

Child Welfare Vigilantes

Years ago when I was running the Yonkers New York Department of Social Services, I started getting complaints about men showing up at peoples' homes with guns and removing their children. I had to persuade an upset community that they weren't our caseworkers!

These men had somehow reactivated a long-unused Society for the Prevention of Cruelty to Children license, probably from the 1880's when there were no public child protection agencies.

The state legislature quickly terminated that license.

Today some activists favor [turning over child welfare to communities](#). How would that work? Would Yonkers-style vigilantes pop up? Would Neighborhood Watch programs remove children from their homes? Would the nice neighbors who started taking in kids actually be sex trafficking them?

Child welfare unquestionably needs reforms. But not abolition. Life-altering decisions about families must be made by legally accountable public agencies. -Rich Gehrman

Podcast Narrative

So this bizarre incident I mentioned in Yonkers New York came out of the blue. One day at work I started getting upset calls from people in the community, mainly as I recall from Black families, about what they described as old white guys showing up at their door with guns and taking their children. We were totally stumped. We had no idea what was going on. We had two units of child protection workers, but every one of them was female.

As I said it came to light that some men had figured out how to activate the license for the Yonkers, New York chapter of the Society for the Prevention of Cruelty to Children, an agency which had long since been inactive. After a week or so we figured it out, and as I recall the legislature actually got called into special session to take away the SPCA charter.

Understanding how there would be a nonprofit that could legally take children from their homes requires going back in history a bit.

The public response to child maltreatment in the United States dates to the early 1690's when the principle of *parens patriae*, or "parent of the people" was first articulated. Under this principle, care for abused and neglected children was designated to be the responsibility of local government and private institutions.^[2] This appears to be honored today more in the breach than the observance, but that's a topic for another time.

For a long period it was only private institutions that took on this role. I understand there were agencies doing child welfare work as early as the 1830s. But the thread that I picked up begins in 1853 Children's Aid was founded in response to many children being orphaned and becoming homeless in New York City. Children's Aid "operated lodging houses, fresh air programs, and industrial schools to support an estimated 30,000 poor and orphaned children living in the city's streets".¹

¹ Source: Children's Aid Society History <https://www.childrensaidnyc.org/about/history-innovation>

In historical retrospect, not all nonprofit responses to child abuse and homelessness have been universally applauded. Children's Aid for example initiated [the Orphan Train Movement](#) which intended to rescue children from the streets by connecting them with foster parents. While this worked out well for some children who landed in appropriate homes, many were shipped to rural and western states to work on farms as in effect slave labor.

In 1874 Henry Bergh, the head of the New York Society for the Prevention of Cruelty to Animals took on the case of 8-year old Mary Ellen McCormack, sometimes known as Mary Ellen Wilson, who was horribly beaten, starved and otherwise deprived by her foster mother in what is considered the first legally-prosecuted case of child maltreatment.² As there were no child protection statutes at the time, Bergh and his lawyers got Mary Ellen removed from her foster home using a writ of *de homine replegiando*, which is a legal remedy used to bail a person out detention. In the subsequent trial the foster mother was sentenced to one year in prison upon conviction for assault and battery, and Mary Ellen was taken in by relatives. Apparently her life went much better and she went on as an adult to live a normal life.

Child Protection Services first emerged as an official national government response to child maltreatment when the federal Children's Bureau was established in 1912 to provide a national public sector framework for addressing child welfare, comprised of child protection services and out-of-home placements including foster care, group homes, and residential treatment centers. The Children's Bureau is currently housed in the Department of Health and Human Services.

Child welfare subsequently developed as a recognizable field staffed by professional social workers, with its own research, journals and standards.

So fast-forward to the present when some activist groups are calling for the abolition of child welfare. Their proposals are somewhat parallel to the calls to defund law enforcement. One of the main articles describing this proposal is attached to our blog and is called upEND child welfare, spelled upEND. The authors appear to be all African-American scholars who have support from Influential institutions including for example the Center for the Study of Social Policy.

A lot of their analysis focuses on the concept of heightened surveillance, meaning that Black children and their parents get screened into child protection at a disproportionate rate because they are in high poverty areas, where there are many more eyes on them and their families because of for example having more EBD teachers, more special education plans, more probation officers, etc. I apologize but I am I'm not very knowledgeable about the research on heightened surveillance. But I have seen data that Black and Indigenous children and their families in particular are screened into child protection for situations where white families would be screened out. So I am certainly open to the idea that heightened surveillance plays a role in the disproportionate screening in of Black and Indigenous families into child protection, I just need to learn more.

Where I part ways with the upEND proponents is their solutions, not the analysis. The idea that one would turn over decisions about custody of children to people in the neighborhood or community definitely doesn't sync with my own experience. I personally grew up in public housing, in the projects, and there's no way I would want my neighbors to be making decisions

² Watkins, S.A. (1990). The Mary Ellen myth: Correcting child welfare history. *Social Work*, 35(6), pp. 500-503.

about what to do with my alcoholic mom or my juvenile delinquent older brother. In fact I'm pretty sure I would not want that to happen if I lived in Edina Minnesota or Shaker Heights Ohio or Scarsdale NY either. Having a random group of untrained people who are not particularly close to you make critical decisions about your life does not seem like a good idea.

