has been linked to birth disparities and mental health problems in children and adolescents. Failure to address racism will continue to undermine health equity for all children, adolescents, emerging adults and their families.”

For over 25 years I have witnessed organizations embarking upon diversity, equity, and inclusion (DEI) initiatives with good intentions to address the findings above. Their hearts are all in and there is a genuine desire to truly impact change. Unfortunately, most good intentions in the DEI field can be a landmine for missteps and mistakes. In our current highly racial, political, and religious divide, good intentions will get you canceled, and you will be forced to watch it all play out in the media.

As a DEI practitioner who has worked with a gambit of organizations, there is one theme that constantly presents itself, especially with educational and youth-servicing organizations. The adults are usually very open to changing their behavior when working with their constituents/children; however, they fall short of extending that same openness to their adult colleagues/peers.

Do you want to be right or effective?

This question is for the big kids—the adults, the educators, the leaders, the social workers, the service providers, and practitioners—the culture creators and sustainers. In a world where DEI efforts are treated like designer brands, the importance of the topic has wavered over the years. Now every leader of people must ask themselves, what is the right thing to do in this moment? And most leaders, if they are awake, are faced with the next right decision when the next tragedy occurs—a Black life is taken by someone hired to protect and serve. In my experience, leaders do not fall short of their heart being in the right place; rather, leaders fail or do not achieve their desired success because they lack a framework to be effective.

Intercultural Pedagogy for Systemic Change

DEI programs have gone far too long without applying an effective approach. If learning is developmental, that means we learn about cultural differences like we learn about most



Diversity	+ Intercultural Competence =	Inclusion
<ul style="list-style-type: none"> ◆ The WHO: mix of differences ◆ Focus on “impact” of differences ◆ Measured by demographic analysis 	<ul style="list-style-type: none"> ◆ The HOW: How to make the mix work ◆ Focus on capacity ◆ Measured by the IDI 	<ul style="list-style-type: none"> ◆ The WHAT: The “mix” feeling valued and engaged ◆ Focus on the experience ◆ Measured by outcomes

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anything else. So why is it that people rarely receive any formal training to build intercultural competence and cross-cultural communication tools needed to effectively interact across differences? Most organizations I consult with have never considered what approach they will use to get the DEI results they want. They just know this is a hot topic and they need to do something, now! The thought process usually goes like this: If we are a predominantly white organization, then we must need anti-racism training. To be clear, that thinking might be right; however, research shows that most people are not developmentally ready to start with the high-level cognitive flexibility needed to understand, believe, and act in empathic and effective ways across race after attending training. This is exactly why the right thing to do can be counter-productive and yield unintended consequences.

Conventional thinking versus developmental thinking

When you know better, you do better. Using the Intercultural Developmental Continuum (IDC) as the approach and the Intercultural Development Inventory (IDI) as the valid and reliable psychometric assessment tool, institutions can learn how to attract, recruit, support, and retain their traditionally marginalized clients and practitioners. This framework offers a deeper level of understanding about culture, a clear description of what developmental stage their institution may be in, and a developmentally appropriate prescription for the key skills needed to engage, support, and challenge the status quo and promote institutional change. What we know from the research of Mitch Hammer of IDI, LLC, is that most people are not currently capable of shifting their thinking

and behavior to honor cultural differences and commonalities, with increasing complexity, while remaining anchored in their own culture. We also know that when a person is exposed to information and experiences beyond their current stage of development there will be negative consequences. A good educator would never place a student in advanced calculus without them knowing the basic concepts of algebra. Yet, this is exactly how decisions are made regarding DEI training.

Keep, start, stop

Inclusion is not a byproduct of diversity. Just being in the vicinity of diversity across your staff, community partners, and clients, does not mean that inclusion is present. To keep the diversity that is so highly pursued, organizations must stop recruiting for differences and onboarding for assimilation. Instead, they should start focusing on building the intercultural skills of the people they currently have to experience transformation change. Lastly, organizations need to stop assuming what people need for their growth and development. Interculturally competent educators and practitioners have the awareness and skill to discover commonality instead of assuming them. Effective educators and practitioners would not assume what their clients need just by looking at them—or at least they shouldn't. Yet this is exactly how leaders are making decisions about what their staff need to be more interculturally competent. Stop assuming, start assessing, and keep pressing forward toward a more equitable union.

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Harm Reduction to Transformation, History and A New Path Forward

Michael Finley and Samantha Mellerson

Since the W. Haywood Burns Institute (BI) was established nearly 20 years ago, we have observed an increasing number of appointed and elected officials and human service sector leaders begrudgingly accept the presence of racial and ethnic disparities. In practice these systems function not as integrated systems but as semi-autonomous agencies which interact and impact the lives of people of color across the nation. For example, data indicates that young people of color are disproportionately

90% decrease in the indigenous population over a century. This tragedy and the legacy of slavery serve as a historical backdrop to the development of the human service systems within which we work today.

During the Industrialization Revolution in the 1800s, child advocates observed large numbers of unsupervised children in crowded cities (Center on Juvenile and Criminal Justice, n.d.; Longely, 2020). This led to reforms such as Houses of Refuge and the Orphan Train

This tragedy and the legacy of slavery serve as a historical backdrop to the development of the human service systems within which we work today.

involved at key decision points throughout the child welfare sector (Kids Count Data Center, Children in Foster Care by Race and Hispanic Origin in the United States, 2021). In response, many jurisdictions established collaborative bodies composed of system decision makers, and in some cases community partners, and engaged in years of reform to reduce the harm caused by these systems.

Yet even with these traditional harm reduction reforms, racial and ethnic disparities continue to exist at key decision points within these systems. Thus, while harm reduction efforts represent a critical step in eliminating racial and ethnic disparities, the BI is pushing our partners to raise the bar for our children and families. They, and frankly, we, need transformational change. For the BI, achieving transformation requires engaging a structural well-being framework—a system of public policies, institutional and inclusive practices, cultural representations, and other norms that provide families and communities what they need to thrive, namely a sense of belonging, a sense of community, and equitable access to the resources necessary for positive life outcomes. Importantly, this structural well-being framework is in direct contrast to the nation's current operational framework of structural racism.

For the BI, achieving transformation also requires system and community partners to establish a shared historical competence regarding how the history of structural racism has impacted the development of human services systems. We believe that anchoring our current work context in the truth of our shared history is imperative to eliminating structural racism and taking steps to radically reimagine and redesign community centered alternative systems and solutions for well-being.

As we consider current day disparities within human service, we must acknowledge the destructive European presence that led to the theft indigenous lands and an 80% to

Movement. Houses of Refuge, the first youth reformatories, provided youth with a safe space where they could learn a vocation, etiquette, and other skills. The Orphan Train movement, a precursor to modern-day foster care, resulted in young people, some orphans and some merely poor, being removed from their homes, often without parental consent, and placed with farming families in the Midwest and Southwest. While these were considered liberal policies, the forced separation of families reflects a destructive theme that we have witnessed through history, including today at the country's southern border. Further, amidst the backdrop of legal segregation and explicitly racist policies, people of color still were often excluded from many of the benefits of these reforms.

As the nation moved into the 1900s, there was an increase in the number of private and government entities devoted to protecting abused and neglected youth. While this appeared to be progress, policies and practices within the human services space still reflected the discriminatory and racist sentiments that were pervasive throughout broader society. For example, in the late 1800s and early 1900s eugenics was a normalized school of thought taught in academia and supported by powerful segments in our society including Woodrow Wilson, Theodore Roosevelt, and members of the Rockefeller family who supported dehumanizing racist policies to the detriment of people of color.

As the human service sector expanded throughout the 1900s, race and ethnicity continued to impact policies and practices within child welfare. The 1980s and '90s reflected a particularly destructive period of time as the war on drugs led to the violent extraction of unprecedented numbers of people of color from their communities into youth detention and adult prisons. The war on drugs and the resulting punitive policies led to the overrepresentation of youth of color in the child welfare and youth justice systems.

The journey to transformation requires that we all recognize that current racial and ethnic disparities are inextricably linked to and reflect our nation's history of structural racism. To overcome this history and achieve structural well-being, we must acknowledge that systems are operating as they were designed: Human service systems were intended to provide social control of the poor and people of color. Historical competence provides us with a narrative anchored in truth as we move toward a values-based process led by voices centered in community and guided by the expertise of individuals and communities most impacted by the problems we seek to resolve.

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Who is W. Haywood Burns?

W. Haywood Burns Institute (BI) is named for the late W. Haywood Burns, who was a beacon of light to those who believe the battle for human rights and justice can be won through activism, humility and dedication.

A Black-led national nonprofit working to transform justice by challenging racial hierarchy and the social control of communities of color by the justice sector and other public systems, BI employs strategies and tactics to establish a community-centered approach to structural well-being, a reimagined system of public policies, institutional and inclusive practices, cultural representations, and other norms that work to strengthen family, community and individual well-being for positive life outcomes.



Visit www.burnsinstitute.org to learn more.

Technologies, Registries, and Racial Disproportionality: The Color of Child Welfare Systems and its Effects

Michael Rangel, MSW, and Sam Harrell, MSW

The child welfare system is a technological and ontological tool enforced by the state that greatly impacts people of color in this country: primarily women, children, and mothers of color. The pieces of this overbearing system maintain a cycle of racial and gendered violence that greatly impact the state and other social and supportive agencies. Child welfare registries, centralized listings of child maltreatment records recorded by the state and one that is overly represented by mothers of color, employ oppressive family regulation through pervasive social interactions and service engagements (UDHHS, 2021). In doing so, they allow for hyper-vigilance and monitoring to occur by local institutions and agencies. However, the impact of such central registries imposes challenges onto mothers of color and their ability to gain employment, acquire affordable housing, retain good relationships with the courts, and most importantly, be able to provide futures for their children. In this brief analysis we discuss the historical precedence of such registries and their ability to employ technological and social surveillance onto people of color in the child welfare system. We argue that child welfare registries and databases are not intended to protect children, but to provoke centuries' worth of systemic violence and abuse toward communities of color.

The origins of state-run databases and registries as recording and surveillance agents of the state were first created in the 19th century to investigate complaints of child neglect, exploitation, and cruelty, all of which has largely grown and transformed over time to target specific people based on their race, gender, and other identifying factors (Courtney, 2013). The use of such welfare-specific programs transitioned from a social response to parental treatment of children to a protection effort by state (Kirk et al., 2018). This protection was color-coded and demonized mothers and children of color from any actual form of protection or care (Roberts, 1991, 2009). This racial disproportionality of the welfare system inflicts harsher punishments and legal burdens onto people of color (Kim et al, 2017). Welfare reform was racially politicized and continues to perpetuate the stereotype of welfare queens that greatly influences language and culture today (Kandaswamy, 2012; Roberts, 1995).

