

# The Sad Omission of Child Welfare from Mainstream Discussion on Race

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By Tehra Coles, Zainab Akbar, Emma Ketteringham and Lauren Shapiro



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**As thousands of Black people** and their allies are protesting the systemic racism and police brutality that have been part of the fabric of this society for centuries, some white Americans appear ready to discuss the damage that oppression has done to Black and brown people. Books about anti-racism are flying off the shelves. There are calls to defund the police.

As public defenders who represent families in child protective cases, we're dismayed that dismantling child welfare has not been part of the mainstream conversation.

The so-called child welfare system suffers from the same structural racism as the police and destroys Black and brown lives through family separation and government surveillance. Family separation is violence. It's time to see the similarities between these two systems and the need for change.

Fifty-three percent of Black children as opposed to 28% of white children are investigated by child protective services before they turn 18. And once they become involved in the child welfare system, Black children are more likely to be removed and placed in foster care.

In courts across the country, children are taken from parents, disproportionately Black parents, and placed in foster care for accusations like marijuana use, an inability to maintain stable housing, or lack of access to prenatal care. The problem is poverty and our response. Foster families are paid thousands of dollars each year to care for these children — dollars we should be investing in Black and brown families instead of tearing them apart.

Each year, our offices represent more than 12,000 parents in majority-white New York City in abuse and neglect proceedings. In 2019, over 90% of those parents were people of color and they all faced the possibility of family separation. Because of a draconian federal law, called the Adoption and Safe Families Act, passed at the height of racist hysteria around “the crack epidemic,” the family bond can be permanently severed once a child has been in care for just 15 months.

In our view, those who call the police on Black people for “looking out of place” are motivated by the same thing that people who anticipate a child abuse pandemic due to a lack of white eyes on poor Black and brown children: racism. White America is slowly beginning to understand the fear that Black people experience when confronted by the police. We know that this same fear exists for many Black and brown people about child welfare authorities, especially in low-income neighborhoods.

Child welfare authorities operate like police, and in many ways are more powerful. In New York City they can remove children, without a court order. Investigators often knock on a family’s door in the dead of night, ask children to disrobe, inspect the home, talk to neighbors and check how much food is in the cabinets. Yet they are not required to inform the parent of their rights like people who are arrested.

Our nation has historically devalued families of color. Black children were sold away from their parents during slavery, Native American children were removed from their families and placed in foster care, and during the past four years, countless Latino children have been caged at the border away from their parents.

Parent advocates and organizations like ours know that this country’s history with removing children from parents is intertwined with racism, yet the media’s narrative has not shifted. Even as it is (finally) covering the targeting of Black people by the police, many in the media are continuing to sell the story that because the system, which disproportionately targets Black families during normal times, is currently unable to function as normal — children are at risk.

Throughout the pandemic, almost weekly, another op-ed or article sounds the alarm that child abuse is growing because, due to social distancing, those accustomed to surveilling families on a daily basis are unable to scrutinize families. The panic this might induce is sure to fall disproportionately on Black families. But federal data shows that 90% of hotline reports called in by teachers are unsubstantiated.

Like the police, the child welfare system has avoided meaningful reform by characterizing any attempt as a threat to its ability to “protect” the community. It depends on society believing that investigators are righteously focused on children’s “safety.” That narrative needs to end. Black families are targeted and separated by a system that doesn’t think their families matter.

The injustice of family separation isn’t easily captured on a smartphone. There aren’t viral videos. But our office has seen these indelible scenes: A new mother’s milk staining her shirt as she awaits word on whether she can bring her new baby home, the sound of a child screaming for their mother while being physically removed from her arms after a court orders the family’s separation. The pain goes unseen but it’s as real and pervasive as the brutalities we see on the news every night.

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