Overturning oppression in the US child welfare system

In the US there’s a growing call from academics and advocates with significant experience in the country’s child welfare system for fundamental reform. Professors Lisa Merkel-Holguín and Ida Drury, colleagues from the Kempe Center for the Prevention and Treatment of Child Abuse and Neglect at the University of Colorado, and a national advocate, have catalogued multiple stages within the current system they see as oppressive and prejudiced against families who are part of racialised or ethnic-minoritised groups and/or who are poor. The researchers suggest that kin-first and community-based programmes, instead of agency-led policies and decision-making, will provide a more supportive and holistic system to serve vulnerable children and families.

Adult human nature to protect a child, especially one that is vulnerable, is the closest we have to instinct – it is embedded in our DNA. Purposefully harming a child is therefore considered egregious by almost all civil societies. So, when social systems that purport to have children’s welfare at their heart instead cause long-term suffering, something has gone terribly wrong. And if those same systems are prejudiced against families from certain cultures or communities, the problems run even deeper and oppressive structures flourish. Experts in the US believe that the country’s child welfare system is doing just that, and that reform is long overdue to dismantle administrative structures that perpetuate the harm.

The Kempe Center for the Prevention and Treatment of Child Abuse and Neglect, based at the University of Colorado’s School of Medicine in the US, is an academic institution focused on better understanding and preventing child maltreatment, and serving affected children and their families. It has a remarkable heritage – it is the first such centre in the country, dating back to 1972 – and is a respected authority in the field. The Kempe Center’s advocacy, research, education, and clinical work drives innovative and transformational strategies in child and family well-being.

Lisa Merkel-Holguín, Associate Professor, and Ida Drury, Assistant Professor, are part of a team of current and former child welfare practitioners, researchers, and administrators at the Center speaking out on what they see as ingrained oppression in the US child welfare system. The authors argue that what is supposed to be a support system to protect the most vulnerable has morphed into a fortified composite of structures and administrative barriers that are not only disenabling the family network and thus harming children, but also perpetuating discrimination.

MANDATED REPORTING
At first glance, the US is a case study in state care for the welfare of children. State and federal laws mandate the reporting of any suspected case of child neglect or abuse. That should be a good thing, but some state laws threaten to punish those mandated with reporting duties – such as teachers, childcare providers, clergy, medical officers, and police and law enforcement officers – who do not report such cases with the possibility of serving jail terms of up to five years, paying fines, or revoking professional licenses. Furthermore, over the years, successive amendments to those state laws have incentivised the reporting of suspected crimes by lowering the burden of proof of neglect or abuse and giving mandated reporters protection from criminal and civil liability. It doesn’t take much of a stretch of the imagination to see why mandated reporters might err on the side of uncertain suspicion – and the problems that might arise as a result.

Given the gravity of an accusation of neglect or abuse, it should carry a significant burden of evidence on the person reporting it. In the US, however, substantiating such a case is particularly open to interpretation. Different states disagree on the definition of child maltreatment and the evidence needed to support it. This provides significant discretion to a Child Protective Services (CPS) investigator who often lacks the experience and training to substantiate cases. The bias behind such reporting need not be explicit. Research has shown that individual perceptions of risk to children are subjective and shaped by perceptive contexts such as culture – with serious consequences for those who are culturally dissimilar to representatives of the system. This bias becomes

Research has shown that individual perceptions of risk to children are subjective and shaped by perceptive contexts such as culture.

Researchers believe child welfare in the US rests in the hands of people whose judgements are influenced against racial and ethnic minoritised groups.

The authors advocate prioritising children’s broader kin or community to care for them, rather than strangers appointed by the court.

The effects of this would be bad enough for anyone caught up in the system, but what if reporters’ suspicions are also shaped by bias? For Merkel-Holguín, Drury, and their colleagues, mandated reporting is only the first step in what they see as an oppressive system. They quote research and experience showing how families from Black, Indigenous, or other racial or ethnic minoritised groups, and children living in low-income neighbourhoods, are overrepresented in reports of suspected maltreatment. The bias behind such reporting need not be explicit. Research has shown that individual perceptions of risk to children are subjective and shaped by perceptive contexts such as culture – with serious consequences for those who are culturally dissimilar to representatives of the system. This bias becomes
Behind the Research
Professor Lisa Merkel-Holguín

Research Objectives
Lisa Merkel-Holguín, Ida Drury, and colleagues have revealed prejudices inherent in the existing US child welfare system and suggest more supportive and effective approaches.

References

Personal Response

You are calling for fundamental change to the highly complex child welfare system in the United States. Where is an effective place to start?

We encourage anyone interested in transformation or abolition to ask a few fundamental questions about the various structures, policies or programmes that are embedded in the child welfare system: 1) Why do they exist? 2) What is their purpose? 3) From what values do they emanate? 4) Are they common sensical and understandable to the average person? The answers of ‘just because’ or ‘we have always done it that way’ are no longer satisfactory. As former President Barack Obama once said: ‘Let’s get to work.’

Instead of focusing on mandatory reporting, a reformed system would prioritise mandatory support and service provision.

Black and American Indian/Alaskan Native children are overrepresented in foster care in the US.

Black and American Indian/Alaskan Native children are overrepresented in foster care in the US.