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America Must Change Its View of Poverty and Neglect

BY TOM MORTON AND JESS MCDONALD



The child welfare system plays a conflicted role in our society's history. It exists in a world of competing values and basic societal assumptions. Was it developed as a way to "save" children from abuse and neglect or as a means to "control families?"

We chose to serve in this system to help children live safely with their families in safer communities. We believed it was possible to make a positive difference for children and families through service in the child welfare system and devoted our careers to this end. Can we say we have made a positive difference? We are not satisfied with our efforts and outcomes, no matter how well-meaning and vigorously we might have pursued them.

Society has not made the changes needed in fundamental cultural assumptions that are necessary if we are to ensure all children can live safely with their families. That should be everyone's vision and commitment. We believe every effort should be made to change the child welfare system so that the future of the system is built on a foundation of strong and caring families and communities. This is why we served, and it is clear that there is yet a long way to go.

It is time to move toward a family welfare system that advocates on all sides of the current discussion of poverty and neglect should join in building.

Don't Blame the Victim, Change the System.

Society continues to maintain a strong attachment to the assumption that both poverty and neglect reflect caregivers' failures to accept personal responsibility. A large segment also believes that poverty and neglect both represent antisocial behavior. These beliefs, to many, justify the idea that poverty and neglect should be addressed through the authoritative intervention of government to exercise social control over both poor families and neglectful parents.

We submit that this belief structure as it applies to neglect is based on an antiquated idea of child protection that was rooted in a desire to address serious physical and sexual abuse, which indeed is antisocial behavior. Because this was the focal point, the child protection system (CPS) was significantly fashioned after the criminal justice system.



**It's time to change how
we support kids**

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But the vast majority of neglect, and poverty, has nothing to do with antisocial behavior. The first response to the majority of child neglect referrals should not be an authoritative one driven by the same cultural assumptions underpinning the criminal justice system. Nor should it primarily employ core practices and policies adapted from that system. Unless probable cause exists to support a possible criminal prosecution, or circumstances clearly indicate an immediate threat of serious harm to children in the household necessitating immediate removal, referrals for neglect should first receive a public-health response.

The response we articulate above should originate entirely outside of the current CPS infrastructure. Based on our experience as directors of two large public child welfare agencies and in consulting with child welfare system reform efforts, we believe many of the cultural assumptions embedded in the criminal justice system are also embedded in the current child protection system.

Assumptions about poverty and neglect as antisocial behavior and the need for government social control through the use of government authority make a true public health initial response difficult, if not almost impossible, inside the current CPS agency.

A public-health response is more universal in nature and has broad eligibility for health-oriented services as opposed to the far narrower risk-and-safety authoritative response. It is strength-based as opposed to deficit-based, and is available to the general population through a community-based approach.

Hopefully, such a system would lead more people to make use of it. But such an approach is unlikely to take hold as long as the current underlying cultural assumptions about poverty and neglect as antisocial behavior and the commensurate need for an authority-based intervention prevail.

Poverty, Neglect or Both?

There is a growing discussion about the [confusion of poverty with neglect](#). Advocates advancing this position argue that this confusion has led to the unnecessary removal of children when the provision of material services would remedy the circumstances creating a threat of harm to a child. Some of these advocates argue further that child protection systems either conflate poverty and neglect or over-pathologize poor families in order to justify removing children.

At present, many of the writers on this subject support their arguments with compelling anecdotes. Many are lawyers, who have represented dozens or hundreds of parents, and we

have no reason to doubt their perspective on what's happening day to day in the systems in which they operate.

But while there are volumes of studies that have established a statistical association between poverty and neglect, the field is absent studies that clearly document the actual extent to which children are removed due to poverty alone. More definitive research documenting the actual prevalence of families losing custody of their children due to poverty alone is needed because making public policy by anecdote is risky business.

The 1990 [Norman v. Johnson](#) lawsuit in Illinois could offer some insight into the prevalence question. Plaintiffs challenged defendants' policies and practices of taking and retaining custody of children from impoverished parents and legal guardians because of their inability to obtain cash, food, shelter or other subsistence, while failing to assist the parents and children to meet these needs. The court ruled in favor of plaintiffs and established a class of families, to be called "Norman Families," that must be offered various forms of assistance rather than presumptively removing their children. This ruling creates an opportunity to examine this phenomenon further.

Regardless of the extent to which poverty and neglect are conflated, they are both mixed up in a child protection process that was really designed to address more serious cases of abuse.

Any successful effort to change the current response to neglect cases that involve caregiver poverty ultimately depends on making changes to the underlying cultural imperatives that drive the mixing of poverty and neglect.

At its core, culture is a pattern of shared basic assumptions that a group has learned as it solved its problems and that has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way to perceive, think and feel in relation to these problems. These mostly are unconscious, taken-for-granted beliefs, perceptions, thoughts and feelings which are the ultimate source of values and actions. If a basic assumption is strongly held in a group, members will find behavior based on any other premise inconceivable.

For this reason, it is critical to examine our society's basic cultural assumptions about both poverty and neglect, personal responsibility and social control. If true change is contemplated, some of these basic assumptions and beliefs will need to be replaced with new ones and the new ones embedded in society. Otherwise, lasting change is unlikely.

Three Questions

Answers to three questions are essential to changing hearts and minds when it comes to these cultural norms. First, what does society believe explains poverty? Second, what type of behavior does society believe is indicated by both poverty and neglect? And third, what does our society believe is the best response to this type of behavior?

