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## The Need for Justice in Child Welfare

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*Family Integrity & Justice Works*

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*There is growing recognition among individuals with lived experience, child welfare leaders, policy-makers, advocates, and practitioners that it is necessary to transform child welfare in the United States. The need for improved outcomes long has been recognized; however, the main theories of change have proven largely unsuccessful. Most commonly, those theories have focused on remedial action, reacting to allegations and substantiation of child maltreatment, and systems improvement work. Such theories typically hold that the key to keeping children safe and achieving permanency is tied almost exclusively to some combination of risk assessment and clinical service provision and is highly technical in orientation, approach, and thinking. These theories, as well-intentioned as they may be, are reductionist, sustaining ways of thinking that pathologize family vulnerability, assign culpability to individuals for societal failures, and yield mental models rooted in addressing perceived deficiencies or challenges in individuals— or more colloquially, a focus on “fixing” parents.*

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*“The opposite of poverty is not wealth. In too many places, the opposite of poverty is justice.” — Bryan Stevenson*

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Great sums of energy and resources across the public, private, and philanthropic sectors have been dedicated to determining the precise types and dosages of service intervention required to remediate child maltreatment and address trauma that already has occurred. Similar investments have been made in calibrating, testing, and recalibrating tools that aim to objectively assess risk and safety. This has led to some advancement in services in cases where maltreatment has occurred and some evidence that risk assessments can be completed more objectively if conducted with fidelity and under the right circumstances. These foci have been spurred by and reinforced the prevailing belief that funds should only be invested in “what works” and that rigorous research and evaluation are the standard bearers for establishing value. Consequently, the last decade plus of child welfare improvement efforts and dialogue has orbited around building quantitative evidence to support clinical interventions, technical capacity, and incremental improvement. Significantly improved outcomes have not followed and racial and economic disparities have remained deeply entrenched.

Often missing from this conversation has been the acknowledgement of social conditions, especially poverty, health inequities, opportunity gaps, civil rights challenges, and racism, and how each separately and together shape how we think about child welfare, what it is designed to do, and the outcomes the system produces. Also, often overlooked in the field’s focus on evidence for clinical interventions are the experiences and expertise of those who make contact with the child welfare system. This has contributed to a gulf between what professionals, providers, and elected officials feel is most important and what those who experience the system feel would be most helpful for their families.

Likewise, important research concerns such as how and why social conditions affect which families come into contact with child protective services (CPS) have been asked and answered, but have not yet driven transformation of CPS structures and approaches. Rather, these critical, foundational issues have been relegated to the margins within the child welfare context, reallocated as another system’s or level of government’s responsibility, something too big or too distant to address. The need to meet fundamental family needs and address life conditions too often has been lost in the drive to build evidence for clinical interventions. Critical, basic questions go unasked: Does the intervention provide the help that a family truly needs? Is the intervention available and delivered in a way that is culturally appropriate? Is the intervention what the parent or family wants or needs? Is it accessible and is the parent or family able to participate and benefit?

The field’s current fixation on providing only clinical, evidence-based interventions and services presents real danger that Black and Indigenous populations will be further disadvantaged as a small percentage of such interventions have been tested on populations of color and may not account for cultural differences (Kelly & Testa, 2021; Blackdeer & Silverwolf, 2020). Interventions that are built on the Western medical model focus on individuals and commonly define well-being as deficit or pathology correction, whereas Indigenous worldviews take a more holistic approach to understanding well-being, that emphasizes collectivism, group affiliation, duty, harmony and belonging (Smorkowski et al., 2014; Rowan et al., 2014). Under the Western medical approach, traditional, culturally based healing and wellness practices that may not lend themselves to randomized control trials have been judged to be substandard or without legitimate evidence. This way of thinking dismisses, discredits, and devalues non-Western forms of wisdom, manifesting a modern form of colonialism and ongoing oppression (see, Goodkind et al., 2012; Walker et al., 2015 for discussions of colonial and ongoing oppression and how such efforts manifest and their impact on Indigenous populations). As Hartman and colleagues have asserted, an Indigenous worldview calls for a move away from clinical-based interventions and toward community-based interventions that promote well-being in Indigenous populations (2019).