State central registries are used by many social service professionals to over-police, isolate, and stigmatize mothers of color (Williams & Meiners, 2019). Henry, Sonterblum, and Lens (2019) found that child abuse registries



have unintended consequences that undermine the economic stability of vulnerable families referred to child welfare systems. Such consequences include financial hardship, inadequate childcare, food insecurity, and more. We argue though that these consequences are not unintended, and more so a part of the greater

for maltreatment such as extreme poverty, serious substance abuse, single parenting, overcrowding, malnutrition, and sufficient healthcare (Bartholet, 2009). Such racial, gendered, and geographical specific factors must attend to the external risk factors that cause much of what social workers assess within

Our evaluation of this racially coded welfare system is that there must also be critical assessments of how social work characterizes, and to whom they associate, risk factors for maltreatment such as extreme poverty, serious substance abuse, single parenting, overcrowding, malnutrition, and sufficient healthcare.

strategy of the system that invokes hardship and generational trauma onto and within the family. State and local registries include people substantiated for child maltreatment (Henry, Sonterblum & Lens, 2019).

So what does this mean when there is an overrepresentation of Black, Latinx, and Indigenous children represented in the welfare system at much higher rates than White children? As mentioned, mothers of color become labeled by society for their involvement with the welfare system. They are targeted by the media and outsiders for their positionality, so if reported and then placed within these registries and databases, they suffer harsher conditions socially, emotionally, and economically. Our argument relies on the fact that overrepresentation and racial disproportionality is caused by systemic racism, white supremacist logics, and heteropatriarchy that has a great impact in child welfare system decision-making by state, local, and communal reporters.

Our evaluation of this racially coded welfare system is that there must also be critical assessments of how social work characterizes, and to whom they associate, risk factors

communities of color. These too include over policing, under resourced areas, food deserts, school districting, and other factors that remain unreported and over assessed.

It is critical to examine registries and databases from a critical vantage point that considers the social and emotional impacts on families of color who are greatly impacted by its effects. As Dorothy Roberts analyzes and compels us to think about in *Shattered Bonds: The Color of Child Welfare* (2002), the answer is not to replace the system we now call child protection with another, but to abolish our current system and build a new one that protects children and families from and against state intrusion. By doing so, we can ensure the welfare and protection of children and mothers of color.

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Interrogating Race and Racism in Schools & Child Welfare

Tyrone C. Howard, PhD



In the aftermath of the deaths of Breonna Taylor and George Floyd, with increasing calls to end systemic racism and to recognize that Black Lives Matter, an intentional focus must be placed on the treatment of Black children and families under the guise of child “protection.” Families of color are disproportionately represented in the child welfare system and are more likely to experience negative outcomes compared to white families. The treatment of people of color—in particular, Black children and families in the child welfare system—has been beyond disturbing for

than White toddlers for similar behaviors. Educators must understand how conscious and unconscious beliefs and attitudes are often the entry point into child welfare for many youth of color. One of the key attributes of individual actors becoming anti-racist is to reflect on attitudes, beliefs, and pre-conceived notions of various groups and to recognize the harms that can come from implicit bias.

According to the Kirwan Institute (2014), implicit bias refers to “the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious

...to reduce and ultimately stop the flow of families of color into the child welfare system, a closer look at where reporting comes from is required.

decades. Racism has been entrenched within the child “welfare” system since its inception, and Black children in particular have been harmed extensively. Black children and families have disproportionately experienced structural racism, exclusion, and institutional violence at the hands of the formalized child welfare system for decades (Roberts, 2020).

In order to reduce and ultimately stop the flow of families of color into the child welfare system, a closer look at where reporting comes from is required. An intersectional analysis between education and the child welfare system is warranted. Consider that educators make up the largest percentage of those who make reports, according to the Child Welfare League of America (2020). In order to help children thrive, remain safe, and avoid child welfare services when they are not necessary, educators must take up the call to action and equip themselves to face a focused discussion of two interrelated concepts of racism: implicit bias and racial microaggressions. Walter Gilliam (2016) studied how preschool educators were more likely to discipline, surveil, punish, and suspend Black toddlers at higher rates

than White toddlers for similar behaviors. These biases are typically activated involuntarily, usually without our awareness or intentional control. Additionally, all people are susceptible to displaying some form of implicit bias (p.2). It is beneficial to think of implicit bias through the analogy of an iceberg. The tip of the iceberg represents our conscious attitudes, thoughts, and actions. The submerged body of the iceberg, however, accounts for the vast unconscious, the automatic thoughts and beliefs that inform our actions. For many educators, the submerged parts of the iceberg can include many deeply seated negative beliefs about people of color and deficit notions around children and families of color.

Educators must also understand the consequences that come to youth when they enter the child welfare system. Research by Brianna Harvey and the UCLA Black Male Institute (2020) revealed that California, which has the nation’s largest child welfare system in Los Angeles County, criminalizes Black foster youth at every level of the system. This is evident by their disproportionate experiences with punitive disciplinary sanctions within

schools and overrepresentation in juvenile detention facilities. Harvey’s research shows that Black foster youth are more likely than their peers of other races to cross over to the juvenile legal system, increasing their likelihood for incarceration and homelessness. Harvey states that Black foster youth are unable to escape the carceral traps that come with schooling and engagement with the child welfare system. Black students in foster care are suspended at a rate of 17% in comparison to the overall Los Angeles County rate of 2%. Black students in foster care also have the highest representation in special education placement at 37%, as well as the highest chronic absenteeism rate at 34%. To say that these realities have a devastating effect on youth, their families, and communities would be a major understatement.

Experts recommend the following strategies to address disproportionality and disparities in child welfare systems:

- Understanding the impact of individual biases in reporting, investigating, intervention, and placement processes.
- Developing culturally responsive, trauma-informed practices in schools.
- Engaging families and communities of color when developing new policies.
- Using data to identify and address disparate outcomes.
- More implicit bias training for mandated reporters.

On April 20, 2021, Ma’Khia Bryant was killed by Columbus, Ohio, police. Ma’Khia Bryant was in foster care. Her death happened outside of her foster home. Although the facts of the altercation leading to the police response are an open question, the cause of Ma’Khia’s death is in plain view. The state of Ohio, Ma’Khia’s custodian, by way of its police officer, shot and killed one of its own children in the light of day. There must be a racial reckoning by child advocates coupled with outrage and despair at the irony of this dark and painful truth. Children in foster care are exposed to and experience a number of well-documented vulnerabilities. Schools and school personnel often play a major role in this pipeline. We can do better; we must do better. Our children deserve better.

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Learning Advocacy: How one former foster youth is putting her advocacy skills to the test during a double pandemic

Ada Smith, Drew Lemmie, and Jessica Rodgers Interviewed by: Liz Fronsoe, Phoenix Learning Xchange Coordinator, CASCW

Meet Ada, a Black 22-year-old mother of two who recently aged out of foster care in Minnesota. As a young person, Ada experienced multiple foster and shelter placements while in the child welfare system. While Ada was always able to speak up for herself and advocate for her needs, it was her experiences in the child welfare system and the support from the Connections to Independence (C2i) team that have helped her turn that ability to advocate for herself into a passion for advocating for other young people in the foster care system.

Last year, 2020, was a year unlike what most people have experienced. Ada said she was scared and experienced a life-changing moment. Having just given birth prematurely to a beautiful little girl, her second of two children, Ada knew that she had to put the health of her children first. She stocked up on

of all the tensions. Ada made the decision to move out of the Twin Cities because of the looting and rising tensions after Floyd's murder. People close to Ada questioned why she wasn't getting involved in the looting, and in response she reminded them of the pandemic. Her first priority was as a mother, but not just any mother; she was a single mother who was aging out of foster care in the middle of two pandemics—COVID-19 and racial reckoning. Ada said that as a foster youth, there hadn't been a health care directive for her and so she was fearful about what would happen to her two children if something happened to her. The tremendous emotional stress from the aftermath of Floyd's murder and the pandemic were taking their toll on Ada's mental health, and then her engagement to be married ended and her daughter became sick and was hospitalized. All of this emotional instability



ADA SMITH

“Once you turn 18, the expectation is to go to school, you receive a check, but [you] are left to figure it out on your own, there is little support given.”

vitamins, wipes, sanitizers, etc. She quit her job when COVID-19 first hit, because her hours were cut and she was afraid that her children would be exposed to or infected with the virus. That same fear kept Ada from leaving her home for several months. Ada lost her housing due to insufficient finances, but the landlord didn't evict her; instead, they gave her the opportunity to leave. She was homeless for a few weeks, but despite the difficulties she was experiencing, Ada was determined to find a home for her family. She noted a low tolerance for living with other people after her experiences in the foster system. Although it was financially difficult, Ada began to create new streams of income: She created her own business by selling Girl Scout Cookies and eventually started selling other items such as clothing as well.

Shortly after the pandemic started, the world watched footage of George Floyd being murdered by Minneapolis police. At the time, Ada was employed at a downtown bank, but she quit shortly afterward, again, due to the stress of COVID compounded with the murder of George Floyd. She recalls conversations with her 5-year-old son, telling him he could not play with toy guns and while he should say “Yes, sir” and do whatever police told him to do, he must remember that police were not his friend. Her son's father had been killed not long before and her son asked her, “Did police kill my dad?” While Ada reassured her son that his father was not killed by police, the conversation was difficult one to have in light

contributed to her inability to go back to work adding to her financial difficulties.

Ada has always advocated for herself: She started her own business during the pandemic so that she could support her family. Her children weren't in daycare before the pandemic due to concerns about illness, so Ada was juggling work as well as care for her children in the heightened fear of COVID-19. When Congress helped make adjustments through federal law to keep young people from aging out in the middle of the pandemic, Ada was unable to get that support. Ada aged out about one month before the allowance was available. Ada recognized that she must advocate for herself so that her children wouldn't end up in a situation like her own. When she was younger, she would run when things got tough. Now she is finding her voice, speaking up for not only herself and her children but also for all young people in foster care. In Ada's experience, she did not get the support necessary from her foster parents as a young mother. She knows that young mothers in the foster care system are still going through their own traumatic experiences, still processing being abandoned or taken from their homes while navigating adulthood. She questions how to help them become capable and healthy parents. “Everything about entering the foster care system is traumatic,” Ada said, “So how do you keep young parents from passing on that toxicity to their babies?”

Ada stepped up her advocacy and supported

the Peris Hill project, an affordable housing model that will provide housing not only to adults but will also offer about 15 apartment units for young people who are aging out of foster care. In addition, there will be staff on site at all hours to support residents. Ada questions why things like this take so long to happen. “Once you turn 18, the expectation is to go to school, you receive a check, but [you] are left to figure it out on your own, there is little support given.” Young people outside of the foster system often have access to mentors, family members, and other resources to help them along and teach them valuable life skills. Without some of those simple things, such as home economic classes, some young people are aging out without basic life skills and need help to support themselves.

