

Fighting Institutional Racism at the Front End of Child Welfare Systems:

A Call to Action to End the Unjust, Unnecessary, and Disproportionate Removal of Black Children from Their Families

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Session Content

- The History of Institutional Racism in the Child Welfare System
- National Data on Disproportionality at the Front End of the System
- The Experiences of Black Children and Families at the Front End
- Strategies to Disrupt Institutional Racism in the Child Welfare System



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Institutional Racism in the Child Welfare System

The systematic oppression, subjugation, and control of one racial group by another more powerful racial group, made possible by the manner in which society is structured.

In this society, racism emanates from white institutions, white cultural values, and white people.

Robert B. Hill (2004) (Citing Andrew Billingsley & Joanne M. Gavannoni)

The practices that perpetuate racial disparities, uphold white supremacy, and serve to the detriment and harm of persons of color and keep them in negative cycles.

Institutional racism also refers to policies that generate different outcomes for persons of different race.

Center for the Study of Social Policy (2019)



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1850s-1940s: Systematic Exclusion of Black Families



1850s

“Orphan Train” Movement

- Removal of poor, immigrant children, many of whom were not actually orphans, from Eastern cities



1870s

SPCCs

- Intervention in the lives of urban families based on conditions of poverty



1870s

Boarding Schools

- Forcible removal of American Indian children from their families in pursuit of assimilation



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1940s-Present: Surveillance and Control of Black Families



1963

Mandatory Reporting

- Introduction of CB's model reporting legislation
- Widespread enactment of state reporting laws
- Increase in suspected maltreatment reports



1974

CAPTA

- Conditioning of federal funding on enactment of reporting laws
- Expansion of reporting requirement to include neglect



1980

AACWA

- Introduction of the vague, undefined “reasonable efforts” requirement

War on Drugs



1994

MEPA

- Prohibition of racial matching policies
- Introduction of the “diligent recruitment” provision



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1940s-Present: Surveillance and Control of Black Families



1997

ASFA

- Introduction of the 15/22 timeline and financial incentives for states to increase adoptions



2018

FFPSA

- Revision of Title IV-E funding framework to support provision of preventative services



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National Data

Black children represent 14% of the general population and 23% of children in foster care.



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Experiences of Black Children & Families

Children who are forcibly separated from their families experience emotional and psychological harm stemming from disruption of attachments, trauma from the very act of removal, and grief and loss.

- In the short term, children can experience intense anxiety, depression, and disruptive behaviors.
- In the long term, children can experience poor developmental health and adult involvement with the criminal legal system.

The parental rights of Black parents are terminated at higher rates than white parents.



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Experiences of Black Children & Families

Parents also experience severe trauma that can harm their identities as caregivers, resulting in grief, loss, and mental health and substance use disorders.

Black parents experience an additional layer of trauma from "policing" they are subjected to by an inherently racist system, which further impacts their psychological and physical health.



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Legal & Legislative Recommendations

- 1 Ensuring RTC Immediately Upon Investigation and During Dependency Proceedings
- 2 Urging Courts to Recognize the Fundamental Right to Family Integrity and Association
- 3 Challenging Discrimination Under an Equal Protection Legal Theory
- 4 Challenging Discrimination Under Title VI of the Civil Rights Act
- 5 Changing "Reasonable" Efforts to Avoid Removal to "Active" Efforts
- 6 Delinking Community-Based Services for Families from Title IV
- 7 Reimagining Federal Abuse and Neglect Definitions
- 8 Identifying Changes to Mandated Reporting Statutes that Reduce Surveillance of Black Families
- 9 Holding Systems Accountable to Center the Known Trauma of Family Separation



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RESOURCES

- Children's Rights (2021) – Call to Action Report
- Children's Rights (2021) – Call to Action Summary
- Dettlaff & Boyd (2020) – Racial Disproportionality and Disparities in the Child Welfare System: Why Do They Exist, and What Can Be Done to Address Them?
- Roberts (2002) – ASFA: An Assault on Family Preservation (Excerpt from Shattered Bonds)
- Schwartz (2020) – Do We Need to Abolish CPS?
- Trivedi (2019) – The Harm of Child Removal



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