Scholars and practitioners generally agree that poverty is a significant factor contributing to child welfare involvement (Roberts, 2014; Roberts, 2002; Guggenheim, 1996 for example). Scarce attention has been paid to contextual factors such as the ability of a parent or caregiver to access and benefit from support, remedial, or restorative services in light of their life situation. The absence of such context includes, for example, failures to recognize and address housing insecurity; inadequate income; food insecurity; pervasive, historic, and structural barriers; and a host of other issues that families who are low-income—and particularly those who are Black and Indigenous—face that affect their ability to benefit from clinical services renders the “evidence” behind the intervention questionable at best. The legislative history and language in recent child welfare legislation provides compelling evidence that these critical considerations continue to be unacknowledged and have not received due attention. For example, neither the Family First Prevention Services Act (FFPSA, Pub. L. No. 115-123), nor the Adoption and Safe Families Act (ASFA, Pub. L. No. 105-89), contain meaningful discussion of the challenges of poverty and how that may leave families more vulnerable to child welfare involvement or impact a parent’s ability to access optional or mandated services. Such glaring omissions represent either a willful disregard or failure to see a need for social, racial, and economic justice in child welfare and how the lack of each sustains current practice, policy, outcomes, and disparities in child welfare.

The current system and its underlying mindset represent dangerous forms of poverty: poverty of thinking and poverty of compassion. Together, they yield deeply impoverished mental models, value propositions, funding decisions, and unjust approaches. that have caused and continue to cause great harm to families who are Black, Indigenous, LGBTQ+, and undocumented; communities writ large; and the very children the child welfare system is thought to protect.

Replacing child welfare as we know it with a more just and equitable approach requires a fundamental shift in thinking and the application of a justice lens and adaptive action. It requires the ability to think within a different paradigm rather than working to better implement the current paradigm. We recognize the value of research and science but argue that a clinical, service-centered approach to child welfare is, and will remain, insufficient to significantly change outcomes for or the experiences of children and families. Until or unless the field and decision-makers at all levels recognize that the need for child welfare exists in the space where poverty, public health, and civil rights intersect, and redesign purpose and redirect action to address the root causes that leave families more vulnerable to child welfare involvement, the system will continue functioning as it always has and achieve very similar results. This article argues that replacing the current child welfare system—which is reactive and perpetuates trauma through unnecessary separation of families who are poor and families of color—requires a justice framework.

A justice framework explicitly acknowledges that social conditions and societal structures leave some families more likely to come into contact with the child welfare system. A justice framework requires thoughtful attention and action based on the expertise of those who have experienced the system, and ongoing efforts to understand how structural and social conditions contribute to the creation and sustenance of harmful family separation. We must act on an urgent obligation to address the root causes of racial and socioeconomic disparities and to confront classism, structural and institutional racism, discrimination against individuals with diverse sexual orientation, and gender identity and gender bias. It is through a justice framework that a true safety net can be created for children and families—a safety net that values family integrity, seeks to enhance protective capacities, and is there to heal when necessary.

### **Impoverished Thinking in Child Welfare and Justice Defined**

The term *justice* invokes imagery of courtrooms and judges. This association is grounded in rights, procedures, and processes. In this light, justice is the work of law enforcement, lawyers, judges, and juries. It suggests protections or processes to be triggered by events and applied to situations and people. All of these associations are representative of common understandings of the word and its connotations. While each can be accurate, justice is not and must not be perceived as the domain of the legal system alone. It also is true that justice within the legal system is not always equally accessed, experienced, or applied. It is necessary to move beyond the academic and jurisprudential understanding of the word and recognize that justice is something that can be felt, witnessed, and experienced in a wide array of circumstances and life situations.

Injustice also is something that can be seen, felt, and experienced. The presence or lack of justice in any scenario can encourage or discourage an individual’s willingness to engage, see value in, and participate in a service, program, institution, or system. It shapes directly whether an individual experiences something as fair and unbiased. The voices of families impacted by child welfare are vital to understanding the experience or feeling that child welfare outcomes are just. Being seen and heard; knowing the rules and feeling they are fair, appropriate, and impartially applied; and understanding rights and options all are critical to perceiving the event or episode as impartial and fair. In the legal world, this is known as procedural justice. The importance of including the voices of families, communities, and individuals who directly experience systems long has been acknowledged in the literature, but evidence of its true application in child welfare is scarce.

### **Evidence of Injustice in Child Welfare**

To find and see evidence of injustice in child welfare, one need look no further than existing data. We have long known that Black and Indigenous children and families are grossly overrepresented in our child welfare system. Disparity also is visible in the disproportionate representation of youth in foster care who are LGBTQ+. Disparity exists in how parents who are undocumented and parents with limited English proficiency are treated in the system. National data tell us that maltreatment is 1.7 times as likely to be substantiated for Black children than for White children, and Black children are 1.6 times more likely to enter foster care (Children’s Bureau, 2019). American Indian and Alaska Native children are 1.9 times more likely to have reports substantiated and 2.8 times more likely to enter foster care than White children (Children’s Bureau, 2019). Further, nearly 73% of children in America who are poor are children of color. Nearly one in three Black (30.1%) and American Indian/Alaska Native children (29.1%) and nearly one in four Hispanic children (23.7%) are poor compared with one in 11 White children (8.9%) (Children’s Defense Fund, 2020).