Ada has pushed herself to continue learning skills to improve her mental health to advocate and network in support of making things better for those in foster care. Ada has spoken on panels and has been asked many times to share her experience as well as her recommendations on what needs to change. But she said it feels often times as if the audience “doesn't seem to truly hear and get it.” She said she feels frustrated that at times she has only received \$11 per hour to provide her expertise and yet others without the firsthand knowledge are paid more as “experts.” Ada believes that while county workers continue to gather information from events such as panels, there is no real change that has happened as a result. She continues to work to best position herself to help elevate voices of other foster youth.

Ada is currently working for C2i in Minneapolis, the same organization that walked alongside her for the past eight years of her journey. Race, homelessness, hunger, unemployment, and LGBTQ identities are intersecting social issues that affect a large

The Intersection of Social Work and Criminal Justice and the Impact We Can Have When Bringing Them Together

Derrick Jackson, MSW, LEO

I am a social worker who became a police officer and now I help run a sheriff's office. Whenever I introduce myself this way, I am met with a quizzical look; people wonder how it's possible. The initial exchange is typically followed by questions around ethical conflicts and the assumption that social work and policing are on opposite ends of the spectrum. I know where these ideas come from and understand the importance of social workers acting as a wall to help protect communities from oppressive systems. However, what I offer here is a different perspective and a paradigm shift—a world where social workers become the bridge, bringing communities together with policing as a way to reimagine the role of police, the criminal legal system, and the impact it can have on child welfare, families, and the larger community.

As a young social worker, my first few years in the profession were spent working in a homeless youth shelter, running the street outreach program. It was common for youth on the run or homeless to be brought to our doors by a police officer. In essence, the officer became a key referral source in helping the young people we cared so much about. I also remember the strict policies we had requiring workers limit the interaction between officers and the young people in the shelter. It made sense at the time, but looking back, I believe we missed an opportunity.

Many of the young people in our shelter were intertwined with the criminal legal system, and we believed our role was to help protect them from becoming more entangled. However, the reality is that each night when I went home to sleep in my safe and comfortable bed, the youth were back on the streets, interacting with those same officers with whom our policies limited contact during the day. Now imagine a different scenario, one where that officer had the opportunity to meet, learn from, and engage with that young person. Imagine that young person having a relationship with that officer. Maybe their interaction on the streets could have been different. Maybe that officer's actions and that young person's experience could have been less punitive and more restorative. Should that not be part of our role in child welfare, to assist young people to interact with the communities they live in and navigate systems?

What about a homeless gentleman downtown? Imagine it is the middle of a Michigan winter, and his connection to the shelter comes directly from his interaction with an officer. Think of a mom who has been physically abused by her partner and an officer

becomes her first connection to the services she needs to keep her family safe. We don't often think of policing in this way, but in reality, officers can play a critical role in helping vulnerable populations. Consider jails, prisons, and juvenile detention facilities; they are full of people struggling with addiction, homelessness, or behavioral health issues. In other words,

or sweep floors, but to be the experts on community. It looks like a jail designed to ensure people leave incarceration in a better position to be successful than when they arrived. It is a community where voters approve a joint public safety and mental health millage to provide millions of dollars for diversion and deflection work. It is a place where officers

“...We need people marching in the streets and ensuring protection, but it is just as important that those of us who work within the system are working to make changes from the inside. If we only push from the outside, those that prefer things remain the same will simply build bigger walls and stronger doors to keep us out.”

the criminal legal system is full of people aligned with vulnerable populations, the same populations that human service professionals work alongside. Doesn't it make sense, then, for officers to be active participants in reimagining that intricate system?

One common idea includes social workers responding in place of officers. In our very own community, we found that nearly 60% of the mental health calls our deputies responded to did not require a law enforcement response. So yes, we need programs that send the appropriate community responder based on the need. But in addition to direct service work, we should have the social work mindset helping to design the systems needed for those programs to be effective. We need social workers at the table with people who do traditional policing, and we need to adjust the competencies we are looking for when we hire an officer. We should be injecting a social work paradigm at every level of the reimagining process—how we train, the policy language we choose, who we promote, where we invest, what our mission is, and why we do what we do.

In our agency, we no longer call ourselves crime fighters or law enforcement. Instead, we refer to officers as problem solvers and police service professionals. Because that is what we do, and it is an invaluable service to our community. Some of this may seem like semantics, but words matter and speak to our beliefs. Those beliefs and basic assumptions feed our values, and those values show up in how and why we do the work that we do. It is here, at the intersection of social work and criminal justice, where our community has seen significant progress.

What does this look like in practice? It looks like a sheriff's office that employs formerly incarcerated individuals—not to be informants

make arrests when they must, but where they also have tools to divert a young person from the system. Better yet, a place where we prevent that young person from ever having contact with the system in the first place. It is where someone can call 911 and have the appropriate community responder show up, whether that responder is a peer, social worker, medical professional, or officer. It looks like a sheriff's office that runs a support group for moms who have children in the juvenile justice system, where those moms and officers work together to interrupt violence before it happens. Parents and officers spend time working together, building trust, and focusing on what is best for that young person. It is a vision where community and officer safety are more likely to happen because they have both put the work in before the crisis happens. It is a place where community members sit on the hiring committee for the selection of new officers and where officers apply because they value the community focus and philosophy we have built.

So yes, we need people marching in the streets and ensuring protection, but it is just as important that those of us who work within the system are working to make changes from the inside. If we only push from the outside, those that prefer things remain the same will simply build bigger walls and stronger doors to keep us out. For some, your calling is to get inside and be the change you want to see, open that door, and let the rest of us in.

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Check Your Own Biases When Supporting Youth in Child Welfare

Noelle Palmer, MS, LMFT, Interviewed by Denise M Cooper

Noelle Palmer is a White, transracial adoptive mom who is a stabilization therapist with Hennepin County (Minnesota) COPE (Community Outreach for Psychiatric Emergencies) crisis team and is Permanency and Adoption Competency (PACC) certified. These varying identities intersect because she has a particular interest in providing adoption-competent therapeutic support for families formed through adoption. One of the ways she embraces her passions is within her role as a stabilization therapist; she provides people and their families with short-term therapeutic support following their initial crisis call to COPE.

With over 30 years of experience working with young people, Noelle often has reflected on her own biases. She says, “How we are raised plays into our biases that exist. I was raised to never question authority, coaches, teachers etc.” Thus internalizing any push back to those in authority as a sign of disrespect or opposition. Rather than understanding push back as a guarded or protective response triggered by historical trauma, disempowerment, or other mental health response. Early in her career, while working as a community advocate in

empower them. As the most knowledgeable participants in their own story, it is best to allow the family to advocate for what they need, especially families of color. It is not helpful to go in and pretend to know and understand another’s experiences, as this is a dismissive practice and can cause a family to feel as though you are not truly listening to their needs. Noelle said that she realized very quickly that she had to take a humble approach, taking the position of curiosity. This open-mindedness allows for the family to share more about their past.

Once there is an understanding of the family’s history and needs, Noelle believes that it is best to be an advocate for the family, using one’s position of “power” to help change the trajectory of the families. As social workers, child protection workers, therapists, or people in other positions who work with families, we can determine not only who receives services but also the quality and other aspects of those services. This power can exacerbate unaddressed bias and privilege, which is why it is vital to address one’s own biases first.

Using one example from the field, Noelle notes that while working with a family in the

As social workers, child protection workers, therapists, or people in other positions who work with families, we can determine not only who receives services but also the quality and other aspects of those services. This power can exacerbate unaddressed bias and privilege, which is why it is vital to address one’s own biases first.

schools, a colleague called attention to the fact that the Black and brown students were treated differently than the White students. For example, if a student of color was in the hallway, they would be asked where they were supposed to be, while on the other hand, a White student would just be asked to get back to class. In Noelle’s own experience, she would perceive students as being “sassy or sassing back” and had to be aware that her judgement occurred more often with Black and brown kids than with White kids. She learned quickly that one must keep one’s own self in check, realizing that these biases do exist, and we must consider that when doing assessments and planning what is appropriate for a child and their family. Thus, in our professional (and personal) roles, Noelle says it is important to address our own biases first. This self-reflection is necessary because professionals are not just advocating for the child but the whole family system.

Furthermore, Noelle states, a worker only has limited time with the families they serve; so when working with families, we need to first

context of crisis, the practitioners involved listed off an array of mental health disorders but did not list trauma as a factor, which was a huge part of the young person’s history. This young person of color was given a conduct disorder diagnosis. In this case, since the child had a history of trauma, practitioners should have used a trauma-informed lens when determining a diagnosis for the child instead of focusing on the child’s behavior. Noelle says, “We forget that what we do is going to affect the trajectory of how that child is going to be treated and we can interrupt that. We can change that trajectory. If the world is looking at them as kids with behavior problems, rather than looking at them as kids who have suffered great trauma, that’s a problem.” She emphasizes that we, as social workers, need to support parents and equip them to be advocates for their children. If parents suspect a diagnosis is not accounting for lived experience and circumstance, such as trauma, parents should be able to express such concerns. Noelle says, “Our parents live day in and day out with



NOELLE PALMER

challenges, and it is hard for the parents to not fall into using the language, ‘I have a problem kid,’ especially when a diagnosis implies as such.”

When working with a family in crisis, Noelle says, there is often a lack of trust from families. “We might be a part of why they are in the situation that they are in...they also don’t trust that we can help. In order to even begin to build that trust, we have to give them real responses, something that will actually help, and not a cookie-cutter response,” she says. A lot of times families lack trust because the advice given has not worked or they view workers as part of the reason why they need the help in the first place. Again, Noelle emphasizes that “we must listen to the family and ensure that our bias is not impacting our perceptions. We must instead learn about the family and provide the appropriate information.

One of the family systems we must be most mindful of are those formed through adoption. These families do not typically understand that when there is no current attachment, the tools and skills offered do not always work effectively. Noelle says that she gets calls from adult adoptees, some over 40 years old. When she asks them if they have ever worked with a therapist who is adoptive competent, most of them are unfamiliar with the terminology. She then tries to connect them.

Overall, though, Noelle says one of the most ethically responsible things that we can do is realize when we are in a situation that is over our heads, and if we do not know what the family needs, we need to reach out to people who are more knowledgeable than us. For those workers who are White and/or identify with dominant culture, we need to understand that events such as the murder of George Floyd will not be as personal to us as it is for Black and brown colleagues or families. Everyday

Student Experience with the IDI

Amy Madsen, MSW, LGSW and University of Minnesota-Duluth social work students

Intercultural development is a priority in the Title IV-E Child Welfare Scholar program at University of Minnesota-Duluth (UMD), and one of the ways it is addressed is through utilization of the Intercultural Development Inventory (IDI) as a tool for personal growth and development. Scholars complete the IDI as they enter the program and meet for a question and answer session afterward to discuss it. There is a range of responses to the assessment, but often students find that they ultimately are able to address some of their underlying biases and reassess their strategies for how they interact with others whose backgrounds differ from their own.

