

How We Got Five Decades of Anti-Child Policies

In 1972 the Annie E. Casey and Edna McConnell Clark foundations began promoting Intensive Family Preservation Services. The concept was that short-term supports would divert families from child protection. According to Harvard Law School's [Elizabeth Bartholet](#), it didn't work.

Similar foundation-driven programs followed, including the 1990's Racial Disparities Initiative, Differential Response (aka Family Assessment in Minnesota) in the early 2000's, and currently the federal Families First Act.

The first three ideas relied on parents working with child protection voluntarily. Unsurprisingly, most parents opted out. The fourth eliminates group homes and residential treatment centers, services which some children really need.

These theories have been harming children for 50 years. We need to return policy making to government managers who can be held accountable for results rather than to foundations far removed from daily operations.

For a more detailed history of these initiatives listen to this week's podcast or read the script.

I am currently working on a paper for the Mitchell Hamline Law Review and have been reviewing the history of policy and practice in child welfare.

What I was reminded of in doing this homework is that this attitude towards children goes back at least 50 years.

In the blog I referenced an article by Harvard Law School professor Elizabeth Bartholet. She is the founder and Faculty Director of the Child Advocacy Program ([CAP](#)) and has become an important researcher in this field.

Her article is called "Differential Response: a Dangerous Experiment in Child Welfare". So, you can tell what her point of view is just by the title. There is a link to it in the blog if you want to read it yourself. In one of the early sections she gives a history of similar parent-friendly initiatives. They have several things in common. First, all of them were created and promoted by large private family foundations. I mentioned Edna McConnell Clark in the blog, but the Annie E Casey and Casey Family Foundations have been responsible for the lion's share of these initiatives.

The trend began in the 1970s when the Clark and Annie E. Casey foundations began promoting Intensive Family Preservation Services (IFPS). The concept was that intensive support services provided to at-risk families over a relatively brief period of time would divert them from the child protection system. Ultimately IFPS waned in popularity due largely to criticism that it did not adequately protect children, and also failed to achieve its family preservation goals.¹

Subsequently in the early 2000's a coalition that included the Annie E. Casey and Casey Family Programs Foundation formed what was known as the Casey Alliance. This group launched the

¹ Elizabeth Bartholet DIFFERENTIAL RESPONSE: A DANGEROUS EXPERIMENT IN CHILD WELFARE FLORIDA STATE UNIVERSITY LAW REVIEW [Vol. 42:573], 2015, p.583.

Racial Disparities Initiative which attempted to address racial disparities in child welfare system.² Their work referenced the findings of the third National Incident Study (NIS-3), published in 2001. The National Incident Study has been authorized by Congress approximately every 10 years since the 1970's to perform a national analysis of child protection and foster care. But the Alliance largely ignored the finding that poverty is a significant driver of child maltreatment and they probably should have devoted more attention to the role of systemic racism in producing concentrated poverty in African American community, rather than solely blaming disparities on racially biased decision-making within the four walls of child protection and foster care.³ As one pair of researchers put it: "If left unaddressed, misinterpretations of NIS data will continue to misinform policy, cloud the issue of racial bias in the child welfare system and obscure the ongoing role of concentrated poverty in driving racial disproportionality."⁴

The third in this series of Casey-led initiatives is Differential Response (DR), a set of child welfare practices that Casey Family Programs developed in the early to mid- 1990s and piloted initially with California, Missouri and Florida. Casey helped the latter two states launch the first statewide DR programs in between 1993 and 1995⁵. We have talked a lot about this in Minnesota, known as Family Assessment, so I won't repeat that analysis here.

And then today we have the federal Families First Act, which has radically changed federal support for out-of-home care by nearly eliminating funding for group homes and residential treatment centers, on the basis of an unsubstantiated assumption that that foster care and other out-of-home placements are somehow inherently bad. They provide no evidence for this sweeping assessment. Problem is of course that sometimes children, particularly those who have been seriously abused, need the more structured settings that are un-funded by this bill to rebuild their mental strength, and group homes and residential treatment are often best fit for them at certain stages of their development. Yes it is unfortunate that sometimes we need out of home placements, but the reality is sometimes that is necessary to protect children.

So the overarching question is why have privately held family foundations basically been deciding on what our child welfare policies and practices are in this country for the past half century? Where is the public in public policy? This is still a democracy, so far anyway, and policy directions should be made by our elected representatives in consultation with the managers who actually know the business and are being held accountable for how well the programs are run. From a management perspective foundations are in a particularly poor position to be doing this work because they are removed from the operations of the system and are not in a position to listen to let alone amplify the voices of children, youth and families. As a result they have not been in touch with how their strategies were working on the ground, and therefore not accountable for how their visions worked out in practice.