Sixty percent of children in foster care are there for neglect, not abuse (Children's Bureau, 2021d). They are overwhelmingly from families who are poor. It is likely that we can prevent neglect by proactively supporting families, but only a tiny fraction of federal child welfare funding is available for this purpose. There is increasing awareness that implicit bias can influence decision-making, policy, and practice. We have tried to train ourselves out of biases and redirect policies toward equity, yet the problem persists. Why would we believe that such pervasive issues can be undone through tweaking a system that fundamentally disadvantages families who are poor and families of color— especially Black and Indigenous families? When policies, practices, and funding result in clear and consistent disparities for certain communities of color, evidence of systemic, structural, and institutional racism is before us.

Recent national data on permanency provide further evidence of injustice for children, youth, and families. Recent national data reveal that:

- Less than 50% of children and youth who enter care are reunified;
- Approximately 25% of children and youth who enter care are adopted;
- Only 10% of children and youth who enter care exit to guardianship;
- Six percent of children and youth exit to live permanently with relatives other than the ones from whom the child was removed; and
- About 8% of all children and youth who enter care are emancipated to life on their own, without a permanent home or relational permanency with a caring adult (see Children's Bureau, IM-01, 2021a, for in-depth discussion of permanency, additional permanency data and best practice recommendations).

These data tell the story of too few children being successfully reunified, too few children being placed in care situations that allow them to maintain critical connections with their families and loved ones, and too few youth having the vital supports that they need to transition to adulthood. They tell a story of well-being and family integrity being undervalued or disregarded.

### ***Barriers to Justice in Child Welfare***

The word *justice* is not commonly associated with child welfare in the United States. Historically, when it has been applied to child welfare it has been in a punitive way, akin to prosecuting perpetrators and a criminal justice framework. While the intersection of physical and sexual abuse and criminal law must be taken seriously and there must be a legal avenue to address such occurrences, prosecutorial approaches are unwarranted and harmful in matters of unintentional neglect. Nevertheless, a punitive mindset and criminal justice-like procedures are prevalent in child welfare law and policy nationally.

In many circumstances, these punitive approaches are rooted in value judgments about parents whose children are in the child welfare system. These values often are translated into legislation that seeks to rescue children from the parents who are essential to their healthy development and long-term well-being. For example, the Adoption and Safe Families Act (ASFA) implemented harsh timelines for filing for termination of parental rights, permitted broadly defined aggravated circumstances to allow courts and agencies to forego the provision of reasonable efforts to keep families together or to reunify, and established a preference for adoption over other less invasive permanency goals (Pub. L. No.105-89). Concerns have also been raised about the misalignment and tension of ASFA timelines and current knowledge of substance use, misuse, treatment and recovery (see Creamer & Gottlieb, 2021; Young & Gardner, 2009; Rockhill et al., 2007; for example). This, in combination with numerous other serious concerns, has led many advocates, scholars and practitioners to assert that ASFA reflects outdated views grounded in punitive approaches as opposed to recognizing addiction as a medical problem and that it fails to account for inequitable access to services, racism, and the relationship between addiction and trauma (see Creamer & Gottlieb, 2021; Trivedi, 2020; Roberts, 2014; see also Mate (2009) for a discussion of the relationship between trauma and addiction).

Currently, we fund family separation at levels exponentially higher than prevention and family preservation (Office of the Assistant Secretary for Planning and Evaluation, 2005). This is tantamount to a multi-billion-dollar bet against families. If we saw families as worthy of investment, we could begin to shift where and how resources are used. More investment in families and communities could lessen the need for investment in foster care as more families and children will have what they need to thrive and the likelihood of certain forms of maltreatment (as currently defined) will decline. This calls for a clear recognition that the need for family separation can and should be dramatically reduced through primary prevention, efforts to enhance familial protective capacities, and kinship support. Divestment and reinvestment will begin to occur safely and organically if we do this. There have been proposals from the advocacy community to make substantial investments in family preservation and prevention and place funding for community-based supports on par with current funding for foster care. Such efforts could prove transformational.

Replacing child welfare with a more just and equitable approach will require federal funding to be spent differently. Currently, the largest source of federal funding for child welfare, the Title IV-E foster care program, provides an unlimited entitlement for foster care. These dollars cannot be used to support families and help prevent child maltreatment from occurring (Rosinsky et al., 2018). Allowing these funds to be used to provide fundamental supports to keep families together before a family's circumstances become extremely dire and children are on the verge of foster care entry, and for foster care when absolutely necessary, is a requirement for a transformed system.