In order to hear directly from students, two current MSW students who took the IDI in the program were interviewed about their perspectives on the IDI and how it has impacted their thoughts and interactions. Mary (an alias) and Ashley are current MSW Child Welfare Scholars at UMD and also work in the field of child welfare. Mary identifies as Native, and Ashley identifies as white.

Initial reactions to the IDI

One of the concerns that we hear often is in relation to anxiety that people have before taking the IDI. When asked about this, Mary confirmed that she was nervous to take the IDI, because it requires a certain amount of vulnerability to have biases exposed. On the other hand, the dialogue following the IDI was helpful in terms of normalizing the experience and information. Ashley wasn't expecting to get much out of the IDI, so she was surprised to find it to be a lot more in-depth than she anticipated. Through the question and answer session, she realized that she was utilizing the concept of color-blindness, which resulted in not honoring the differences that exist among people of different races. She said, "If I hadn't

had a follow-up conversation, I wouldn't have known. I grew up in a family where looking back now, some conversations and actions could be seen as racially inappropriate, and that has led me to really reflect on how I was raised viewing people of other ethnicities compared to myself."

Processing goals through the IDI

When the follow-up conversation turned to creating goals based on the information from the IDI, students were able to identify more specifically how to develop their skills or perspectives. Ashley said when she initially approached this step, she thought, "I don't have time for this!" However, after further processing, she realized that she had been unintentionally committing microaggressions and through the steps of creating goals, she was

ourselves and how we experience others, but she noted that she is now able to have more understanding of those she interacts with, since she can frame those interactions in the IDI continuum. "I can plant seeds depending on where people are," she said.

Addressing racism within child welfare

Ashley's perspective is that the IDI helps any worker identify where they are. "I thought I was fine and didn't have color-blindness, but I was mistaken. It's a tool to move forward as a worker. If there is something you can do differently, of course you want to know that," she said. Although Ashley works primarily with white families, she does work with some families who are Native American. "Before, I wouldn't treat them any differently, but now I

"The IDI is super valuable for those of us who want to do good work... We can't be an ostrich with our head in the sand."

able to apply her newly acquired awareness to create strategies for changing her behavior.

When asked about the process throughout the IDI, Mary noted that she really appreciated having a BIPOC QA give her feedback because it lowered her anxiety to be able to identify with the QA. Mary was initially concerned about ending up in a "bad spot" on the continuum, but through conversation and processing, she shifted that perception and now sees that the IDI allows people to have a different understanding of themselves and others. In her self-reflection, she focused on the fact that the IDI is framed in a continuum and that her obligation is to continue moving forward. That movement can sometimes be difficult because of elements within

don't assume... I try to educate others as well that we need to accept accountability," she said.

Both scholars said the IDI has been a very useful tool. Ideally they want it to become an expectation for all child welfare workers. The self-reflection process can unearth pieces of our consciousness of which we are unaware, particularly those that can impact the families with whom we interact. "The IDI is super valuable for those of us who want to do good work... We can't be an ostrich with our head in the sand," Mary said.

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Shrounda's Story: Perspective from a Black Mother, Kinship Grandmother, Policy Advocate, and Community Ally

Shrounda Selivanoff, interviewed by Laura LeBrun

Shrounda Selivanoff is the current director of public policy at the Children's Home Society of Washington, but her experience in child welfare extends far beyond this role. In 2007, Shrounda came into the scope of child welfare after the department was called and her newborn daughter was removed from her care due to Shrounda's addictions to crack, heroin, and alcohol. She continued to use for a little over a year, then engaged in services and had her daughter returned to her at the age of two-and-a-half. Shrounda's involvement with the child welfare system led to self-reflection, and she wanted to capitalize on her experience by working with others who faced similar struggles: An advocate was born.

Shrounda began her advocacy on the frontline, working with families who were directly impacted by the system. Although she has never worked within the system, she has more than ten years of experience working with families in some capacity—by assisting with family planning, by helping others address substance abuse, and by teaching people to navigate resources, for example. Most recently, Shrounda has found herself in public policy, and she has already helped create monumental political change while at the Children's Home Society with the passage of HB 1227 in Washington (Shapiro, 2021). The bill changes the wording of proof from "imminent harm" to a heightened standard of "imminent physical harm." In addition, it requires casual connection. For example, the state must demonstrate how substance abuse creates imminent physical harm in order to remove a child. Both of these changes are advocacy efforts to fight a system that has historically harmed and continues to harm Black, Native American, and multiracial people at disproportionate rates.

Shrounda's lived experience relates directly to her professional work with those affected by the child welfare system, and she has become a fierce ally for people navigating racism personally and professionally within child welfare. Reflecting on her personal experience, Shrounda says racism, including systems and environments, contributed to her substance abuse. Shrounda says systemic racism, which includes poverty, discrimination, and violence, often surrounded her like quiet voices, but sometimes they became "loud, argumentative, screaming voices." She sought to quiet these voices and says she "found some respite from all of that in drugs and alcohol." This, in turn, led to the consequences of the system. Shrounda refers to her own story as a way of reminding others that a summary of someone's personal

experience isn't the equivalent of knowing every intimate detail. "The bulk of the story is underneath," she says.

Not knowing or acknowledging what's underneath the surface is an appropriate analogy for the general public's distance from these problems: Placing blame on the individuals instead of seeing the systemic and historical impacts of racism on people's lives results in fewer people getting involved to find solutions. Shrounda takes some ownership for her own experience, and she also believes it is important for people to see the results of systems of oppression on American families. People experiencing systems of oppression are constantly utilizing survival tactics to navigate such forces, and structural racism creates disparate outcomes in any area. People are complex and their individual experiences need to be regarded, but we know about decades of disproportionate statistics in child welfare related to race and we know that racism has been in existence for much longer.

While Shrounda has begun to create some systems change, she knows that there



SHROUNDA SELIVANOFF

cash assistance like there would have been in "normal times."

We also need to change our way of thinking about the child welfare system. Shrounda believes that the child protection system is a "cradle to prison" system, in which, on the pretense of "child protection," the large percentage of children from the child welfare system who enter prison generate profit.

"When your goodness is built off the back of the suffering of another, there are some indicators that something has gone terribly wrong."

is an incredible amount of work necessary in order to dismantle systems of harm to black and brown families. She does not see the full dismantling of the child welfare system as realistic but believes in feeding far fewer families into a system of irreparable harm. Shrounda notes a few vital components for systems change, such as "the power of voice, the power of organization and mobilization and what that can truly lead in impact for the overall experiences of families."

The first area of defense against racism, according to Shrounda, is to address the problem at its onset and make sure families do not come into the system. For example, if poverty is a contributing factor, our best efforts are to address finances. There is a depletion of resources in communities and people are given strict timelines, so we must look to see how to get concrete goods and needs into the people's hands without oversight, as such monitoring communicates distrust. Studies show that people who are given finances use them for their needs (Egger et al., 2019); as Shrounda puts it: "Most people do not want to live in squalor." In fact, she notes that during COVID-19, there were few conversations about what people were going to do with the

Thus, although the system's premise is the best interest of the child, the system also creates other profit-motivated and profit-generating programs and services. The term "best interest" should therefore be redefined as a system that offers resources and supports to family systems instead of claiming to rescue children from their families through the means of removal. Resources and supports give children the best potential for success. There is a need for some children to be in foster care and adopted, but many families would do anything to get their children home. Yet, there are few incentives for reunification compared to adoption. As a kinship provider, Shrounda is seeing these flaws firsthand: recently, the state did not support guardianship as a permanent option in her case, which leaves the only option of adoption for secure permanency for her grandson.

Thus, birth parents are often villainized. People buy into this narrative, and as Shrounda says, "When your goodness is built off the back of the suffering of another, there are some indicators that something has gone terribly wrong." Instead, foster parents should foster families, for the greatest resource will always be human resource. The government should not

A Landscape of New York's Family Regulation System: The Activist's Perspective

Joyce McMillan and Washcarina Martinez Alonzo, Esq.

The horrors popularized in stories of child abuse and neglect obscure the daily struggles of Black and Latinx families fighting to stay together day in and day out. In New York City, the Administration for Children's Services (ACS) is in charge of investigating allegations of such abuse or neglect as delegated by the state Office for Children and Family Services (OCFS). It is important to highlight, at the outset, that the safety of children and families is paramount. Nonetheless, the narrative around preserving children's safety—child welfare—masks the injustices of family destruction through over-policing and over-regulation.

In New York, the Parents Legislative Action Network (PLAN), was founded by Joyce McMillan's organization JMacforFamilies. PLAN "is a coalition of parents directly impacted by the child welfare system, attorneys, social workers and academics who are committed to reducing and eventually ending the child welfare system's harms and transforming the way society supports families." This piece will provide an overview of the upcoming proposed changes in New York's family regulation system from the lens PLAN advocates, written by founder and veteran activist, Joyce McMillan, and Washcarina Martinez Alonzo, an attorney at Manhattan Legal Services.

Overregulation and Racism

As characterized by scholar Dorothy Roberts (2002), the current family regulation system "compound[s] the effects of discrimination on Black families by taking children from their parents, allowing them to languish in a damaging foster care system or to be adopted by more privileged people. ... The color of child welfare system is the reason Americans have tolerated its destructiveness." Black and Latinx mothers are unfairly targeted by a system that is failing to protect them and their children. In the last five years, a startling 20% of Black and Latinx New York City children had contact with the child welfare system (Movement For Family Power, 2020). Despite being systemically targeted, Black and Latinx children are not safer because of this overregulation. The current pandemic forced ACS to diminish their investigations and focus on cases where children were at imminent risk of being harmed. School closures also limited poor families' interactions with mandated reporters, resulting in less oversight of Black and Latinx households. The result? More families stayed together, and children remained equally safe (Arons, 2021).



Successes and Changes on the Horizon

PLAN was instrumental in the passage of upcoming reforms to New York State's Central Registry (SCR). The SCR houses reports of abuse or neglect (otherwise referred to as maltreatment) so that employers servicing vulnerable people can perform background checks on a prospective employee's history with

legislature. The family Miranda Rights Bill hoped to explain parental rights before an investigation by local child welfare agencies. Despite being a no-brainer to many activists, the stigma associated with parents investigated for abuse/maltreatment was impossible to overcome in this past session. Other seminal efforts to reform the family regulation system include a shift from anonymous to confidential reporting in an effort to prevent malicious

The color of child welfare system is the reason Americans have tolerated its destructiveness.

children. A review of ACS and OCFS data shows that the majority of reports, 85%, are actually poverty-related allegations of neglect/maltreatment and not the horrible abuse often popularized (N.Y.C. Administration for Children's Services, 2020, 2019). The SCR perpetuates racist disparities, sentencing Black and Latinx parents to the same poverty-related circumstances that resulted in being listed in the first place. The changes to the SCR laws, beginning January 2022, will provide parents with an opportunity to paint a better picture of themselves before being unjustly discriminated against and listed on the SCR.