I also have concerns about the way they have gone about these initiatives. As I will talk about in a minute, the foundations have promoted an unsupported and unhelpful allegation that child protection workers are typically arrogant, disrespectful towards the families that they serve, not

² Ibid. p. 584.

³ Bartholet, op. cit. pp. 584-585.

⁴ Children and Youth Services Review, NIS interpretations: Race and the National Incidence Studies of Child Abuse and Neglect, Brett Drake and Melissa Jonson-Reid, 2011, p. 1

⁵ Bartholet op. cit. p.574 footnote 1.

knowledgeable about how their clients' cultures affect their approach to raising their children, and as a consequence racist.⁶ Again, they have not produced any empirical evidence to support that claim.

In addition, they have failed to change course as research has piled up showing that these initiatives weren't producing results regarding their major goal of family engagement, and have also been responsible for a growing number of high-profile child deaths.

Finally, these initiatives have been founded on a once again unsubstantiated and ultimately unsupportable assumption that adults accused of maltreating their children will engage in child protection services voluntarily. It hasn't happened and won't ever happen because who wants to have child protection in their lives? Think of this in terms of adults. If a person were accused of assaulting an adult, would we give them the option of voluntarily working with law enforcement? Of course not. Most people consider that to be preposterous. So why do we think this is a good idea when it comes to children? It's because children don't have a voice in the process.

As Bartholet and others have shown, these policies and practices heavily favor family preservation, meaning to keep children with their bio parents as long as possible and returning them from foster care as quickly as possible. The cumulative effect of these approaches has shifted child welfare far away from its core mission, which is the best interests of the child.

Of course Bartholet and I are not the only ones to notice or document this. As I have referenced in the past, child welfare heavyweights have been raising the alarm on this for a good 20 years if not longer. You will see in our blogs references to articles by Ronald Hughes, Judith Rycus, Frank Vandervort, Viola Vaughan-Eden, and Katherine Piper as well. In one article Vandervort and Vaughan-Eden asked about Differential Response, "how did a practice with so little empirical basis become so widespread? And their conclusion was the same as mine – Casey Family programs, which invested \$197 million on Differential Response since about 2010, according to their website, \$5.3 million of which was spent in Minnesota. Vaughn-Eden and Vandervort observed that in a field where there is almost no flexible money, and which leans progressive anyway, this kind of resource can tip the balance. Another example is two forensic interviewers named Everson and Rodriguez, who noted this trend in their specialized part of child welfare saying that over time the question changed from "tell me what happened so I can help you", to "prove to me that you were abused".

We have often been puzzled about why progressives have emphasized family preservation to a degree that is harmful to children. Piper for example has shown that no more than one third of families can be assigned to differential response without putting high risk cases in a low risk program often with tragic consequences. In Minnesota currently we assigned 62% to the Family Assessment program, nearly double the recommended amount. And as a result clearly children are getting harmed and killed, so much so that 13 states have stopped doing their version of differential response.

I believe the reason is that progressive foundations are trying to right the wrongs of racism by building in policies and practices that reduce the number of children being removed from

⁶ Ronald C. Hughes, Judith S. Rycus, Stacey M. Saunders-Adams, Laura K. Hughes, and Kelli N. Hughes, "Issues in Differential Response", *Research on Social Work Practice*, [OnlineFirst Version of Record - Jan 9, 2013](#), p. 13.

families of color, African-American and indigenous families in particular. But they are doing this in such a way that they have lost track of the mission of child welfare which is the safety and well-being of the child.

Reducing the number of families of color in child protection is an important goal, one that we all share. But as we have argued in detail in a recent podcast, there is no way to do this that doesn't involve major upgrades to the quality of management of child welfare programs are managed. Policies from on high won't get the job done. In brief a comprehensive robust management program would be needed to actually make a dent in biased decision-making within child welfare programs, much more extensive than doing anti-racism training.

I hope the takeaway you get from this is that we need a new movement to take the job of child welfare policymaking away from foundations, which, let's be honest here, are wealthy, distant, mostly white foundations who think they know better than the people doing the work and unlike the children in the system never suffer the consequences of their bad decisions. We need to give child welfare back to a democratic system that, with all of its flaws, has ultimately got some measure of accountability and some levers built in so we have a chance of making the necessary improvements. As in many aspects of our public life these days, this comes down to citizens getting involved to make government do its job better.

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