In enacting the Family First Prevention Services Act in 2018 (Pub. L. No. 115-123), Congress acknowledged the importance of preventing foster care placement by allowing funds to be used for select services to parents when children are on the cusp of removal—a helpful step. Waiting to offer help to parents until a crisis has arisen and removal is imminent, though, often is too little too late. Limiting the types of help that can be provided largely to clinical services is insufficient to meet many of the most important needs, such as safe housing, child care, and adequate income, that may threaten family stability. In failing to do all we can to support families before children are at imminent risk of removal, we are complicit in permitting disparity

and inequity to continue. It is necessary to go further to prevent maltreatment, trauma, and disparity from occurring in the first place. There exists a great need and opportunity to align, repurpose, and expand funding streams and options to support resources much further upstream than historically has been contemplated. Thinking of child welfare solely through an emergency or crisis response lens poses a direct impediment to preventing the initial occurrence of trauma and the overall well-being of children and families and portends to exacerbate racial disparity and increase the likelihood of unnecessary family separation.

### **Promoting Justice in Child Welfare**

#### ***Recognizing and Acknowledging that the Current System Causes Harm***

Promoting justice in child welfare requires two fundamental admissions and corresponding actions. The first admission is that the very system itself was founded on deeply flawed premises and beliefs, grounded in bias against families who are poor, families of immigrants, Black families, and Indigenous families. The central, implicit tenet was that wealthier White families from majority culture and religion were inherently better at raising children and that children could be “redeemed” once removed from negative influences and from non-White, substandard caregivers. The second admission is that continuing with the current system is tantamount to acceptance of the harm the system has caused and an act that condones racism, classism, and White supremacist thinking. Essential to this is clearly acknowledging that removal of children from their families usually is more harmful than remaining with their families with supports in place to strengthen whole families. Absent these acknowledgements and admissions, it will not be possible to begin the process of healing and moving forward in ways divorced from racist and classist tendencies. Given the dark history of child welfare, and the disproportional trauma it continues to cause in families who are poor, Black, and Indigenous, the field must consider a truth and reconciliation process. These admissions and owning the outcomes they yield must be the animating force behind transformation work.

#### ***Forming a Vision and Approach for Justice in Child Welfare***

Beginning in 2017, the Children’s Bureau articulated and relentlessly promoted a vision for child welfare focused on strengthening families and communities to reduce the likelihood of families to ever need to come in contact with the child welfare system (Children’s Bureau, IM-05, 2018). That vision was directly informed and shaped by individuals with lived expertise. Primary prevention—robust networks of community-based support to bolster families—is at the heart of the vision. This vision takes a universal public health approach to promoting well-being and equity and is grounded in preventing the need for families to ever require contact with the child welfare system by having non-stigmatized access to the supports that any family might reasonably expect to need within the context of their communities and culture. This vision resonates with those who believe that investing in families and communities will help keep children safe and healthy.

Where this vision, or components of the vision, have been embodied, be it in an agency, organization, or jurisdiction, it is because those leading these efforts share commitments to putting common values into action. These common values transcend political affiliations, geography, rural and urban areas, race, sexual orientation, and gender identity. They are values that require recognition that all people are inherently worthy of respect, love, and inclusion, and that even parents who have made decisions that are very different than those others might prefer still represent relationships that are essential to their children’s health and well-being.

Creating a well-being environment where all families are welcome, respected, and can receive needed supports and thrive is centered on unconditional support instead of surveillance. It is designed to prevent rather than contribute to oppression and trauma, to strengthen resiliency and nurture, and to prevent the need for more intensive and invasive interventions.

#### ***Moving Toward Justice in Child Welfare***

Justice cannot be achieved in child welfare through tweaking the system that currently is in place. It requires a clean and final break from the historical thinking that may have met the need to protect children from severe abuse before there was a formal child welfare system in place, but which now constitutes impoverished thinking about the basis of child protection in the United States. We must recognize that justice requires a holistic view of families and exploration of better ways to support them, moving to a place where we see the entire family as the source of support and compassion. A justice approach requires concerted work directly with families and communities in identifying strengths, needs, assets, and opportunities and concerted cross-sector partnerships to build what families and communities have indicated would be most helpful. It will require applying lessons learned from other disciplines and fields. Moving toward justice also requires thinking about evidence differently—for example, building evidence about efforts to keep families safely together, about the receptivity and usability of supports/interventions, and about the cultural implications of service provision and adaptation (Kelly & Milner, 2019a). It will require large and long-term investments in working with diverse populations to identify, develop, support, and build evidence of culturally appropriate practices and approaches in culturally appropriate ways.