Assumptions behind the 1834 English Poor Law serve as a start to illustrate the relevance of these questions. The law distinguished between the “deserving” and the “undeserving” poor. The undeserving poor were considered feckless and a burden on their communities.

American social welfare policy has not advanced significantly from this position. Social welfare policy in the United States remains steadfast in the belief that not accepting personal responsibility is a factor influencing poverty, and consequently, it demands that work requirements be a condition for the receipt of many public benefits.

This seems to flow from an assumption that poverty is the result of a failure to exercise personal responsibility rather than a reflection of barriers to income adequacy that include racism, educational opportunity, availability of affordable housing and child care, for example. If a large segment of society views poverty as resulting from the faults or habits of caregivers, then another assumption follows that these same faults and habits further elevate the risk of harm to a child. We are not saying we support this view, only stating it for what it is.

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Assumptions concerning personal responsibility can be found in some states’ neglect statutes. For example, Nevada’s statute states that “negligent treatment of a child occurs if a child ... is without proper care, control or supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.”

If one were to follow the assumption that both neglect and poverty exist because of the “faults and habits” of caregivers, then any mixing of poverty and neglect would naturally lead to the conclusion that a caregiver is failing to exercise personal responsibility for care of a child when otherwise capable of doing so even under conditions of poverty. Under such assumptions, poverty would not excuse any failure to meet a child’s needs. Our experience with the politics around child protection suggests that both of these assumptions remain held by large segments of society.

Taking the next step, what type of behavior is neglect? Statutorily, it is one of four forms of child maltreatment, existing along with physical abuse, sexual abuse and emotional abuse. But neglect distinguishes itself from the other three forms of child maltreatment by being defined as the omission of an action rather than the commission of an action.

This is a significant distinction that should be considered when evaluating the nature of a neglectful situation. Is neglect primarily existing due to a caregiver’s poverty and if so, is the poverty due to a caregiver’s faults and habits? If one answers yes, then CPS agencies might consider poverty and neglect as being the same in regard to a failure to exercise caregiver responsibility. If the answer is no, then poverty and neglect are not related.

To some extent, we might argue that the conflation of neglect and poverty is immaterial. This is because both, in our opinion, are incorrectly viewed by society and its systems as antisocial behavior, when neither should be handled in the same system as other actions deemed to be child abuse.

But problematically, poverty often coexists with perceived “red flag” child maltreatment risk and safety factors when CPS agencies consider the need for removal. For example, although there is no evidence that demonstrates cause and effect between poverty and addiction, studies have shown that substance abuse is **more common** among individuals in lower socioeconomic status. Poverty **increases the risk of mental health problems** and can be both a causal factor and a consequence of mental ill-health. Socioeconomic status has also been identified as a risk factor for **domestic violence**.

The challenge is that when any of these factors are present in a child protection referral – substance abuse, mental health issues or family violence in particular – current CPS approaches to safety assessment take over. Taking neglect out of the abuse framework and putting it into a public health framework would create the opportunity for a non-authoritative initial response and a different approach to evaluating the danger represented by such factors when children’s material needs are not being met.

A hopeful link to the poverty and neglect conflation discussion is that society has made significant gains in reclassifying addiction from a criminal concern to a health issue. Similar gains have been made in the understanding of mental illness and the need for treatment as opposed to institutionalization. Increasingly, family violence issues are better understood in society and child protection today as a need for a protective environment as opposed to a “blame the victim” response. These gains may proffer hope for the possible delinking of current cultural assumptions about poverty and neglect as antisocial behavior.

In contrast, physical, sexual or emotional abuse seems to clearly involve antisocial caregiver behavior in that they tend to involve immediate harm with an accompanying intent to inflict pain or suffering upon a child. In contrast, most neglect commonly involves exposure to a threat of harm, but no immediate physical damage. So while neglect involves caregiver actions that might deviate from the laws or customs of society, for the most part, it is not antisocial behavior in the same sense that physical and sexual abuse are.

This is not to suggest that is the case with all neglect. Some neglect constitutes exposure to circumstances so egregious as to constitute an immediate threat of or actual serious harm to a child. But in our experience, these cases constitute a small fraction of neglect cases being brought to the attention of CPS agencies.

The Time for Change Is Now

Major changes must happen to build the family welfare system that offers families and their children the resources they need to prosper and thrive. Change must occur in all the systems that serve children and families, as they share the responsibility to help these families. It is time to jump in and build the system we all know and believe is needed for the future.

Here are some starting steps:

- Get all parties to the conversation in the same virtual room and reach an agreement on what assumptions and beliefs must change and why.
- Define the public health response that will be necessary to support families consistent with the new assumptions and beliefs.
- Change federal, state and local law, policies and practices that underpin the current authoritative response to poverty and its conflation with neglect.

Advocates for children and families are well aware of the impact that organizational culture has on current system practices and values, but often tend to view these as aspects of the

CPS agency itself and not recognize the power larger system and societal assumptions have on the laws, policies and practices under which CPS agencies operate. The changes put in place by individual CPS leaders will always be fleeting if there isn't a fundamental sea change in how society thinks about the safety and protection of children in poor families.

We believe that the time is past due to begin the campaign to convince the public – and with them, the politicians who represent them – that communities need a family welfare system it can trust and approach for help without fear. It must be separate from the system we use to investigate and respond to true acts of antisocial behavior inflicted on children.

Now is time for major changes, not tinkering. We have much to learn about the best ways to serve families and to prevent harm from coming to kids. But we have already learned too much to let things stay the same.

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