Despite progress in reforming the SCR, other aspects of the family regulation system are still being transformed. Most recently, a landmark effort to provide parents an overview of their rights, similar to criminal Miranda Rights, was thwarted by the New York state

reporting. Advocates hope that the shift to confidential reporting allows resources to be allocated to the cases that need them.

However slowly the changes to New York's family regulation come forth, one thing is certain; organizers will not stop fighting to create equitable outcomes for parents in the system.

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Before You Make the Call: Rethinking Mandated Reporting

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with prevention-based services and the freedom to do so without involving child protection professionals through a report that may not be warranted. By reimagining preventative measures as something other than mandated reporting, we can begin to close the front door to family separation and racial inequities in the child welfare system.

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Helping Adoptive Families Confront Racism

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The more conversations we (i.e., child welfare professionals, social workers, case managers, home-study staff, mental health professionals, clergy, non-profit organizations, adoption agencies, etc.) can offer families pre- and post-adoption, the more likely we are to succeed at minimizing the unnecessary suffering and trauma caused by the aforementioned exploitation.

Many teen and adult adoptees share with me that their parents never talked about race. That is a disappointing and sad reality.

Confronting racism is an exhausting and necessary journey. The good news for me is we don't have to do it alone. It's my hope that these five ideas would support you as you continue to walk gently and purposefully with those families under your care; that many children would be strengthened, and many families would benefit.

Cameron Lee Small, MS, LPCC, founder of Therapy Redeemed. Contact: therapyredeemed@gmail.com

Intercultural Learning and Development as Antiracist Work in Child Welfare: Using the IDI as a tool

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The intent is coming from your aspirational orientation of Acceptance, but you could be saying, "I respect diversity by treating everyone the same because I don't see colors (of people's skin)."

When we are shown our gap, we may balk at first. But once we get over that initial surprise and even a little sting, we can embrace the inherent opportunities that the gap presents. It

becomes a motivator. We suddenly understand that we need to look within ourselves, explore new ways of seeing people, cultivate empathy and curiosity, and take action. Once it is seen, the gap cannot be unseen.

Using the IDI for Grounding an Antiracist Mindset

Using the IDI is powerful grounding for antiracist work. When used as grounding in child welfare, it can bring more humility, creativity, and resilience to the work. For child welfare professionals, utilizing the IDI as a learning tool and deliberately working on their own intercultural learning and development is their antiracism work that is embedded in their occupation.

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Learning Advocacy: How one former foster youth is putting her advocacy skills to the test during a double pandemic

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number of youth in the child welfare system—youth who often are not understood and who are left out of the funded responses for those social issues. Aging out adds yet another layer to the complexities faced by youth in the foster system. Jessica Rodgers, the executive director at C2i says "It feels like [the county] has not been receptive to the needs and advocacy around this, it's just business as usual: "They [decision makers] all have jobs, they don't live in the community, and they don't look like our kids." C2i operates from five core values: education, housing, employment, financial literacy, and personal wellness. The organization has been invested in supporting young people by recognizing that not all young people in the child welfare system are connected to agencies like C2i and many continue to fall through the cracks. C2i which serves many youth and young adults of color in the Twin Cities metro area, Rodgers says this is one reason why they are working to create programming that resembles the California Evidence-Based Clearinghouse Child Welfare Program. The organization is working on a leadership track as a formal pathway for young people who have previously been served by C2i. One employee has been able to reach young people who the organization has not heard from in a while. Ada is spending time networking and creating strategic plans for how foster care may look and change within the next 10 years. She focuses on how efforts can be spent finding missing youth that are in the foster care system, and how advocacy can increase for young mothers.

Ada described 2020 as a chaotic year, but she is hopeful a new normal is coming.

Ada Smith, young adult

Drew Lemmie, staff at C2i

Jessica Rodgers, Executive Director at C2i

To learn more about the work C2i is doing, visit <https://www.c2iyouth.org/c2iyouth/>

Check Your Own Biases When Supporting Youth in Child Welfare

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injustices such as this murder impact how families think and feel and, frankly, live. While we may go into the field and think that we are being objective and professional in judging a family system and their needs, there is often an emotional disconnect between workers and families. This disconnect can lead to dismissing people and their experiences; instead, we must take humility and join with the family in their pain, remembering that these are people's lives, experiences, and sacred stories. It is truly a privilege and an honor that families allow workers to be a part of that. Remembering this humility, privilege, and honor is vital to the social work profession.

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Shrounda's Story: Perspective from a Black Mother, Kinship Grandmother, Policy Advocate, and Community Ally

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manage relationships but instead help build strong, familial connections. No one should be vilified for needing support.

Throughout her experience personally and professionally, Shrounda has seen the effects of the child welfare system. She continues to fight for change in her role as public policy director, but it will take the power of a collective voice to change the narrative and help fewer families experience the trauma of the system. By understanding the systemic causes that lead to child welfare involvement, as well as listening to parents' histories and needs instead of creating assumptions about them, we can move the child welfare system away from separating families and prioritizing the well-being for all members of a child's family.

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Discussion Guide

This guide is designed to help facilitate thoughtful self-reflection, as well as discussions during individual and group supervision about the information presented in this issue.

Self-Reflection Questions:

1. Reflect on your own multiple and intersectional identities and how each lens might influence daily thoughts and decisions in your child welfare work.
2. In discussing the implications of mandated reporting, Miriam Itzkowitz & Katie Olson argue that too often reporters use a “first suspicion” or “first anxiety” threshold, instead of the required “reasonable belief” standard. Additionally, Tyrone Howard discusses the ways in which mandated reporting by educators is often rooted in implicit bias.
 - a. In your practice, what types of situations come to mind regarding first anxieties or first suspicions? How might your particular lived experience or bias play a role in mandated reports? Can you reflect on specific examples?
 - b. Consider mandated reports that your agency has received from educators. How can child welfare workers both simultaneously support and “call in” educators to address racism in mandated reporting? How are child welfare workers complicit in perpetuating the harm done by racially-biased mandated reports?
3. Phyllis Braxton-Frierson reflects on her experience working as a Diversity, Equity and Inclusion (DEI) consultant and facilitating the IDI, stating “the adults are usually very open to changing their behavior when working with their constituents/children; however, they fall short of extending that same openness to their adult colleagues/peers.”
 - a. Do you notice a discrepancy in your tolerance for differences in clients and those you serve versus your tolerance of colleagues and peers? Why?
4. Noelle Palmer discusses the positionality and power of professionals. She states that it is important to keep in mind that, if you’re part of the dominant culture, these families are letting you into their world.
 - a. Consider the power within your own role and/or identity. How have you utilized your power in the past? How might you use power to uplift families?
5. Priscilla Day’s article discusses the bias and discrimination faced by many American Indian and Alaskan Native professionals. She refers to Isabel Wilkerson’s book *Caste* (pg. 79) painting the system in which we live as “invested in keeping the hierarchy as it is or [be] content to do nothing to change it, but not racist in the classical sense, not active and openly hateful of this or that group.”
 - a. Priscilla asks: *How do you address inner beliefs that “good people” have when they do not see themselves as racist or deny their privilege, even when it is repeatedly exposed? Do you view yourself as a “good person” despite your past mistakes, racial microaggressions, or privilege?*

Discussion on Practice Implementation:

1. This issue opens with discussions on the presence of racial disparities, disproportionality and inherent bias in child welfare (see Dettlaff, Akin et al., Smith & Nastrom, and Day).
 - a. What factors do you think have had the most impact on the disproportionate representation of children and families of color in child welfare?
 - b. Why do you think it is important to understand possible root causes of racial disparities and disproportionality?
2. Many of the articles highlight the importance of acknowledging the racial disparities throughout all aspects of child welfare practice.
 - a. Think about how you interact with children and families from diverse communities in your professional role. How might directly naming this problem help you better support children and families? Are there barriers or challenges to improving practice? Do you have suggestions for addressing these obstacles?
3. Smith and Nastrom’s article refers to the impact of generational trauma. Oftentimes we may learn parts of history, but not all of the narrative or truly internalize the information. Multigenerational and historical trauma is a critical part to understanding cultural history and perspective.

- a. Is this something you learned about in school? Or elsewhere?
- b. How might learning more about this particular history inform your practice when working with clients with multiple identities?

Discussion on Agency- & System-Level Changes:

1. According to Howard, experts recommend the following strategies to address disproportionality and disparities in child welfare systems:

- Understanding the impact of individual biases in reporting, investigating, intervention and placement processes.
- Developing culturally responsive, trauma informed practices in schools.
- Engaging families and communities of color when developing new policies.
- Using data to identify and address disparate outcomes.
- More implicit bias training for mandated reporters

a. Do some of these suggestions seem more practical than others in your agency or organization? Which strategies seem most achievable and which do not?

2. Per several authors (Day, Smith & Nastrom, Finley & Mellerson), many disparities and disproportionality in child welfare can be linked to systemic issues, such as institutional bias.

a. How is institutional bias reflected in your agency?

b. What are some practices and policies that agencies might implement to help reduce disparities and disproportionality?

Consider cross-systems collaboration in your discussion.

3. Shannon Smith from the ICWA Law Center highlights the lack of awareness by child welfare agencies of the intergenerational trauma in American Indian communities that resulted from disproportionate removal and Indian Adoption by White families. Priscilla Day also discusses the bias and discrimination faced by many American Indian and Alaskan Native (AI/AN) professionals.

a. Given the compassion the ICWA Law Center describes showing to Native families they represent, how can child welfare agencies replicate this when working with Native families? AI/AN professionals?

b. How can agencies go a step further in their “active efforts” to compensate for historical trauma imparted by Child Protection?

4. Education and training are often used as a way to communicate new best practice guidelines and policies. Kollar & Wilcox refer to their Racial Equity Team (RET) and the Intercultural Development Inventory (IDI) as methods of imparting education and training within NCWWI, while Madsen et al. agree that the IDI is vital for self-reflection on subconscious bias within child welfare practice.

a. How does your agency currently utilize training and education to eliminate bias?

b. What are some ways in which you can ensure that these strategies learned in training are applied in practice?

c. If your agency does not currently require or promote training, what can you do to gain these skills?