A true well-being system approach begins with the basic premise that parents, as well as children, are worthy of well-being and intentional investment. It requires recognition that one family’s well-being can affect another’s and that family well-being impacts community well-being. It sees value in universal access to opportunities to learn, grow and thrive. It is a system that recognizes explicitly that the social determinants of health provide a pathway to greater health and prosperity for all, and that crucial supports and programs such as child care and Head Start are tools for strengthening families and preventing unnecessary adversity and trauma.

If we organize around these core values and commit to advancing them relentlessly, we can bring this type of well-being system to life; examples of critical pieces and movements in the direction exist in communities and programs across the country in places as varied as Nebraska, San Diego, San Antonio, Brooklyn, Pittsburgh, Washington, DC, and in many Tribal Nations (Children’s Bureau, IM-05, 2018). But it is not nearly as common as it

could and should be and has yet to be the focus of federal funding or state legislative efforts. As a country, we have been unable or unwilling to see the need to move meaningfully in this direction.

### ***Ensuring Justice in Child Welfare***

To ensure justice in child welfare, we must commit to creating an environment that recognizes and addresses the root causes of so many of the reasons families find themselves at our doors—poverty, racial and ethnic disparities and inequities, systemic racism, unresolved intergenerational trauma, and lack of voice and opportunity. To move the current system in a just and humane direction and begin building a replacement, we must look beyond historic, impoverished thinking that is centered on the notion that families are broken and need to be fixed. We must stop pathologizing families and start thinking beyond clinical walls.

Overwhelmingly, families that come into contact with the child welfare system struggle with poverty and likely would have benefited from fundamental supports much earlier, such as community-based supports, peer support from people who care about them, food, clothing, and shelter (Sedlak et al., 2010). Not having these needs met can result in toxic stress, and such stress can push a parent toward self-medicating or misusing substances or trigger or exacerbate a mental health disorder. Social isolation also can contribute to the erosion of protective capacities. Given the prevalence of poverty, mental health concerns, intimate partner violence, and substance use disorder among families who are vulnerable to child welfare involvement (Sedlak et al., 2010), we raise the question: Why would we not want to prevent as many of these vulnerabilities as we can rather than waiting for them to occur or worsen? Why would we not want to get ahead of the problems and avoid the trauma (Kelly & Milner, 2019b)?

There are specific actions that all stakeholders can take to create a justice-oriented system. We must work together to educate elected officials, legislators, policy-makers, and practitioners so that they begin to understand the purpose of child welfare differently and more expansively than simply responding to allegations of abuse or neglect and placing children in foster care. We must deliver a clear message that doing so will advance child safety and well-being and not come at the expense of either. We must powerfully debunk and refute false dichotomies constructed that argue the contrary. We must continue building our capacities as a field to attend to such allegations in the most effective and trauma-free ways possible, concurrently investing in preventing abuse and neglect from occurring in the first place. We must relentlessly promote an understanding that societal conditions place hardships on parents and families, especially those who are Black, Indigenous, and undocumented, and that any efforts to exclude families or youth who are LGBTQ+ from services, opportunities, or support harms children and is a threat to all families. These hardships must be recognized as societal failures and addressed as root causes for potential child welfare contact instead of being seen as the result of individual shortcomings or personal challenges that a parent may be confronting alone.

Systems leaders and other stakeholders must make meaningful, ongoing, and concrete efforts to truly understand what families and communities need to thrive. This requires creating opportunities to hear directly and work directly with individuals with lived expertise as a part of all decision-making. Leaders and legislators must come together and share power with families and communities to create a vision for a more humane and just system of support. We can form and hold true to a clear, shared vision to establish and maintain accountability. Absent a clear and commonly understood vision, accountability will remain elusive or partial at best, failing to reliably capture what is most germane.

The leadership that is needed should not come from the child welfare agency alone and must include other important systems and community leader support. Any number of stakeholders that care about families and children can lead the way. For example, schools, medical providers, and early childhood programs can be powerful voices for additional resources and different approaches to serving children and families. They can advocate for the importance of children being ready for school, having health needs met, and having access to essential social connections. These actions can all help drive a more expansive understanding of why it is necessary to replace our current child welfare system.

