

## DOING CHILD WELFARE RIGHT

### Successful alternatives to taking children from their families

At the National Coalition for Child Protection Reform, we often are asked what can be done to prevent the trauma of foster care by safely keeping children with their own families. There are many options, ranging from specific services to entire county or state systems that can serve as models. We've listed some below. They are listed thematically; it is not a ranking.

None of these alternatives will work in every case or should be tried in every case. Contrary to the way advocates of placement prevention often are stereotyped, we do not believe in "family preservation at all costs" or that "every family can be saved." But many families don't need to be "saved" at all – except from their erstwhile saviors, and from poverty. These alternatives can keep most children now needlessly taken from their parents safely in their own homes. But even when communities turn their child welfare systems into, relatively speaking, national models, they still have serious problems, and often much progress still needs to be made.

In addition, maintaining reform can be as hard as achieving it in the first place. Years of hard-won progress can be undone by bad journalism, as in Florida, or a bad governor, as in Maine. **That's why more important than any change in "services" is due process for families, as described in our [Due Process Agenda](#); in particular, high-quality family defense. That can limit the damage when a change in leadership or a [foster-care panic](#) – a sharp sudden increase in removals after a high-profile tragedy -- threatens to undermine reform.**

The examples below describe what can be achieved, even in places where the achievement was not sustained. All of the things that go wrong in the worst child welfare systems also go wrong in the best – but they go wrong less often. Those listed here have proven they *can* do far better than most, not that they always will.

**Doing nothing.** There are, in fact, many cases in which the investigated family is entirely innocent and perfectly capable of taking good care of their children without any "help" from a family policing agency (a more accurate term than "child welfare" agency). In such cases, the best thing the child protective services worker can do is apologize, shut the door, and go away.

**Basic, concrete help.** Often it may take something as simple as a rent subsidy, or a place in a daycare center (to avoid a "lack of supervision" charge) to keep a family together. Multiple studies have documented how [even small infusions of cash](#) or concrete assistance can significantly reduce what family policing agencies call "neglect." Indeed, the federal Department of Housing and Urban Development has a Family Unification Program, in which Section 8

vouchers are reserved for families where housing is the issue keeping a family apart or threatening its breakup. Localities must apply for these subsidies. By doing so, they effectively acknowledge what they typically deny: that they do, in fact, tear apart families due to lack of housing. **CONTACT: Ruth White, executive director, [National Center for Housing and Child Welfare](#) (301) 699-0151 info@nchcw.org.** Ms. White also is a member of the NCCPR Board of Directors.

**Prevention that is of, by, and for communities affected.** Contrary to the scare stories about how COVID-19 supposedly would lead to a ["pandemic of child abuse,"](#) a New York City study found that, when the family policing agency was forced to step back community-based community-run mutual aid organizations stepped up – and there was [no compromise of](#)

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safety. Even the head of the city family policing agency admits it. The lesson: Don't let the family police impose their vision of "prevention." Instead, stand back and let communities figure it out.

**Intensive Family Preservation Services (IFPS) programs.** The first such program, Homebuilders, in Washington State, was established in the mid-1970s. The very term "family preservation" was invented specifically to apply to this type of program, which has a better track record for safety than foster care. The basics concerning how these programs work – and what must be included for a program to be a real "family preservation" program -- are in NCCPR [Issue Papers 10](#) and [11](#). [Issue Paper 11](#) lists studies proving the programs' effectiveness. Most recently, still another "evidence-based clearinghouse" has found Homebuilders to be one of the few programs with a strong enough evidence base to be eligible for funding under the federal Families First Act. **CONTACT: Charlotte Booth, executive director, Homebuilders (253) 874-3630, info@institutefamily.org**

**The Alabama "System of Care."** This is one of the most successful child welfare reforms in the country, successful enough to be featured [on the front page of The New York Times](#). The reforms are the result of a consent decree growing out of a lawsuit brought by the Bazelon Center for Mental Health Law. The consent decree is now ended, so there's been backsliding – in fact, the state is being sued again concerning what it does to the children it still takes. But the original lawsuit required the state to rebuild its entire system from the bottom up, with an emphasis on keeping families together. The rate at which children are taken from their homes is among the lowest in the country, and re-abuse of children left in their own homes has been cut sharply. An independent monitor appointed by the court found that children are safer now than before the changes. **CONTACT: Ira Burnim, Legal Director, Bazelon Center for Mental Health Law (202) 467-5730, ext. 129.** Mr. Burnim also is a member of the NCCPR Board of Directors.