5. Derrick Jackson discusses policies of keeping law enforcement separated from youth, typically in homeless shelters - while “on the streets,” law enforcement officers are the first point of contact for youth and other vulnerable populations to access necessary services and resources. Jackson suggests “adding a social work paradigm” to reimagine policing and the competency of newly-hired police officers.

a. Given recent social uprisings and the call to abolish police, do you think Jackson’s suggestions have a role in the future of policing? Why or why not?

b. Do you think that law enforcement will be able to engage with the community, like Jackson is hoping for, given the history of police brutality and historical racism?

Resources

This list of resources is compiled with input from CW360° authors and editors as well as CASCW staff.

Governmental Organizations & Resources

- Administration for Children and Families <https://www.acf.hhs.gov>
- Children's Bureau <https://www.acf.hhs.gov/cb>
- SAMHSA <https://www.samhsa.gov/>
- U.S. Department of Health & Human Services <https://www.hhs.gov/>

National Organizations & Resources

- Alia <https://www.aliainnovations.org/>
- Annie E. Casey Foundation www.aecf.org
- California Evidence-Based Clearinghouse for Child Welfare <https://www.cebc4cw.org/>
- Child Welfare League of America <https://www.cwla.org/>
- Child Welfare Information Gateway <https://www.childwelfare.gov/>
- Foster Club <https://www.fosterclub.com/>
- National Child Welfare Workforce Institute <https://www.ncwwi.org>
- National Indian Child Welfare Association <https://www.nicwa.org>
- Think of Us <https://www.thinkof-us.org>
- upEND Movement <https://upendmovement.org>

Minnesota Organizations & Resources

- Ampersand Families <https://ampersandfamilies.org/>
- Connections to Independence (C2i) <https://www.c2iyouth.org>
- ICWA Law Center <https://icwlc.org>
- MN Adopt <https://www.mnadopt.org/>
- Therapy Redeemed <https://therapyredeemed.wordpress.com/>
- Village Arms <https://villagearms.business.site/>

Policy and Advocacy Organizations

- Center for the Study of Social Policy <https://cssp.org>
- Haywood Burns Institute <https://burnsinstitute.org>
- JMAC for Families <https://www.jmacforfamilies.com>
- Movement for Family Power <https://www.movementforfamilypower.org>

Additional Reading, Resources, and Tools

Adoption

- A Brief History of Korean Adoption <https://bit.ly/3rWG4AN>
- Permanency and Adoption Competency Certificate (PACC) <https://paccminnesota.com>
- Rescued Children and Unfit Mothers: Dreiser's Social Work in the Delineator's Child-Rescue Campaign <https://bit.ly/37s9XPQ>
- "Six Words: 'Black Babies Cost Less To Adopt'" <https://n.pr/2TXyzNg>
- Workbook for adoptees <https://payhip.com/b/r7Yz>

Race-related

- How the foster system has become ground zero for the U.S. drug war <https://bit.ly/2ZPiWH1>
- Intercultural Development and Crisis: The Role of The IDI QA <https://www.youtube.com/watch?v=NmWbbJjDesA&t=646s>
- Indian Child Welfare Act (ICWA) <https://on.doi.gov/3isWAoO>
- Review and Expunction of Central Registries and Reporting Records <https://bit.ly/3xuCzmn>
- The impact of Racism on Child and Adolescent Health <https://bit.ly/3rWuxBo>
- Color-Blind Ambition <https://bit.ly/3xurL7x>
- Evidence base for avoiding family separation in child welfare practice <https://bit.ly/2Vxxqk>
- To transform child welfare, take race out of the equation <https://bit.ly/3ytCQqY>

Challenging Racial Injustice

- Ambassadors for Racial Justice <https://bit.ly/3fEQbFo>
- Eradicating Racism and Bias in Child Welfare, Part 1: Strengthening Families Using a Racial Equity Lens <https://bit.ly/3LDIyTn>
- One Journey National Child Welfare Workforce Institute Racial Equity Team <https://bit.ly/3lFENNk>
- Parents Legislative Action Network (PLAN) <https://bit.ly/37mXUDu>
- Promoting racial equity through workforce & organizational actions <https://bit.ly/3fDtDVz>

Economic Stimulus for Families

- General Equilibrium Effects of Cash Transfers: Experimental Evidence from Kenya <https://bit.ly/3fG4UQp>
- Research on cash transfers <https://bit.ly/3xvsfuj>



CASCW PODCAST CHANNEL

CASCW is committed to connecting child welfare professionals to relevant and accessible training resources. We are excited to bring you the latest in research, policy, and practice via **PODCASTS**.

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- Person-centered practice • Supporting parents with disabilities
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The Phoenix Learning Xchange (PLX) is an interactive, multidisciplinary, non-credit certificate program. PLX aims to broaden the knowledge of the development, challenges, positive engagement and wellbeing of youth and adolescents involved in the child welfare and other systems.

phoenixlx.com

About CW360°

Child Welfare 360° (CW360°) is an annual publication that provides communities, child welfare professionals, and other human service professionals comprehensive information on the latest research, policies and practices in a key area affecting child well-being today. The publication uses a multidisciplinary approach for its robust examination of an important issue in child welfare practice and invites articles from key stakeholders, including families, caregivers, service providers, a broad array of child welfare professionals (including educators, legal professionals, medical professionals and others), and researchers. Social issues are not one dimensional and cannot be addressed from a single vantage point. We hope that reading CW360° enhances the delivery of child welfare services across the country while working towards safety, permanency and well-being for all children and families being served.

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In This Issue of CW360°

- Research, resources and best practices for working with and supporting BIPOC families
- Historical background and contexts for the current state of our child welfare system
- How interventions can be applied to improve the child welfare system
- Preventative strategies and tools to address racial inequities in the child welfare system
- Calls to acknowledge the negative systemic impact on BIPOC families
- Multiple perspectives and insight on how child welfare can improve
- Specific strategies that the child welfare workforce can implement

CW360°

a comprehensive look at a prevalent child welfare issue

Feature Issue: Confronting Racism | Engaging Partners | Finding Solutions, Summer 2021

Executive Editor : Traci LaLiberte
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**New York City Council
Committee on General Welfare
June 15, 2022**

Hearing on Oversight of Juvenile Detention and Int. 139 and Int. 294

Testimony of The Legal Aid Society

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The Legal Aid Society thanks Chair Ayala and the members of the Committee on General Welfare for holding this hearing on juvenile detention, as well as on Int. 139 and Int. 294. We welcome Chair Ayala to your new role and encourage the City Council to continue to exercise its oversight powers over the Administration for Children's Services (ACS) to ensure that youth detained as a result of contact with the legal system are held in safe conditions and provided the services and supports they need. In particular, we urge City Council to ensure that ACS improves access to confidential means for attorney/client communication for youth in secure detention, increases programming and enhances mental health and trauma training for ACS staff. In addition, The Legal Aid Society supports Int. 139, which would require ACS to report on the impact of the death of parents and guardians from COVID-19 on children. We also support Int. 294, which would require that ACS provide a multilingual disclosure form to parents or guardians at the outset of a child protective investigation; however we believe a similar form, in age appropriate language, should be required to be provided to children as well. We believe these bills will assist ACS and other stakeholders in serving traumatized youth and ensure the protection of essential rights for parents and children.

The Legal Aid Society

The Legal Aid Society represents the majority of children and youth prosecuted in New York City's Family Courts and Criminal Courts, as well as the majority of children and youth in child protective proceedings in Family Courts. We have dedicated teams of lawyers, social workers, paralegals and investigators devoted to serving the unique needs of children and youth, including those charged as juvenile delinquents, juvenile offenders and adolescent offenders. The Juvenile Rights Practice and the Criminal Defense Practice's Adolescent Intervention and Diversion Project have adopted an integrated representation model to ensure seamless and

comprehensive representation of 16- and 17-year-old youths who appear in the Youth Part and are removed to Family Court. In addition to representing our clients in trial and appellate courts, we also pursue impact litigation and other law reform initiatives.

NYC’s Juvenile Legal System – A Brief Overview

ACS’s Division of Youth and Family Justice (DYFJ) is responsible for the detention of all youth in New York City and for the placement of youth adjudicated as juvenile delinquents (JDs). Currently, youth between the age of 7 and 18 can be charged as juvenile delinquents and prosecuted in Family Court.¹ Children age 13-15 who are charged with certain crimes may be prosecuted as juvenile offenders (JOs) in Criminal Court. Youth charged with more serious crimes at age 16 or 17 may be prosecuted as adolescent offenders (AOs) in Criminal Court.

If detained, children and youth are remanded to ACS custody. Remanded AOs and JOs can only be held in secure detention. Children under ten years of age may not be held in secure detention.² ACS DYFJ operates secure detention for JDs and JOs in Crossroads Juvenile Center in Brooklyn and specialized secure detention for AOs in Horizon Juvenile Center in the Bronx. ACS also contracts with nonprofits for the operation of nonsecure detention facilities (NSDs). Only youth charged as JDs can be remanded to NSDs, which, while designated as “non-secure,” are nonetheless locked facilities. Each NSD facility has the capacity to house twelve detained youth.³

In addition to detention, ACS DYFJ is responsible for and oversees the “Close to Home” placement facilities where youth adjudicated juvenile delinquent are placed. ACS DYFJ

¹ Effective December 29, 2022 the lower age of juvenile delinquency jurisdiction will no longer be seven. Only children twelve and older will be able to be charged as juvenile delinquents, unless they are age 10 and older and charged with a homicide-related offense. L.2022, c. 38, §§ 2 to 4, eff. Dec. 29, 2022.

² Effective December 29, 2022, children under 13, except for those charged with a homicide-related offense, cannot be held in secure detention. L.2022, c. 38, §§ 2 to 4, eff. Dec. 29, 2022.

³ 9 NYCRR § 180-1.3(D)(3).

contracts with not-for-profit agencies who operate these congregate residential placement facilities, both non-secure and limited secure.

Racial Disproportionality Pervades Detention and Placement

Appalling and longstanding racial disparities exist in NYC’s juvenile legal system; justice-involved children and teens are almost exclusively poor and Black. According to ACS Detention Demographic Data for FY 21, 66.9% of all New York City youth admitted to secure detention facilities in 2021 self-identified as Black, despite Black children representing only 22% of the population of children in NYC.⁴ Similarly, 71.9% of those admitted to non-secure detention facilities identified as Black.⁵ Additionally, many youth of color have experienced trauma and at least one significant issue beyond poverty that causes instability in their lives.⁶ These injustices are rooted in racial inequities that permeate society; the juvenile legal system included.