Leaders in courts, agencies, legislatures and communities can stand together, support one another, and remain committed to doing right by children and families, even when adversity strikes and blame is tossed their way. We can end the days of emotion-driven, knee-jerk reactions, such as increasing removals after a child fatality hits the headlines or getting tough on parents or the agency. This will require deeper and more nuanced understandings of the context in which families live by both the media that cover child welfare issues and policy-makers that craft legislation. The research community should prioritize building new and different kinds of evidence directly with individuals that experience the system, communities, and Tribes, instead of merely conducting research on these groups. Such efforts should focus on how to measure efforts to address the social determinants of health; the impact of primary prevention and efforts to build protective capacities, protective factors, and improve the experiences that parents, children, and youth have with community-based supports; and, where needed, formal CPS. Compartmentalized knowledge and action have led to the creation and sustenance of siloed programming, support, and accountability measures that fail to serve whole families in integrated and comprehensive ways.

### **Coalescing around Justice in Child Welfare**

To coalesce around justice in child welfare as a field, society, and country, we must begin by acknowledging that this is not something that has been honestly attempted in the past. It will require us to be far more ambitious than we have been willing or able to be previously with respect to what we hope to help make possible for children, families, and communities. There is a proclivity in child welfare and many other disciplines to believe we have tried everything before and that there are no new ideas. There is a similar proclivity toward incrementalism and an aversion to taking risks. While certain ideas such as family preservation have come in and out of vogue over the past several years, there has never been a large-scale investment on the order of current child welfare funding or an intentional alignment of vision across federal agencies, funding streams, and programs to support the conditions for families to thrive. Rather, previous efforts and attention have been contained, restrained, and not taken to scale. This has allowed the pull toward stasis in child welfare to prevail.

So, what then does justice look like in child welfare, what forms can it take, and how can we coalesce around it? What are the core components or steps?

We must first come to an understanding and commitment of thought that it is a nearly impossible burden for parents who are poor to meet their children's basic needs without additional resources. We must be clear that a parent who lacks resources is not a bad or incapable parent. We must understand that differences in culture and in response to the ravages of poverty and intergenerational stress do not equate with lack of love or the absence of a sincere desire to protect one's children. We must end the practice of treating poverty as if it were child abuse perpetuated by parents when it is, in fact, societal abuse. After that, we can begin to take on additional measures.

### **Build Respect for Family Integrity and the Humanity in All of Us into All of our Work**

We have come to accept in child welfare that certain things are inevitable— some parents cannot change, children can only be protected apart from their parents, youth will leave foster care to be on their own at age 18 or 21, waits for critical services and supports are necessary, certain groups of families will be disproportionately represented within child welfare, disparities are due to economics and not racism. The list goes on. We even have put legislation into place that supports these “inevitable”—e.g., the Chaffee Foster Care Independence Program, which assumes that youth will leave foster care without permanence, and the Title IV-E foster care program, which disproportionately funds family separation over prevention (Pub .L. No. 106-169; 45 CFR Parts 1355, 1356). However, when we listen to youth and parents who have experienced the child welfare system firsthand, we can see clearly the fallacy in our acceptance of these dynamics and the often generation-spanning ill effects that they have on the stability and integrity of families.

Any attempt to create a justice framework in child welfare must begin by understanding the experiences of those who live it (Children's Bureau, IM-03, 2019). The voices of those with lived expertise can and should frame our reinventions and the ongoing evaluation of our efforts. Listening to those experiences and decreasing the need for child welfare intervention should be the measures of our success.

This has to mean more than tokenizing youth and parents with lived experience and expertise, parading them on stage, asking them to repeat their stories of trauma over and over, and directing their messages and advocacy. We should genuinely rely on their expertise, listen to it, act meaningfully upon it, and treat them as the experts they are, integrating their wisdom into our ongoing work, decision-making, planning, and leadership and implementation efforts.

Amplifying the voices of parents and young people also requires that they have voice and opportunity to exercise agency and self-determination in what happens to them at an individual and family level at all stages of child welfare involvement. One absolutely critical way of creating opportunity for voice and agency is to ensure that parents and youth have access to high-quality legal representation that will advocate for them, make their needs known, and ensure that appropriate services are provided (Children's Bureau, IM -06, 2021c). Such advocacy should be available to parents even before they become involved with the child welfare system to provide preventative legal advocacy on issues that could threaten family stability, such as housing, intimate partner violence, access to essential benefits, and immigration status, to name a few (Children's Bureau, IM-02, 2021b).

When it is truly unsafe for a child to remain with their parent, we must view placement with kin or another known and trusted adult as a critical well-being effort for a child. This will require a serious commitment to finding kin or another known and loving adult and the allocation of sufficient resources, such as family finding, to do so. It will also require a serious commitment of resources to support kinship caregivers that takes fully into account both the financial and emotional support that is necessary to position that caregiver for success.

