



No, the child welfare system isn't racist

Or, how to make the duties of social workers even more difficult

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Are child welfare authorities racist? That was the conclusion of an article in Slate about a white lesbian couple from Oregon who killed themselves and their six black adoptive children by driving off a cliff in California in March (two of the children are still missing but presumed dead). “The way in which Sarah and Jennifer [Hart] managed to continually evade the notice or action of officials is a luxury that is by and large only provided to white parents,” Rachelle Hampton argued.



Family Welfare – Shutterstock

The Harts had come to the attention of child welfare authorities in three states before this tragedy. They had been reported for beating one child and for withholding food from others, with few consequences. But white parents aren't the only ones who have been able to evade child welfare services.

Remember Zymere Perkins of Harlem, the boy whose family was the subject of multiple child welfare investigations before he was beaten to death with a broom handle by his mother's black boyfriend in 2016? Or 2-year-old Tariji Gordon of Sanford, Fla., who was sent back to live with her black mother after her twin brother had suffocated, only to be found dead and buried in a suitcase in 2014? There is a long and tragic record of black children suffering abuse, neglect, and death even after child protective services were aware of the dangers these children faced in their own homes.

And yet the claim that black parents are subject to greater scrutiny by child welfare agencies simply by virtue of their race is a trope that is easy to find in academic circles, the media, and the world of child welfare.

The statistics are clear: According to a 2016 report from the Children's Information Gateway, white children made up 51.9 percent of the child population and 46.4 percent of children identified by child protective services as victims. By contrast, black children made up 13.8 percent of the child population and 22.6 percent of those identified as victims. The percentages of those who are in the foster care system are

similarly disproportionate, with blacks making up 24.3 percent of kids in foster care and whites 43.4 percent.

By contrast, Hispanic children are represented in the child welfare system in almost exact proportion to their share of the population. They are 24.4 percent of the population, 24.0 percent of those identified as victims, and 22.5 percent of the kids in foster care. Asians are underrepresented in the child welfare system, making up 4.8 percent of the population of children but only 0.9 percent of those identified as victims and 0.2 percent of those in foster care.

When I ask Sharonda Wade, an African-American woman who works as a supervisor in the Department of Children and Family Services in Los Angeles, what she makes of the claim that racial bias is responsible for the disproportionate rate of child removal among black families in Los Angeles, she tells me, "Racism exists inside our system—in health care, mental health, and criminal justice." Wade says that "because black parents have had not-so-good relationships with other agencies, when our agencies come knocking, they witness us as someone they can't trust."

Indeed, Wade tells me that a black person working for child protective services (CPS) may actually make the situation worse from the perspective of black families. "Some people—even black people—feel like a black social worker won't do a good enough job, that they're not as educated, not as professional." Even worse, "They see me as being a traitor." During the four years she was an emergency response worker, clients would call her supervisor to complain. "They wanted a white social worker." Others attacked her for working for CPS at all. "Some of the moms would be screaming: 'How dare you work for CPS? You're going to get your ass whupped for working for the man.'"

And then there are the conspiracy theories. Wade has heard people accuse her of "selling black kids." She has even seen flyers circulating in the community to this effect. When her agency started a program to send a public health nurse to visit kids (after a call about a 2-year-old who hadn't received immunizations), a Facebook group formed, telling people not to let CPS in because "they're going to take your babies."

Wade says that this demonstrates the level of misunderstanding in the black community about her job and its incentives. "If I remove a child, it is so much paperwork for me. It's an exhausting process. I would prefer you keep your child. We don't want your babies. We want your babies to be safe."

Such accusations and conspiracy theories sound familiar to Randall Wilson, who has worked for the Philadelphia Department of Human Services for 21 years. Wilson is black, but he says the racial makeup of workers doesn't matter because they "work in a system and tend to reflect dominant discourses of power." If you are a child welfare worker, "you are an agent of systematic power." He raises the example of emergency room doctors who may be more likely to report suspicion of abuse in a black family than in a white family, even for two kids presenting with the same kind of injuries, for example.

For her part, Wade is unsure that CPS is adding "fresh" bias to the equation. And she is skeptical that her colleagues are taking children away from families for arbitrary reasons. After all, a disproportionately high number of child welfare workers in the United States are black. In New York City, for example, 65 percent of Administration for Children's Services (ACS) employees are black and 15 percent are Hispanic.