Increased Census of Youth in Secure Detention

Juvenile detention facilities have seen a dramatic increase in population since early 2022.⁷ According to The Mayor’s Management Report for Preliminary Fiscal Year 2022 (MMR), “[t]he average daily population in juvenile detention rose 46 percent to 152.8 in Fiscal 2022 from 104.9 in Fiscal 2021.”⁸ Yet, this increase was not driven by an increase in admissions, as there was only a six percent increase in admissions to juvenile detention during

⁴ <https://cccnewyork.org/data-publications/keeping-track-of-nyc-children-2022/?section=Who+Are+New+York+City%27s+Children%3F>

⁵ <https://www1.nyc.gov/assets/acs/pdf/data-analysis/2021/DetentionDemographicReportFY21.pdf>

⁶ See, e.g., [https://www.nctsn.org/sites/default/files/resources//complex trauma facts in urban african american children youth families.pdf](https://www.nctsn.org/sites/default/files/resources//complex%20trauma%20facts%20in%20urban%20african%20american%20children%20youth%20families.pdf)

⁷ See pp. 20-23 of <https://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2022/05.pdf>

⁸ https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2022/2022_pmmr.pdf at 170.

this time. *Id.* Instead, it is apparent that the increase is driven by longer length of stay. Specifically, the MMR attributes the increased census to the fact that a higher percentage of the population are now AOs, “whose court processes often take much longer than Juvenile Delinquents.” *Id.* Unnecessary detention must be avoided. Detention exposes youth to potential trauma, exacerbates mental health issues, increases the likelihood of further system involvement, and has a long term negative impact on youth.⁹

Attorney Access to and Communication With Youth in Detention

Youth are entitled to timely and confidential communication with their attorneys. This is especially critical in advance of court appearances. However, our staff and clients report significant barriers to access to clients, especially in secure detention.

First, it is extremely difficult to communicate confidentially by telephone with our clients in secure detention. While phones are available to youth on their residential halls, these phones do not afford adequate privacy. They are placed in open spaces where conversations may be overheard by other residents or staff. Detention case managers should be available to arrange calls between clients and attorneys in confidential space, however, recently this has not been the case, presumably due to a shortage of available staff. According to one attorney, “I’ve tried to set up calls through staff and they tell me that they don’t have the staff to move [the youth] to another location and that they’ll tell the youth to call us from the hall. Probation recently reached out to me because Crossroads wouldn’t set up a Zoom or a phone call for a youth to speak to her to prepare an I&R [Investigation and Report]. They had her call every day to see if there was availability. No staff availability ever came so they had my client call the [probation

⁹ <https://njdc.info/wp-content/uploads/2016/10/The-Harms-of-Juvenile-Detention.pdf>

officer] from the hall [despite the fact that] it's so loud and clearly not the appropriate place to do an I&R interview.”

In person visits are often no better. For example, it is difficult to meet privately with our clients in order to have confidential attorney client communication. One attorney recently reported that during an in person visit to a client at Horizon, staff remained in the room during the visit, making confidential communication impossible. In the words of the attorney, “With [my client] in Horizon the other day – we couldn’t have a confidential meeting – there was no small room to sit in, so we sat in a larger area and the staff person supervising would interject her responses until we told her not to.” Attorneys also report long waits to see clients in Horizon when they have travelled there to meet with them in person.

These complaints are pervasive. As one attorney has stated, “The biggest issue I have right now is speaking to our clients at Crossroads. If they were adults held in Riker’s, we could set up video conferencing with them. Crossroads no longer lets us set up video conferences saying that they do not have enough staff to facilitate. We can either schedule an in-person visit with them at Crossroads or answer when they call us. Our clients call us constantly and we have no way to get back in touch with them easily. I’ve also tried setting up phone calls through their case managers and that never seems to work. We should have more access to our child clients than [defense attorneys] have to their adult clients.” Similar barriers exist at Horizon as well.

Video conferencing, an extremely useful communication tool between youth and their attorneys, was discontinued approximately six months ago in secure detention. Given the delays in in-person visits, along with inadequate confidential telephone access and ongoing COVID concerns, it seems seriously ill-advised to eliminate video counsel visits. Video conferencing is not only a convenient and meaningful communication tool between youth and counsel, it is also

critical to ensure timely communication, particularly before a court appearance when discovery may need to be reviewed and strategic decisions discussed.

We urge the City Council to require ACS to protect the rights of youth and ensure they are able to have timely and confidential communication with their attorneys.

Additional Mental Health and Trauma Training for Staff

The vast majority of youth in the juvenile legal system have experienced trauma and suffer from mental health issues.¹⁰ Yet attorneys often describe failures by staff at juvenile detention facilities to deal with these youth with empathy, as well as appropriately de-escalate situations, particularly involving youth with mental health concerns. Given ACS's testimony about staffing shortages, the short tenure and turnover of staff may be playing a role. In any event, staff at both secure and NSD facilities would benefit from additional training and skill-building on these issues.

For example, rather than use de-escalation techniques in response to a youth who was experiencing a mental health related episode, staff at Crossroads *tackled* our client. A follow-up conversation with the youth's therapist confirmed that the incident was the result of detention staff being unable to appropriately handle the youth's mental health episode. In another example, staff lacked empathy for a client who had been in and out of hospitals his entire life. Staff appear to lack knowledge and awareness of how to work with young people with heightened needs.

¹⁰ According to the Vera Institute, in 2014 "approximately 85 percent of young people assessed in secure detention intake reported at least one traumatic event, including sexual and physical abuse, and domestic or intimate partner violence. Furthermore, one in three young people screened positive for Post-Traumatic Stress Disorder (PTSD) and/or depression." <https://www.vera.org/downloads/publications/juvenile-detention-reform.pdf> at 12. See also, <https://www.nctsn.org/trauma-informed-care/trauma-informed-systems/justice/essential-elements>

De-escalation of tensions at juvenile detention would be greatly enhanced by providing skills-based training to assist staff to deal more empathically with youth, the majority of whom have mental health issues. We urge City Council to require better train for ACS staff in order to prepare them to work with these young people and support them as they continue to do so.

Need for Programming and Outside Recreational Time at Secure Detention Facilities

Access to in person programming at secure detention facilities needs to be increased. Programming is beneficial to youth on an individual level, helping them to identify strengths and grow. It is also an essential tool in managing any detained population.

Clients at both Horizon and Crossroads report a severe lack of programming. At Horizon, our staff report youth are required to stay on their halls all day to avoid any potential problems with moving youth throughout the facility where they may come in contact with other youth. We have been told that youth are not being required to attend school at Crossroads. While ACS indicated that this is part of a new plan to provide individualized instruction for youth who require it, at present, this leads to enormous amounts of unstructured down time. One client reports that as a result of sleeping all day, he “can’t sleep at night and is feeling really restless and agitated.” This lack of stimulation has only exacerbated the client’s mental health episodes and he is “desperate” for programming.

Moreover, youth at both Horizon and Crossroads are not provided with sufficient outdoor time for recreation and pro-social outdoor activities. Youth need to get outside the building for recreational and supervised pro-social activities for both their physical and mental health. Recreation and meaningful programming are powerful vehicles for de-escalating tensions in juvenile detention, and provide an opportunity to teach life skills that will assist young people in

the future. We hope City Council will join us in urging ACS to offer more programming and sufficient outdoor time for recreation.

Notification and Communication with Attorneys About Client Issues

There has been a decline in notification and communication from staff at secure detention to attorneys about client issues. In particular at Horizon, there is insufficient communication about client issues, such as critical incidents, case management issues or medical problems. Often our staff only learns of a problem when they speak with the Bellevue mental health clinicians assigned to our detained clients. Moreover, there needs to be better notification about COVID-19 quarantine matters, especially length of quarantine as that affects a young person's access to their attorney and to the court. This type of communication is necessary to provide adequate representation for our clients. More importantly, it is critical for youth safety and care while they are detained. We ask City Council to join us in urging ACS to create better notification system so that attorneys for young people are kept apprised of their clients' needs.

Adequate Opportunity to Make Telephone Calls Is Essential For Youth In Detention

Youth in juvenile detention are in highly stressful situations and need meaningful and continuing contact with their families and friends. Telephones are an essential means of communication. While ACS maintains that it gives all residents a base amount of telephone time and then gives them the opportunity to earn more, we have repeatedly heard that residents do not feel they have sufficient access. Indeed, during the City Council hearing, ACS testified that residents have themselves been requesting additional telephone time through their Resident Councils. Particularly for a youth who is having difficulty adjusting to detention and who therefore is unlikely to be "earning" additional telephone time, the opportunity to maintain connection with family and friends may be particularly important in obtaining support and

reducing stress and trauma. Not only are calls with family important for a youth's mental health, but they can also act as a calming or re-directing factor when a young person is under duress. We urge City Council to follow up with ACS to ensure that adequate amounts of "base" telephone time are provided to all youth in detention.

Comment on Proposed Bill Int. 139

The Legal Aid Society supports passage of Int. 139 which would require ACS to report on the impact of the deaths of parents and guardians from COVID-19 on children in foster care. The Legal Aid Society's clients include children who have experienced such traumatic losses, and we believe this will further assist ACS and other stakeholders to serve traumatized youth. In addition, we know that ACS is working on a plan where children in foster care who are entitled to Social Security death benefits will be able to receive those benefits. We are encouraged by this plan and support ACS in addressing this important issue.

Comment on Proposed Bill Int. 294

The Legal Aid Society also supports passage of Int. 294 which would require that ACS provide a multilingual disclosure form to parents or guardians during a child protective investigation. It is essential that parents, guardians as well as children understand their rights at all stages of child protective proceedings. We therefore urge that this bill be amended to include comparable, age-appropriate notices for children affected by child protective investigations. Children need to understand that absent a court order, they need not speak with ACS if they do not wish to, and that they can speak with a lawyer to better understand their choices and the consequences of their actions.

CONCLUSION

Thank you for holding this hearing to address these important topics. We look forward to continuing to work with the City Council and are happy to answer any questions you have.

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Testimony of

Hillela Simpson

Trial Attorney – Juvenile Defense Unit
New York County Defender Services

Before the

Committee on General Welfare
Oversight Hearing – Juvenile Detention in NYC

Wednesday, June 15, 2022

My name is Hillela Simpson and I am a Trial Attorney with the Juvenile Defense Unit at New York County Defender Services (NYCDS). We are a public defense office that represents New Yorkers in thousands of cases in Manhattan’s Criminal Court and Supreme Court every year, and our Juvenile Defense Unit represents children in felony “Raise the Age” cases in both Supreme Court and Family Court. Thank you to Chair Ayala for holding this hearing on Juvenile Detention in NYC, and look forward to continue working with this new Administration.

Harms of Detention

Detention is, at its core, a racial justice issue – Black and Latine children are overrepresented in both the court system and in detention, meaning that the harms we are discussing today are being disproportionately borne by youth of color. This only serves to exacerbate existing racial disparities due to a lack of investment, in the first instance, in these young people’s schools, health, communities, and futures.

