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New Bill Would Require States To Distinguish Poverty From Child Neglect

BY MICHAEL FITZGERALD

Reflecting a growing movement to tease out poverty from the many reasons U.S. children are taken into foster care, a new bill before Congress requires states to avoid maltreatment investigations that center solely on a family's homelessness or lack of financial resources.

“The child welfare system must reflect the reality that simply being poor is not child neglect and sufficient reason alone to separate families, creating unnecessary trauma and hardships,” Rep. Gwen Moore, a Wisconsin Democrat, stated Thursday. “I know firsthand that in child welfare cases, where poverty is the only issue causing hardship, children benefit from remaining with their families and accessing the resources they need.”

In a 2019 [piece](#) in The New Republic, Moore described her experience as an 18-year-old college student and being “temporarily forced to relinquish her own child to relative foster care.” Her legislation, the Family Poverty is Not Child Neglect Act, would require child welfare agencies to provide supportive services to households in need of food, shelter and other basic assistance in order to prevent unnecessary family separation.

Moore's bill echoes long-standing concern among youth and family [advocates](#), scholars, and

too much room for subjectivity in evaluating parents' living conditions. Too many children enter foster care, critics of the current systems say, simply because their parents lack resources. Those types of neglect cases do not meet the legal standard of intentional child maltreatment, they argue.

“The role that poverty plays in child welfare decision-making is a topic that has yet to be meaningfully confronted and addressed,” former top federal child welfare officials Jerry Milner and David Kelly wrote in a 2019 [essay](#) published by their federal agency's in-house journal.

Impoverished families are [believed](#) to comprise the vast majority of children removed from home into foster care, and neglect is a factor in more than 60% of all removals, per federal data. But the federal government does not routinely match individuals' economic data with child maltreatment records. University of Wisconsin at Madison social work scholars Lawrence Berger and Kristin Slack have obtained such data for the state Moore represents, finding that most families investigated by CPS receive lifeline public benefits to survive.

“The vast majority of investigated families received benefits from one or more means-tested programs,” in the year prior to being investigated by CPS in Wisconsin, the researchers [wrote](#) in a 2020 essay in the academic journal *Annals*. Seventy-six percent of the families received food stamps, and 40% had at least one quarter during the year when they had no reported earnings.



U.S. Rep. Gwen Moore (D) Provided photo.



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States across the country have been working to untangle the role of poverty from child welfare involvement. Two laws passed in California last year aimed to prevent children from entering the foster care system for reasons of economic hardship alone. One [prohibited mandated reporters](#) from making a report to child protective services for issues of poverty

alone; [another bill](#) clarified that children cannot be removed from parents due to homelessness or other poverty-related reasons alone.

This month, New York [announced](#) a first-of-its-kind program to extend unconditional cash payouts of \$500 per month to parents facing child maltreatment investigations in three counties. The program is among a growing number across the country evaluating how no-strings-attached basic support for families could be deployed to prevent foster care removals.

In her press statement this week announcing her legislation, Moore noted that policy language in her bill has been approved by the House in two previous Democratically controlled congresses.

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Diane Redleaf, a prominent child welfare litigator and founder of the advocacy group United Family Advocates, said many states have language in their child neglect statutes specifying that poverty should not be the lone premise for a child maltreatment investigation. But too often, those provisions are toothless or ignored, she added, and Moore's bill would prioritize the issue at a national level.

“This is a first step for some acknowledgement that lack of housing and child care is poverty,” Redleaf said. “It’s important that federal law actually says that.”

Jeremy Loudenback contributed to this report.

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ABOUT THE AUTHOR

Michael Fitzgerald

Michael Fitzgerald is a senior reporter for The Imprint.

 mfitzgerald@imprintnews.org

 [mchlftzgrld](#)

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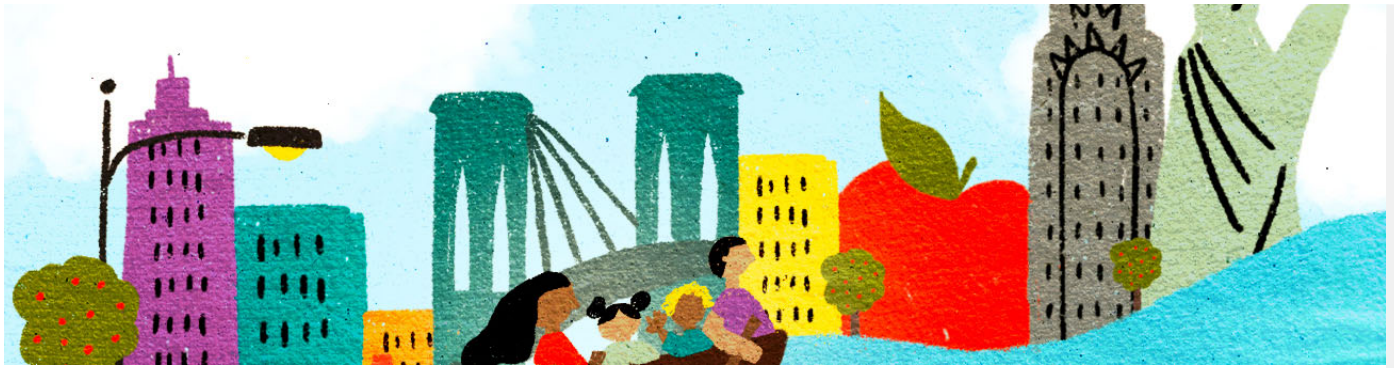


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