**Reform in El Paso County, Colorado.** By recognizing the crucial role of poverty in child maltreatment, El Paso County reversed steady increases in its foster care population. The number of children in foster care declined significantly – and the rate of reabuse of children left in their own homes fell below the state and national averages, according to [an independent evaluation](#) by the Center for Law and Social Policy. But that was in 2003. We don't know if the gains have been maintained.

**The Bridge Builders, Bronx, New York.** Combine the giving and guidance of ten foundations with the knowledge and enthusiasm of eight community-based agencies, add extensive involvement of neighborhood residents in outreach, service delivery and governance, and what do you get? A significant reduction in the number of children taken from their homes, with no compromise of safety, in a neighborhood that is among those once losing more children to foster care than any other in New York City. That's the record of the Bridge Builders Initiative in the Highbridge section of The Bronx. (In 2006, NCCPR received a grant to assist the Bridge Builders with media work.) **CONTACTS: Joe Jenkins, executive director, (718) 681-2222; Jenkinsj@highbridgelife.org, John Rios, Jewish Child Care Association of New York, co-chair Bridge Builders Executive Committee, riosj@jccany.org**

**The transformation in Maine.** After a little girl named Logan Marr was taken needlessly from her mother only to be killed by a foster mother who formerly worked for the family policing agency, the people of Maine refused to settle for pat answers about background checks and licensing standards. They zeroed in on the fact that Maine had one of the highest proportions of children in the country trapped in foster care.

The combination of grassroots demands for change from below and new leadership at the top led to a significant reduction in the number of children taken away over the course of a year, the proportion of children placed with relatives soared while the proportion in the worst form of care, group homes and institutions,

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plummeted. It all was done without compromising safety, earning the support of the state's independent child welfare ombudsman during the reform era.

But anyone familiar with Maine's next governor, Republican Paul LePage, knows that evidence and success were no match for his biases. Under his failed leadership, many of the reforms eroded. They eroded further after the deaths of two children "known to the system" set off a foster-care panic. The current governor, Democrat Janet Mills, not only has failed to end the panic, she named one of the worst leaders in the country to run child welfare in that state. The child abuse deaths have continued.

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**Changing financial incentives.** This change spurs both government and private child welfare agencies to come up with all sorts of innovations.

Illinois has focused on changing incentives for private agencies. Until the late 1990s, Illinois reimbursed those agencies the way other states typically do: They were paid for each day they kept a child in foster care. Thus, agencies were rewarded for letting children languish in foster care and punished for achieving permanence. Those incentives were reversed, in part because of pressure from the Illinois Branch of the ACLU, which won a lawsuit against the child welfare system. Today, private agencies in Illinois are rewarded both for adoptions (which often are conversions of kinship placements to subsidized guardianships) *and* for returning children safely to their own homes. They are penalized for prolonged stays in foster care.

The foster care population plummeted, and child safety improved, according to independent monitors. But here, too, [a foster-care panic has undermined reform](#). **CONTACT:** Ben Wolf, Illinois Branch, ACLU, (312) 201-9760, ext. 420, [bwolf@aclu-il.org](mailto:bwolf@aclu-il.org)

**The transformation in Florida.** Nearly two decades ago, Florida was *the* national example of child welfare failure. The disappearance of a foster child for more than a year before anyone even noticed symbolized the collapse of a system built on a take-the-child-and-run mentality. Then new leadership reversed course, replacing the former bunker mentality with an emphasis on openness and replacing the take-the-child-and-run approach with an emphasis on safe approaches to keeping families together.

Florida also obtained a waiver allowing it to trade in its right to an unlimited open-ended entitlement to foster care money (discussed in detail in [NCCPR Issue Paper 12](#)) for a flexible flat grant that can be used for better alternatives as well. Entries into care declined significantly and independent evaluators said child safety improved. [The reforms were highlighted by The New York Times](#). But in a cycle that is all too common, one powerful newspaper's demagoguery set off a foster-care panic, undoing much of the reform effort.

**Due process of law.** The very fact that it is so easy for reform to fall apart because of poor leadership or political or media demagoguery illustrates why the most important reform isn't a program or a service – it's due process. In particular, families need high-quality interdisciplinary defense to fight back, case by case, against needless removal and challenge the cookie-cutter "service plans" forced on families by family police agencies.

The widespread use of this model in New York City is a key reason why the city's family policing agency takes away children at a lower rate than most. [A comprehensive evaluation of the model](#) found that it significantly reduced foster care with no compromise of safety.

**CONTACTS:** These excellent agencies provide interdisciplinary family defense in New York City: The Bronx Defenders, Brooklyn Defender Services, the Center for Family Representation and Neighborhood Defender Services of Harlem.