

Public Policy Goals Should be Decided Democratically

In 2011 Casey Family Programs [unilaterally established a national goal](#) to safely reduce the number of children in foster care by 50%. Since then they have spent \$193.1 million to promote this and their related objectives, including [\\$5.3 million in Minnesota](#).

But how do we know when foster care can be avoided safely, and is 50% the right number?

To answer that we would need to know which children who otherwise would have gone into foster care were diverted from the system, and whether they remained safe. However no such data exists.

Numerical goals that can't be empirically tested don't make for good policy or good science.

Public policy goals should be set through democratic processes, not by private foundations, and should be designed so their effectiveness can be verified by research.

Thoughts for the podcast.

What prompted me to write on this topic today was that I am in the throes of writing an article for the Law Review at Mitchell Hamline Law School which includes a critique of some of the so-called research that has been done to support Alternative Response programs in states, or as this is known in Minnesota Family Assessment. In the article I also explore family preservation, which is the preference for keeping children in intact families whenever possible or returning them home from foster care as quickly as possible.

I applied this approach to the foster care goals promoted by Casey Family Foundation, which as many of you know is a large foundation based in Seattle and which invests most of its investment earnings in child welfare.

One major area Casey invests in is Alternative Response, which at its peak was operating in about 35 states. If you're not familiar, Alternative Response, or again Family Assessment in Minnesota, is basically a group of practices in child protection whereas family preservation is more of a philosophy to keep children with their biological parents or return them from foster care as quickly as possible.

Family Assessment its counterparts in other states is basically designed to keep families from getting into the child protection system, in part as a way to reduce racial disproportionality in the system. Practices to accomplish that include not looking at past cases when deciding whether to screen a new maltreatment report, and not checking the information gathered from maltreatment reports with collateral contacts such as teachers and childcare providers.

Both of these particular practices are no longer being done in Minnesota because in this state we got legislation passed to and it.

But the practices that are still operating include what is called whole family interviewing. This means that children are interviewed about alleged maltreatment in the presence of the people who are being accused of harming them. Another Family Assessment practice is giving 3 to 5 days advance notice that the child protection visit is about to happen. So of course this gives the adults in the household plenty of time to coach a child about what to say and intimidate them into compliance. Another is deliberately not doing fact-finding, that is, not asking difficult questions of the parents. And finally if something does get discovered in the Family Assessment process, not putting the information in the case notes but only recording whether services were provided and if any risk was assessed.

The cumulative impact of these practices is to not find out information that is critically needed to decide if a child is safe, and with the result that many cases are closed prematurely or parents are left to follow up on getting services voluntarily. Because of these practices we are seeing is one child murdered by their caregivers in Minnesota every six or seven weeks. A close look at the case files of these murdered children will show that most of the situations were preventable because they were not just red flags in the case but flashing red lights and car alarms going off.

What this has to do with Casey Family Programs is simply that they are the drivers of these practices. No one else is injecting large amounts of flexible money into states to promote their point of view. Their intent as stated is in large part to keep Black Indigenous and Persons of Color or BIPOC families out of the system as a way to address the racial disparities in child welfare. It's a noble goal, but the way they have gone about it has been catastrophic for children.

So one particular concern I want to focus on is to ask how is it that one extremely wealthy foundation has come to essentially drive public policy around child welfare in the United States. And I think the answer to that is fairly simple, nobody else has the kind of money that they are making available to states or the kinds of trainers and policy specialists they can deploy to sell their point of view.

Another concern I have is what basis do they have for asserting their policy claims? Regarding Family Assessment for example there is literature largely inspired by progressives in the Casey sphere of influence that essentially says that child welfare workers are bad people, that they are arrogant they are disrespectful of their clients are clueless about culture. I have a lot of issues with how casework is being done these days, but in my many years in the field I have not met many caseworkers who were essentially competent care. It makes one wonder what caseworkers Casey and the others who promote this point of view are in contact with. And, the people who paint this picture of caseworkers have never actually provided any evidence to support it. They have merely asserted it as an article of faith which they expect people to buy into. I refer you to the writings of Elizabeth Bartholet at Harvard Law School for the thorough discussion of this issue.

The similar goal is the one to safely reduce the number of children in foster care. It was announced in 2011 as a major policy goal to be reached by 2020. The number of children in foster care is roughly the same now as in 2011, a little over 400,000 children, but that's not the main point. The concern here is the assertion that foster care is bad. Not that it is just an unfortunate necessity in certain cases or that it is traumatic and to be avoided if we can do so. But foster care is somehow inherently bad, and by inference that keeping children with their

biological parents is virtually all always the better option. Of course this doesn't work out so well for children who get killed by their bio parents.

As a related example their sister organization, the Annie E. Casey Foundation has used its large financial resources to promote the recently passed federal Families First Act which among other things has restricted funding for foster care, virtually eliminated it for group homes, and nearly eliminated it for residential treatment. Never mind that some children actually need these services. Again this is based on unsupported assertion that foster care is essentially bad.

So my concern is to ask what right do the Caseys have to be effectively deciding what our national child welfare policies, practices and goals should be? Shouldn't that be the job of our state and federal elected representatives? What the Caseys are doing is in effect, sadly, an ideological agenda that has been un-democratically imposed on all of us, particularly children.

The other part of this discussion is that the Casey's vision is not based on good research but is essentially a partisan or ideological viewpoint promoted through articles that appeared to be scientific.

For example, as I mentioned, a goal of reducing foster care by 50% should not be based on a simple assumption that foster care is bad. There should be some empirical evidence to back that up. Specifically someone needs to design a program that can be tested scientifically. First You would need to have a working hypothesis that children who would under existing practices the going to foster care, and design a program or some services to try to make that unnecessary, then test the results to see if for example there were fewer children who were re-reported for abuse, fewer killed, or less trauma as indicated by a validated psychological instrument.

In the article I mentioned there is a section that applies to this situation the writings of the 20th century philosopher of science named Karl Popper, that's Carl with a K. Now I am not holding myself out as some sort of a great intellectual who is deeply immersed in the philosophy of science. But I have a daughter who is. She's a philosophy professor at the University of Tennessee. So I feel on solid ground here in describing how Popper proposed to determine whether a theory was scientifically supported. And the main criteria he used was whether a theory is what he calls falsifiable. By this he meant that it had to be designed such that you could run an experiment against it to see if it held up and was true. What I just mentioned safely keeping children out of foster care is an example of that.

None of the major initiatives driven by the two Casey's have this feature. Now Casey Family will start that Family Assessment is evidence-based, but that's largely based on evaluations of the program that were done in five states all by the same small consulting group and all paid for by Casey. That's a pretty strong conflict of interest. It's similar to having tobacco companies pay for someone with scientific credentials to write a paper saying that tobacco is good for your health. I submit that is pretty hard to overcome this problem with those evaluations.

But in addition these Casey funded evaluations have drawn criticism from some of the best-known and best respected academics and researchers in the child welfare, people like Ronald Hughes Judith Rycus, Viola Vaughn Eden and Frank Vendervort. All of them are saying that the evaluations are deeply methodologically flawed and simply partisan arguments.

So I think that in order to make child welfare safe for children again we need to start pushing back on the dominance of the Casey foundation's in deciding what our nations child welfare policies and practices should be. And we also need to insist that policy directives be based on good research and science not on ideological agendas.

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