

## Child Welfare and Race

African Americans comprise 12.9 percent of the U.S. population. Non-Hispanic White Americans are 65.1 percent.<sup>1</sup> But 30 percent of all foster children are Black, while only 40 percent are white.<sup>2</sup>

In many big cities you can walk into a family court and find plenty of white faces among the judges and the lawyers – but almost none among the families whose fate depends on those judges and lawyers.

In Central Harlem, on any given day, nearly one of out ten children was in foster care in 1998.<sup>3</sup> In Minnesota, a state with a lower-than-average poverty rate, nearly one in 25 Black children was taken from his or her parents and thrown into foster care just in one year.<sup>4</sup>

It is often argued that the overrepresentation of Black children in the foster care system is solely a function of the fact that Blacks are overrepresented among America's poor. But common sense, and plenty of data, say there is more to it than that.

In a society in which a Black man of any income level is far more likely than his white counterpart to be followed around a store and presumed a shoplifter, and then far more likely to be unable to hail a cab to take home what he's purchased, it's odd at the least to assume that even the best-intentioned child protection worker always will be able to check her or his prejudices at the door.

And the data show that they can't.

For example, predominantly Latino Hunts Point, in The Bronx, is even poorer than Central Harlem. The rate of single parenthood in the two communities is the same (and, in any event, children are no more likely to be abused in single parent homes than in homes with two parents, when the figures are adjusted for family income).<sup>5</sup> But a child is almost twice as likely to be taken from his or her parents in Central Harlem. One in 19 children is taken in Hunts Point versus almost one in ten in Central Harlem. Compare these data further, to a poor white community, and there is evidence of discrimination against Blacks *and* Latinos: In predominantly white Ridgewood and Glendale in Queens, which has about half the poverty rate of the other two neighborhoods, only one in 200 children was in foster care in 1998.<sup>6</sup>

In San Diego, researchers found similar results. The rate of poverty among Black and Latino children is almost identical. But, as Prof. Dorothy Roberts, a member of the NCCPR Board of Directors, notes in her book, *Shattered Bonds: The Color of Child Welfare*, (Basic Civitas Books: 2002) "while Latino children were placed in foster care at a rate identical to their proportion in the population, African American children were overrepresented in foster care at a rate six times their census proportion."<sup>7</sup>

- A study by researchers at The Children's Hospital of Philadelphia found that when doctors examined children, "toddlers with accidental injuries were over five times more likely to be evaluated for child abuse, and over three times more likely to be reported to child protective services if they were African American or Latino."<sup>8</sup>

- A study of decision-making at 39 pediatric hospitals found that "Black children are more likely to be evaluated for abuse than white children with comparable injuries ..."<sup>9</sup>

- A study of decisions to "substantiate" allegations of maltreatment after they are reported found that caseworkers were more likely to substantiate allegations of neglect against Black and Latino families – and the only variable that could explain the discrepancy is race.<sup>10</sup>

- A study of women whose newborns tested positive for cocaine found that the child was more than 72 percent more likely to be taken away, if the mother was Black.<sup>11</sup>

- A comprehensive federal study of child maltreatment found that "even when families have the same characteristics and lack of problems, African-American children and Latino children, to a lesser extent, are more likely than white children to be placed in foster care."<sup>12</sup>

- But perhaps most telling is what happens when caseworkers are given hypothetical situations and asked to evaluate the risk to the child. The scenarios are identical – except for the race of the family. Consistently, if the family is Black, the workers say the child is at greater risk.<sup>13</sup>

Prof. Roberts writes: "[T]he child protection process is designed in a way that practically invites racial bias. Vague definitions of neglect, unbridled discretion, and lack of training form a dangerous combination in the hands of caseworkers charged with deciding the fate of families."<sup>14</sup>

But the harm done by racism in child welfare goes beyond the harm done to individual children wrongly taken from loving homes.

The removal of children from impoverished Black homes happens so often that it inflicts "collateral damage" on entire communities. The loss of so many children demoralizes their families. Roberts writes that the removal of these children "disrupt[s] the family and community networks that prepare children to participate in future political life." And this needless removal of children reinforces the very stereotypes about Black families that are used to excuse such removals in the first place.

African Americans are not the only ones to suffer from the racism of the child welfare system.

Latino children may be taken from Spanish-speaking parents and thrown into foster

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## Child Welfare and Race (continued)

homes where only English is spoken. In a series of notorious cases in Tennessee, a judge held the children of impoverished Spanish speaking mothers in foster care and threatened to take them forever if the mothers did not learn English.<sup>15</sup>

Starting in 1958, the U.S. Bureau of Indian Affairs, in collaboration with the trade association for America's child welfare agencies, the Child Welfare League of America, launched a mass campaign to transplant Native American children into white adoptive homes. By 1971, nearly one in four Indian infants in Minnesota was placed for adoption.<sup>16</sup>

When Congress sought to prevent this decimation of Indian communities, through passage of the Indian Child Welfare Act, CWLA opposed the law. And it was not until 2001 that CWLA's new Executive Director apologized to the Native American community.<sup>17</sup>

But despite the passage of the ICWA, there is evidence that the abuses continue.