Our clients, who are generally between 14 to 18 years old, are in a unique and important developmental stage that will set the course for the rest of their lives. Detention is harmful to a

young person's mental and physical well-being, their education, and their future potential.¹ Detention exacerbates existing mental and behavioral health problems, and increases the likelihood of depression, suicide, and self-harm. The lack of robust education within facilities causes young people to fall behind—or further behind—in school or disengage entirely. Detention also necessarily means that young people are separated from their families and support networks. It is no surprise that detention can increase the risk of possible future recidivism, and can lead to young people being pulled deeper into the system rather than naturally desisting from criminal behavior. In total, detention is not a place where we want our young people to be learning and growing.

Secure Detention in NYC

Most of our clients are in secure detention, at either Crossroads Juvenile Center or Horizon Juvenile Center. Despite the change in administration, these facilities continue to be dangerous places both for our clients' health and success long term, but also for their immediate physical safety. We are seeing incidents involving violence both among children and also by staff. Young people in these facilities are living under the constant threat—and reality—of physical violence. The constant vigilance this level of violence requires is in turn detrimental to our clients' mental health. And right now, it is our experience that neither a young person's guardians nor their attorney are notified when there are incidents involving violence at a facility, including where they are injured.

Crossroads is the safer of the two facilities, but because of the numbers of children being sent to detention pre-trial, almost all of our clients ultimately end up at Horizon, where violence is rampant and extremely difficult for our clients to avoid. The situation is so dire that ACS is struggling to accommodate the number of urgent requests for safety transfers—either to a different hall in Horizon or to Crossroads—because there are so many requests, and room confinement is being used as an alternative strategy.

Anecdotally, policies and procedures at these facilities are also exacerbating the baseline harms of detention. In terms of education, young people have often received packets of worksheets rather than live instruction, and often do not receive credit for the work they complete while in detention. We look forward to the shift to in-person education discussed in the hearing, and hope to have more of these hearings so we can ensure that our clients' educational needs are being properly served. Additionally, in terms of community contact, our clients are being unnecessarily restricted from maintaining prosocial relationships in the community; visits and phone calls are restricted in length and frequency, and children are not even allowed to call their parents every day.

The Raise the Age legislation recognized the myriad harms of detention, and included an explicit presumption against detention of a young person pre-trial. But despite this presumption, too many young people have bail set based solely on the seriousness of the alleged crime, and are detained pre-trial because their families cannot afford the monetary bail, which leads to

¹ *See generally* The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities, Justice Policy Institute (2006), https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_jj.pdf.

comparatively worse outcomes than young people who are released or who's families are able to post bail. This practice has the practical effect of punishing children for the financial circumstances of their families, and unnecessarily increasing the numbers of young people in secure detention.

Recommendations

NYCDS offers the following recommendations to improve conditions in juvenile detention facilities in NYC.

- Mandatory and immediate notification regarding incidents involving a resident to the legal guardian and attorney.
- Expanded visiting days and hours, and expanded frequency and length of phone calls to family members.
- Mandatory reporting of incidents involving residents as well as staff, and mandatory reporting of frequency and type of safety concerns raised and how those safety concerns were addressed.

The Proposed Legislation

NYCDS endorses Resolution 35. Room confinement should never be used as a form of restraint for young people; it can cause psychological, physical, and developmental harm, and further isolate young people. Transitional hold should also never be used; it is physically dangerous and can result in long lasting harm and trauma.

NYCDS endorses Local Law Int. Number 139 with no specific comments.

NYCDS endorses Local Law Int. Number 294 with no specific comments.

Conclusion

NYCDS urges the Council to think more boldly about rejecting detention as an appropriate place for young people, and to work instead with the City and State to divert children from detention altogether. NYCDS additionally supports the bills on today's agenda. Thank you again for your attention to this important issue affecting our city's most vulnerable young people. If you have any questions about my testimony, please contact me at hsimpson@nycds.org.

Good Afternoon, My name is Shalonda Curtis-Hackett and I am an impacted parent and advocate with JMAC for Families. I am here to advocate for Intro 294 and an end of family harassment by the family regulations system known as ACS.

My only offense was advocating against anti-blackness, transphobia and homophobia at my children's elementary school PS 147 in Brooklyn. Exactly 1 year ago my family was falsely accused of malnourishment and child endangerment.

June 8th 2021, I received a call from a woman stating she was from ACS, she said she would have to come to my home to investigate accusations made against me for my youngest two children. She would not tell me what the allegations were but after repeatedly requesting and letting her know we are in the height of covid i will not be letting strangers in my home, she eventually disclosed the reason for her call. The language and amount of information she said was used in the report could only be accessed and stated by someone trained to know what would trigger an investigation.

As a parents, our sole job is to protect our children. Our lives and livelihood was at stake with an allegation as severe as this. I was scared, angry and disgusted that someone from their school would dehumanize our family because they didn't want to reconcile their complicity in white supremacy.

Instead, they used a system rooted in white supremacy to attack my family. After several phone calls getting the district superintendent to call the case worker, as she has just seen my children on June 2nd, I consented because I was threatened with the police and possible removal if I refused. With both evils being presented I consented to what I thought would be the lesser.

Never once was I explained my rights, nor that we had the right to speak to an attorney. I was pressured into compliance. For 30 days my family was involved with this system despite her saying herself this in fact was malicious and my children are well taken care of.

I along with thousands of families enter into this system under coercion, ill informed and ill equipped to exercise our rights. ACS investigators pressure us to allow them to search our home, interview family members, access private medical records, and much more. As parents and caregivers we want this traumatic ordeal over with so we comply. Even though New York law is clear that parents can refuse these requests absent a true emergency or a court order, investigators often tell parents that if they decline these demands, then their children will be removed. It is overwhelmingly people of color, Black families such as mine, from low-income communities who are subjected to these rights violations and forced separations.

This common-sense bill does not create any new rights. It simply ensures that we have information about existing rights so that we can make informed decisions for our families.

Parents need to know their rights from the very beginning. Had I known then what I know now I could have made informed decisions out of knowledge not fear.

This is a racial justice issue. I was targeted by a school and the department of education that serves Black and Brown children on a silver platter, to funnel through the family regulation system as property.

We as Black, Indigenous, and Latine families bear the heaviest burden of family regulation system involvement throughout New York State. Black families in particular are significantly more likely to be reported, investigated, placed on the statewide registry, and forcibly separated than are families of any other race. In New York City, for example, Black families are 5 times more likely than white families to be reported to the child abuse hotline, 7 times more likely to have a case indicated, and 14 times more likely to be separated. The communities affected consistently report that the targeting of their families and neighborhoods for ACS investigations feels threatening, degrading, and highly stressful—much like over-policing by law enforcement in those same communities.

While many may say my case is not severe, we should have never been in the system in the 1st place. I personally know too many black mothers and children who fare worse left with shame, fear, anxiety and PTSD.

Families who survive this system don't get shout outs, there is no recourse or support from the trauma we experience at the hands of the family regulations system, after our rights have been violated. All we are left with is the anxiety and the everyday of being thrust back to the system. Especially if you chose to speak out and advocate.

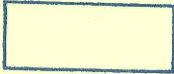
Again I am asking that you support this Intro 294 and inform parents and caregivers of their rights from the very beginning and throughout, so we can make informed decisions that are best for our families.

I would like the committee to investigate the maltreatment of parents who have been accused of neglect and/or abuse. In criminal court, innocence is presumed until guilt is proven. In family court, guilt is assumed and when innocence is proven, prolonged, agonizing separation is the go-to interim solution, and there are no apologies for the mountains of damage done to a person's children, personal life, livelihood, and family. ACS investigations are cruel and unusual punishment of overwhelmingly innocent human beings. The separation of a parent and child is wholly unnatural and the vast majority of the time, unnecessary. The psychological damage done to children and babies separated from their parents is profound and lifelong. Investigators use scare tactics to pry irrelevant information out of terrified parents by telling them if they don't cooperate, they will have to remove their children. They take your kids anyway and use the information you've shared out of context to incriminate you, oftentimes exaggerating or flat-out lying. My case planner lies under oath every time we're in court, and people within the system are trained to believe agency personnel over parents, which is downright wrong. There is little to oversight, and where there is, it is insufficient. The psychological abuse goes on unfettered, empowering case workers to walk all over parents' and children's rights. Schools are not safe places from ACS as investigators routinely pull kids out of class to interrogate them without parental consent. Children cannot focus or feel safe in places where they are subject to coercion, intimidation, and interrogation. Food insecurity is criminalized. Addiction is criminalized. Poverty is criminalized. 30% of New Yorkers are homeless, but the crisis of homelessness is criminalized. Parents are vilified for their communities falling short of providing for their basic human needs. Needing help for anything becomes a horrifying situation to be in, not only because you have a lack of ability to provide for your family, which is a scary feeling in and of itself, but because you know that asking for help is even more dangerous to your family's well being. You hesitate and continue to suffer, with the addition of paranoia that any knock on your door could be the end of your family as you know it. When that knock does come, ACS intimidates using their soulless scare tactics including threats and police presence to enter your home and turn your private living space upside down, opening drawers, medicine cabinets, cupboards, refrigerators, bedroom closets,

dressers, nightstands, every nook and cranny of your personal space in a hunt to find anything they can blow out of proportion to annihilate your family. They will strip search your children who you have taught not to show strangers their naked bodies, and any normal cut, bruise or rash that kids get will be used to accuse their parents of abuse. ACS is the real abuser. This is unwarranted disparagement and ongoing, unchecked abuse that needs to be stopped. Parents need to know from the onset of an investigation that ACS does not have the right to enter your home without a court order, and that anything you say can and will be used against you in a court of law in a vile attempt to destroy your family and life. Children exposed to foster homes are 4 times more likely to attempt suicide. Mothers who've been stripped of their children are 5 times more likely to commit suicide. This injustice kills, and those whose lives it spares are subject to lifelong torment of PTSD symptoms and the professional and social fallout of having a history with ACS or so-called foster care. 4% of people who experienced foster care go on to college. The vast majority end up homeless, in gangs, addicted, incarcerated, mentally ill, all emotionally sick and suffering. When they have babies, those babies are more likely to be subjected to the foster system, and this vicious cycle continues. Stop this madness now. To truly protect kids, we need to protect the people who love them the most: their parents. Please keep loving families together.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 6/15/2022

(PLEASE PRINT)

Name: Jess Dannhauser

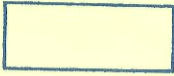
Address: Commissioner

I represent: Administrator for Children's

Address: Services

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 6/15/2022

(PLEASE PRINT)

Name: Nancy Ginsburg

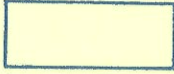
Address: Deputy Commissioner

I represent: Administration for Children's

Address: Services

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Charles Bernier

Address: Associate Commissioner

I represent: Administration for Children's

Address: Services