This is not to say that Safe Passage trusts child welfare to be making consistently good decisions about families either. If you have followed our work over the past several years you will know that we are serious critics of child protection and foster care. The difference is that with public agencies there are at least some guardrails and some levers that the public can use to try to hold them accountable and improve performance. And, there are some legal limits about what agencies can do.

One prominent person who is active in our field, Kathleen Blatz, the retired Chief Justice of the Minnesota state Supreme Court, responds to critics of foster care by making an analogy to a dirty operating room. If you have people in the Emergency Department that need surgery, don't shut down the operating room, clean it up!

So we put our efforts into improving transparency and accountability in child welfare rather than writing it off as a lost cause.

Regarding transparency for example, we are advocating that whenever a child is murdered, the County Department of Social Services immediately disclose whether there was any involvement with child protection. This is done in a few states and we want to emulate that. In addition, counties are theoretically required to produce a fatality review report within 30 days of a child's death due to maltreatment and then to release it to the public. In reality though it's very difficult to get a hold of these reports. So we advocate for the legislature to make sure that these reports do actually get released to the public. Another example we have been fighting for for years is to put out a county by county report on how many times children were reported to child protection. In fact this was a recommendation by the 2015 Governor's Task Force on Child Protection which the state and counties haven't fully followed up on. I have seen 25+ times, and is not unusual to see children reported 15 or more times. So what we want to see is how many children were reported once, twice, three times...n times in each county so we can see how frequently that county repeatedly screens out maltreatment reports. This is because research shows that maltreatment reports generally are not made for trivial reasons. In fact a single most accurate predictor of a child's death is whether they were ever reported to child protection. And when there are repeat reports the concern for the children goes up. Sometimes people counter that there are situations where an aggrieved noncustodial parent may maliciously make repeated maltreatment reports. But if you look at federal analyses of this they usually estimate that this occurs less than 1% of the time.

Regarding accountability, well, where do you start? Any world-class business and many government agencies use management techniques that have developed over the last 30+ years, including Continuous Quality Improvement, Business Process Redesign or "re-engineering", and various forms of quality review programs. There has been a very large body of knowledge built up around quality improvement that should be standard operating procedure in government agencies generally and child welfare particular. In child welfare the latter would imply case reviews using the goals and standards of the particular agency. In Utah, the way this works is that everyone is trained in the same case review protocol from line workers and supervisors on up to the state secretary and a few legislators as well. Then people do reviews of

the people they manage, or, peer reviews on a regular basis. As a result everyone internalizes the quality standards. I may have mentioned this before but Utah uses a variety of process measures such as whether children were visited in foster care monthly, if children got to court on schedule, were children always interviewed separately from the foster parents, whether children with a reunification plan were placed no more than 25 miles from home – which by the way turns out to be the point at which reunification plan start to fail. And, the fact that workers not only get reviewed by their supervisors but also by their peers really causes people to pay attention to the metrics. Managers in Utah have told me that performance on the 23 measures in this protocol improved from the low to mid 60% range to the low to mid 90% range in two years once they started doing these quality reviews.

Perhaps the most underutilized tool is business process redesign, or BPR. A good BPR project typically cuts the amount of time spent on various steps in a business process by 50% or more. And it would be interesting to apply this for example to doing a Family Assessment or making of foster care placement. This would really be useful in terms of the amount of time the caseworker spent on the care and feeding of the state's social services computer system, known as SSIS. I have heard consistently from states around the country over the last 20+ years and from workers and supervisors in Minnesota that workers are spending at least 50% and some say 75% of their time getting information into the computer system. I have heard those numbers from many people over a long period of time so I believe they are not exaggerated. In Minnesota it reportedly takes a whole day just to close the case. So a decent BPR project for SSIS could greatly increase the amount of time available for casework and greatly reduce frustration of workers. And one important concept here is that every hour of casework time that is saved from managing the computer system drops directly to the bottom line of direct service. We have been advocating for years for people to look at this but have not been able to get a lot of momentum either with the state or county operating agencies for the legislature

Similarly, very few agencies make use of predictive analytics, which have been shown to identify the types of situations that are the highest risk. For example children with disabilities are much more likely to be abused. If the information that was learned from predictive analytics were actually folded into the day-to-day operations, we have a completely different level of priority of response than we do now.

So these are just a few of the tools that we work to get diplomatic and day-to-day operations and which we believe what over time would really improve the system. In contrast, abolishing the system and leaving it up to the neighbors to figure out what to do with children takes us back to the 1880s and earlier, when children who were in dire straits were just plain out of luck, there was really no one there to help.

Rich Gehrman

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