In Alaska, which has one of the highest percentages of foster children in the country, Alaska Native children are more than five times as likely as white children to be taken from their parents. A worker who helps Native families entangled with the state's child welfare agency says a caseworker declared one Native family's home messy because of drying fish, laundry hanging in the living room and puppies on the porch.

And though alcohol abuse sometimes is a real problem, those who help Native families say caseworkers are quick to assume such a problem even when it doesn't exist. Even the head of the state's child welfare agency says "We've got to

do something differently."<sup>18</sup>

In Maine, another state which used to have one of the worst records in the nation for needlessly holding children in foster care, the Houlton band of the Maliseet tribe suffered greatly at the hands of the state's Department of Human Services (DHS), in part because the Maliseets are too small to have their own tribal courts.

Between 1996 and 2001, before the Maine system reformed, 16 percent of Houlton Maliseet children were taken from their parents and placed in non-Indian homes. That's a rate of removal more than five times the national average for Native Americans.<sup>19</sup>

And in an Iowa county where one in ten Indian children is in foster care, the chief juvenile prosecutor says: "I don't think there's anything in any of these cases that points to something positive about Indian culture, except the culture of drugs and the culture of poverty and the culture of abuse."<sup>20</sup>

America's child welfare establishment needs to do more than say "I'm sorry." From frontline workers to agency directors, they need to constantly "audit their feelings" to be sure that their decisions are based on facts, not personal prejudice. More generally, they need to work to rebuild the child welfare system emphasizing safe, proven programs to keep families together. Just as the current take-the-child-and-run mentality disproportionately harms minority families, a system oriented toward keeping children safely in their own homes will help reduce such discrimination.

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<sup>1</sup> <http://quickfacts.census.gov/qfd/states/00000.html> //2. U.S. Department of Health and Human Services, *The AFCARS Report*, Preliminary FY 2009 Estimates as of July 2010. Available online at [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/tar/report17.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report17.htm) //3. Child Welfare Watch, *The Race Factor in Child Welfare* (New York: Center for an Urban Future, June 1, 1998) available online at [http://www.nycfuture.org/content/reports/report\\_view.cfm?rekey=9&area=childpol](http://www.nycfuture.org/content/reports/report_view.cfm?rekey=9&area=childpol) 4.// U.S. Dept. of Health and Human Services, *Child Welfare Outcomes 1999: Annual Report*, available online at <http://www.acf.dhhs.gov/programs/cb/publications/cwo99/index.html> //5. Thomas D. Morton, "The Increasing Colorization of America's Child Welfare System," *Policy and Practice*, Dec. 1999, cited in Dorothy Roberts, *Shattered Bonds: The Color of Child Welfare* (New York: Basic Civitas Books: 2002), p.48. //6. Child Welfare Watch, note 3, *Supra*. //7. Ann F. Garland et al, "Minority Population in the Child Welfare System: The Visibility Hypothesis Re-examined," *American Journal of Orthopsychiatry* 68 (1998) cited in Roberts, note 5, *Supra*. In this instance, there were more two-parent families among the Hispanics but, as noted in the text there is no correlation between single parent status and child abuse, when figures are adjusted for family income. //8. The Children's Hospital of Philadelphia, Press Release, *Minority Children More Likely to be Evaluated for Physical Abuse; Abuse in White Children May be Overlooked*, PR Newswire, Oct. 1, 2002. //9. The Children's Hospital of Philadelphia, Press Release, *Pediatricians May Apply Bias in Abuse Assessment, Study Finds* PR Newswire, August 17, 2010, available online at: <http://bit.ly/cVwli9> //10. J. Eckenrode, et. al., "Substantiation of Child Abuse and Neglect Reports," *Journal of Consulting and Clinical Psychology* 38 (1988) 9, cited in Roberts, Note 5, *Supra*. //11. Daniel R. Neuspiel and Terry Martin Zingman, "Custody of Cocaine-Exposed Newborns: Determinants of Discharge Decisions," *American Journal of Public Health* 83 (1993), p.1726, cited in Roberts, Note 5, *supra*. //12. U.S. Department of Health and Human Services, Children's Bureau, *National Study of Protective Preventive and Reunification Services Delivered to Children and Their Families* (Washington, DC: 1997), cited in Roberts, Note 5, *Supra*. //13. Roberts, Note 5, *supra*. //14. Roberts, Note 5, *supra*, p.55. //15. Ellen Barry, "Learn English, judge tells moms," *Los Angeles Times*, February 14, 2005. //16. *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 33 (1989), cited in Roberts, Note 5, *Supra*, p.249. //17. Shay Bilchik, *Working Together to Strengthen Supports for Indian Children and Families: A National Perspective* Keynote Speech at the National Indian Child Welfare Association Conference, Anchorage, Alaska, April 24, 2001. Available online at <http://www.cwla.org/execcdir/edremarks010424.htm> //18. Lisa Demer, "Focus falls on Native kids," *Anchorage Daily News*, Sept. 1, 2002, p.B1. //19. Ruth-Ellen Cohen, "Indians question DHS actions," *Bangor Daily News*, Nov. 6, 2001. //20. Lee Rood, "Unfit or Unfair," *Des Moines Register*, February 10, 2003, p.A1.