Moreover, CPS workers are often responding to complaints made by people of color who live and work in the same neighborhoods as these minority families, such as mandated reporters like teachers and doctors. In New York, for instance, 40 percent of public school teachers are nonwhite. And in Washington, D.C., almost half of all teachers are nonwhite. It is not nosy racist white ladies who are interfering in the lives of these black families. More often than not it is black people concerned about the welfare of black children.

Of course, there are cases in which CPS didn't need to be called. Recently, a school called Wade's agency after a mother (who was black) refused to provide the school with an EpiPen even though her child had severe allergies. The mother said she couldn't afford two of the pens and so had to keep the one at home. Rather than help her find a social service agency to help pay for the second pen, school officials reported that she was "hostile" and claimed they were concerned that "if she was hostile with them she was hostile with her kids." Wade found no evidence for that.

But she says the inability or unwillingness of some black parents to deal calmly with CPS workers makes things more difficult for everyone. Her agency has done plenty of sensitivity training to defuse these situations, but she says it's still not enough.

When she was responsible for approving foster placements for kids who had been removed from their homes, Wade says, parents would often become frustrated that a child couldn't be placed immediately with a member of the extended family. But extended family members have to pass background checks and meet other requirements in order to foster children. One of her black colleagues questioned the need to jump through so many hoops: "So Grandma has got domestic violence on her record. What's wrong with that? I've had a little domestic violence too." Says Wade, "That's not the kind of sensitivity I'm looking for."

Wilson also worries that it is harder to place black children with extended family members because of the many other issues that affect these family members. He tells me: "If you don't address poverty, unemployment, and lack of stable housing, then when you go to look for a suitable caretaker, one of those issues could impede that child to be placed there."

This gets to the heart of the problem with the claim that the child welfare system is racist: It fails to acknowledge that certain social factors are correlated with child abuse and neglect—and those factors are more likely to be present in minority communities.

According to a report from the Child Welfare Information Gateway, these factors include economic challenges like poverty and unemployment, which disproportionately affect black families. Parents in these situations are more likely to experience high amounts of stress, a contributing factor for risk of abuse.

Another commonly correlated factor in child abuse is domestic violence between partners. As an article in Time pointed out in the wake of the video of football player Ray Rice beating his wife, "Black women are almost three times as likely to experience death as a result of [domestic violence/intimate partner violence] than White women. And while Black women only make up 8 percent of the population, 22 percent of homicides that result from DV/IPV happen to Black Women and 29 percent of all victimized women, making it one of the leading causes of death for Black women ages 15 to 35."

Family structure is another major predictor of child abuse. Single parenthood, and especially the presence in the home of a man who is not the biological father, is a common theme in a significant percentage of abuse cases. According to data from the U.S. Department of Health and Human Services, the incidence of physical abuse for a child living with a single parent and a "partner" is 19.5 per 1,000. That's almost twice as high as for children living with unmarried biological parents or a parent married to a nonbiological parent, and almost 10 times as high as for married biological parents. The data are similar for sexual abuse.

According to data from Child Trends, in 2014, 70 percent of all births to black women occurred outside of marriage, compared with only 29 percent of all births to white women. For Hispanics the rate is 54 percent and Hispanic couples are more likely to remain together even if they don't marry (which could explain some of the difference between black and Hispanic families with regard to interactions with child protective services). Family structure is a deeply important factor in determining the likelihood of interaction with child welfare officials, and it is one that disproportionately affects black children.

These statistics are not difficult to find, but like so many other claims about disparate impact's being the result of implicit or explicit racial bias (whether it's 4th grade reading scores or elite college admissions or school suspension rates or incarceration rates), there is a reluctance to talk about the many other factors that might lead to these outcomes when it comes to child abuse and neglect.

Instead, advocates claim the laws themselves are suspect. Writing in the Atlantic about a "free-range child" law proposed in Utah, Indiana University sociology professor Jessica McCrory Calarco argued, "What counts as 'free-range parenting' and what counts as 'neglect' are in the eye of the beholder—and race and class often figure heavily into such distinctions." In a letter responding to the Atlantic story, Diane Redleaf, legal director of the National Center for Housing and Child Welfare in Chicago, wrote, "Neglect laws currently are sweeping in millions of poor and minority families under amorphous standards. These laws and policies allow child-protection caseworkers to declare healthy and happy children to be 'neglected.' Often, parents get their names registered in child-abuse blacklists on the say-so of caseworkers without so much as a scintilla of evidence of neglectful care."