We can ensure that when foster care is necessary, we do everything we can to protect the integrity of the parent-child relationship through ample family time rather than traditional structured, limited and episodic “visitation.” We can engage children's parents in the foster care experience in meaningful and substantive ways. We can promote co-parenting approaches between resource parents and the child's parents and support, encourage, and resource such relationships. We can help to reduce the trauma that removal always brings to children and parents by using foster care as a means to support the entire family through a difficult time.

We can agree it is completely unacceptable for young people to leave foster care without permanency in their lives and commit to stop allowing it to happen. It is inhumane to take custody of a child, keep them for most of their growing up years, then dismiss them at age 18 or 21 without a home, without a family, without belonging, and without relationships to sustain them. We can and must ensure that, with the voices of the young people themselves, we explore permanency options and opportunities and act with diligence to implement appropriate plans before the young people are in danger of homelessness and lack of support (Children's Bureau, IM-01, 2021a).

A justice framework in child welfare must ensure that the long-standing patterns of overrepresentation of families who are Black, Indigenous, and poor in child welfare, particularly in foster care, are replaced by a supportive network of services that help families get what they need to remain unified and thrive. It is inhumane to do otherwise. We cannot train ourselves out of racist patterns that have existed since the inception of child welfare in the United States, but we can identify the components of our system that allow these patterns to persist and take them on directly, such as replacing oversurveillance with more supportive networks, looking hard at the efficacy and results of mandatory reporting laws, addressing the lack of community-based supports and services rooted in the cultures from which our families come, and others. We can dismantle and replace the structures, laws, policies, and practices that sustain oppression.

**Commit to co-ownership of the system across sectors and with families and communities.** If we are to center the voices of parents and alumni of foster care, we must consider them as leaders and actively look for opportunities to share and cede power. Families are in the best position to determine what they need, how much of it they need, and how they receive it, and communities are the best positioned to provide for those needs. Joining with families in designing community-based prevention and family-strengthening programs is essential to putting into place what they need to thrive. We also can work with communities to create robust networks of primary prevention to keep families strong and children safe.

While all communities are not on the same level in terms of resource availability and access, there is no community that does not have some combination of schools, health centers, churches, community organizations, or early childhood centers and programs that could serve as hubs or the foundations of family strengthening supports and efforts. Community leaders can become the strongest advocates for strengthening families. They do not have to be members of the child welfare leadership; they could be a Head Start director a school principal, a pastor, a business owner, or an experienced parent or grandparent. Law enforcement and judges also can step up and lead community efforts to take a different approach as they see the impact of current practice and ways of thinking on the everyday lives of children and families. There are powerful examples of law enforcement in Nebraska, and judges in Mississippi who have led such efforts and are contributing to the creation of community-based support networks and the dramatic, safe reductions of the number of children in foster care (see Bring Up Nebraska Initiative, 2021; Nebraska Children and Families Foundation, 2015; Favre, 2021; Favre, 2019; Turner, 2021; Johnson, 2021).

Co-ownership also extends to the relationships among the various agencies and organizations that affect the lives of families every day— e.g., other child- and family-serving groups, the courts, advocates, and others. Courts, agencies, and prevention partners can work together to identify and highlight the need for broad-based community supports. Courts and agencies can agree to hold one another accountable for ensuring that efforts meet individual families' needs. Those working in child welfare must extend invitations and open pathways for prevention partners and participants from outside the child welfare field to contribute to solutions.

**Create a family support system that is universal in nature.** There is little justice in waiting until a family is in desperate condition to provide needed services or support, yet this has been our traditional child welfare framework. If the child has not yet been harmed, or not harmed enough, we may make a referral for services upon receiving a hotline report. Yet, there is little to help families before the report is made. A justice-oriented approach must be built on the presumption that justice is for all families, not just those of privilege, wealth, social standing, and members of majority culture. Such a system is also predicated on the fact that all families need help sometimes and the understanding that once harm has occurred, interventions become reparative in nature rather than preventative—and that the trauma is at risk of enduring for long periods of time.

A justice-oriented approach requires leaders across systems and communities to take on societal shortcomings and conditions that cause hardship with clear-eyed intention. We must see the continued existence of poverty, disparity, and inequities as societal failures and direct threats to well-being, family integrity, and justice and take concrete steps to mitigate and ameliorate them. It can begin with local efforts to work with nongovernmental entities to establish poverty relief programs and services to meet concrete needs, efforts to provide transportation to critical services or employment, affordable child care, and safe housing.

Child welfare administrators, workers, and judges can join with community groups to understand family and community need and advocate for new approaches and the resources to support them. In so doing, they can send a clear and consistent message on the need, importance, and value for primary prevention across systems and garner support for community-based family support systems that are open and accessible to all families in a community. We can offer the opportunity to strengthen entire communities and provide for the ongoing supports that anyone might need over time. We can normalize asking for help as non-stigmatized and recast help-seeking as a valued protective capacity—a sign of strength rather than weakness.

**Make sure our laws and funding reflect a justice-oriented child welfare system.** There is no justice in terminating a parent's rights at 15 of 22 months in foster care when that time frame is inconsistent with what we know about treatment needs of individuals who are substance-affected, and the length of healing time needed, with what we know about the lack of access to services and waits for critical supports, and with our current system's tendency to wait until parents are so deeply mired in difficulty before we support them that healing becomes a long and complex process.

There is no justice in having laws requiring that reasonable or active efforts be made to both prevent removal of children from parents and reunifying them, only to have those requirements reduced to a check box on a court order, or to define "reasonable" in terms of what is available rather than what is needed (Kelly & Milner, 2018). And there is no justice in failing to honor active efforts in Indian Child Welfare Act cases.

There is no justice in funding out-of-home care for children who have been separated from their parents at exponentially higher levels than investing in keeping them safely together. There is no justice in mandatory reporting laws that lead to fear-driven over-reporting by teachers, child care providers, and other helping professions for concerns other than abuse and discourage families from seeking the support they may need. There is no justice in definitions of maltreatment that leave the door open for conflation of poverty and neglect.

In order to repurpose and redirect more of our current funding toward primary prevention, such as basic supports, family preservation, and preventative legal advocacy, we must strive for funding parity between costs associated with foster care and funds dedicated to providing essential help to families to avoid contact with the foster care system in the first place. This is the job of child welfare agency leaders, the judiciary, service providers, community leaders, lawmakers and funders, and individuals with lived expertise who are well-positioned to deliver a coordinated message and campaign and, in doing so, to address the value-driven barriers to such parity.

Our laws and funding must match the direction of the change that we seek. And, lest we forget, our laws and funding reflect our values and our view of the families we serve. Any attempt to make major legislative changes requires a concurrent effort to educate, inform, and help to shape those values and views.

### Meeting the Call for Justice in Child Welfare

There is a shared benefit to all members of society in creating a system and new approach that is grounded in justice, administered in fairness, and measured in increased well-being and thriving. The benefits transcend politics. When children, youth, and parents experience well-being in their lives, they are stronger, more resilient, and better able to contribute to societal well-being. When families—even those families who are very poor—are helped to thrive by having fundamental needs met, the odds of breaking recurring cycles of difficulty over generations can be substantially reduced. Enhanced resiliency and protective factors promote health, self-sufficiency, and self-determination that should have rippling effects across systems, the workforce, and the economy.

The trauma that families and children experience through the lack of justice in their lives is pervasive and it stays with them. The effects of injustice are not limited to the suffering of individuals—they are cumulative, far-reaching and detrimental to the health of communities and society at large. Indeed, injustice to any family is an injustice to all families. Over time, our investments in trying to fix the trauma outweigh our efforts to prevent it. Our expenditures on separating families are orders of magnitude greater than our investments in supporting them and keeping them together. To understand the irrationality of this dilemma, we need only ask ourselves a couple of simple analogous questions that should resonate strongly now and far into the future, such as what is the value of getting a flu shot, or why would anyone want to get a COVID-19 vaccination? The answers are of course simple: We members, and society. It is our basic social contract in action, a duty, a responsibility, and the right thing to do—an act of caring.

A call for justice in child welfare—consistent, enduring, multidimensional justice that all families can experience—is a call for a transformation and an entirely new approach, not a better version of what already exists.

It is a call for commitment to well-being, equity, and thriving as the essential measures of a family's experience and a commitment to sharing the power of design, implementation, and evaluation with those closest to the system: families, youth, and communities. It is a call to disassemble what has become a foster care industrial complex and replace it with a system focused on family well-being and healing. It is a call for divestment in what is causing harm and for reinvestment in that which helps maximize family and community strengths.

A call for justice in child welfare demands full and inclusive acceptance of people who may not look like us, who have made different decisions in their lives, whose fundamental characteristics may depart from our view of the ideal, and/or whose circumstances are mired in poverty but who remain, nonetheless, components of our shared humanity, inherently worthy of care, attention, and respect.

It is a call to be bold and insistent upon ensuring that we create that place where all families have the opportunity to experience respect, self-determination, inclusion, and kindness.

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