Similar claims have been made in other publications. For example, a 2017 article in the New York Times cited interviews with lawyers working on behalf of parents caught up with ACS in New York City, who claimed that ACS is engaged in the "criminalization of their parenting choices," a practice the Times calls "Jane Crow."

Critics of the system often cite the fact that of the three million reports of abuse or neglect made each year, only about a third are "substantiated." But as Harvard Law professor Elizabeth Bartholet notes in her book *Nobody's Children*, "Fully 60 percent of the parents named in cases of suspected but unsubstantiated maltreatment show up in the CPS system again based on new allegations."

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It is true that the majority of families investigated by child welfare are poor, and disproportionately people of color, but the growing consensus that this is the result of systemic racism or groundless accusations should be challenged, particularly in light of new legislation proposed in Minnesota.

The Minnesota African American Family Preservation Act, which was introduced in both chambers of the state legislature in March, would create a special council inside the state Department of Human Services to oversee how black children and families are treated. It would make it harder to terminate the parental rights

of black parents and force child protective services to place black children with other relatives or provide evidence for why such placement should not occur. And it allows parents to petition for families to be reunified when kids are older.

This kind of language has great appeal for politicians on both sides of the aisle. And if you knew nothing about the child welfare system today, you would wonder why anyone could object to the legislation's stated purposes— "To protect the best interests of African American children" and to "promote the stability and security of African American families by establishing minimum standards to prevent arbitrary and unnecessary removal of African American children from their families."

But neither Wade nor Wilson think the legislation will have much effect on the system. Wilson cites the Indian Child Welfare Act as evidence that race-specific laws seeking to keep children with members of their own family (or tribe) fail to have the intended effects. "ICWA has not significantly reduced the disproportional number of Native American children in foster care" because the underlying factors of poverty, substance abuse, and other social challenges have not really changed.

Wade agrees that Minnesota's plan holds little promise for limiting abuse or reuniting families. There are already rules governing when and how children who are in danger of severe neglect and abuse should be removed from a home; merely encouraging social workers to think extra-hard about whether to do so doesn't seem like much of a solution. Wade says she wouldn't mind seeing the creation of some kind of advocacy center that black parents could call. "If these parents had concerns about social workers or wondered why [child protective services] was called in on them, they could call in and get help. Someone could explain to them: This is the process. This is how you get your kids back." Such a service could help them fully understand the problems that led to the removal and connect with resources such as parenting classes or drug rehabilitation services. Wade and many of her colleagues do this already, but "for some of them, you can't tell them nothing."

Wilson is correct in his comparison with the Indian Child Welfare Act. Like the legislation in Minnesota, ICWA was meant to right a historic wrong. The institution of slavery did tear apart black families and the U.S. government's policies toward Indians did much the same. But the solution has only made the problem worse. ICWA has prevented children who are clearly the victims of serious physical and sexual abuse and extreme neglect from being placed in stable homes simply because of their race.

There are several reservations where incidents of physical and sexual abuse have been numerous and egregious. According to a 2012 report in the New York Times, for example, the Spirit Lake reservation included:

38 registered sex offenders among its 6,200 residents, a rate of one offender for every 163 residents. By contrast, Grand Forks, N.D., about 85 miles away, has 13 sex offenders out of a population of 53,000—a rate of about one in 4,000. In one home on the reservation, nine children are under the care of the father, an uncle and a grandfather, each a convicted sex offender, a federal official said. Two of the children, brothers who are 6 and 8, were recently observed engaging in public sex, residents said.

And Spirit Lake is not alone. At the Red Lake Chippewa reservation in Minnesota, one mental health professional received reports of 75 children between the ages of 5 and 15 who were mimicking (and in some cases actually having) sexual relations with each other on a school playground.

Astonishingly, child welfare officials have been sanctioned for reporting these problems, and ICWA has made it all but impossible to remove these children from their communities and find safer homes for them. Keeping these children with their tribes is considered more important than their individual rights to safety and security.

Legislation like the Minnesota African American Family Preservation Act would likely do the same. Not only would it effectively encourage social workers to keep children in abusive homes longer (can you imagine a law that would encourage battered African-American women to stay with their husbands longer to preserve black families?), it would also encourage them to place black children with less safe and stable family members rather than having the option of a non-black family fostering or adopting them.

The claims of systemic racial bias in the child welfare system are pernicious not only because they will result in more limited—and potentially more dangerous—options for minority children, but because they affect black parents' opportunity to properly understand the accusations against them and, if possible, work with CPS to change their behaviors and reunify their families.

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