Celebrate the 2014 Bergstrom Summer Fellows

- You have committed to work that is among the most challenging, most needed
- Children – Why so challenging?
  - Powerless by definition
  - Can’t speak for selves, again by definition
    - Adults have to decide
    - Always the risk – adults will choose adult-oriented Agenda
- This is Why we started CAP
- It’s why I honor your choice & happy to be here to celebrate you

MY TOPIC:

Demonstrates the Need & Challenge: Hope to persuade you that

- Most claiming the Child Rights Mantle promote a “Reform” that threatens Child Welfare
- This is not new, but the continuation of a familiar pattern, the dominant pattern: Fam Pres

FAMILY PRESERVATION?

Family Preservation is the ideology they promote and I challenge
Who can be against?

Problem is a misnomer, Euphemism deliberately used to silence

Consider: Domestic Violence involving Adult Victims of Family Dysfunction

- Historically our society promoted “Family Preservation” when Family at issue dominated by a Man abusing the Woman
- Today we recognize that Women deserve to be liberated from this kind of Family
- Children deserve the same when their Parents can’t provide what Parents in true Families should.

Child Welfare World’s use of “Family Preservation”: really Preservation of Parent Rights to hold on to Kids regardless of Child Interests or whether true Family

A Child-Oriented view of Family: one in which Child & Parent are lovingly bonded, and Child is getting the Nurturing vital to growing up sane & healthy

I agree should Preserve those Families

But not the so-called Families in which Children are being seriously Abused & Neglected

DIFFERENTIAL RESPONSE

The Family Preservation “Reform” Move of the day

Important for Lawyers to realize: Effectively Law if not called Law – eg endruns around ASFA
The History:

- Important: DR the successor to other similar movements—even if it’s shot down can expect another such Family Preservation Reform Move in future unless and until fundamentally change the dynamics of the child welfare world.

- Two prior key Fam Pres Moves:
  - IFPS (Intensive Family Preservation Services)
    - Promoted by power child welfare foundation of time: Edna McConnell Clark
    - Basic Idea:
      - CAN = Crisis and thus 6 weeks services will solve
      - Define kids as “at risk of removal”
      - Goal keep them home
    - Research: self-serving:
      - Focus on success in their Fam Pres Goal
      - Not on Child Welfare
    - Eventually all concluded the Research a scandal, Reform move largely disgraced
  - Racial Disproportionality
    - Promoted by current power child welfare foundation(s): the Caseys: Casey Family and Casey Program
    - Basic Idea:
      - Black kids who dominate Fcare ranks are there because of Bias
      - So stop removing them – remove only proportionate to Population
    - Research: self-serving:
• Claim for Bias based on horrendously misleading NIS-3
• Made the false claim that Blk and Wt maltreatment rates the same so only bias could explain High Rates of Blks in Fcare
• Their own evidence failed to justify this claim
  ▪ We put on HLS RD Conference designed to show that Good Honest Social Science demonstrated that Blk CAN rates higher of course bc of Poverty
  ▪ Hope this helped derail the RD Movement
■ But now: Differential Response: with same features;
  o A Casey Fnd again promoting
  o Same dangerous combination of Policy Advocacy with Research –
    ▪ Research to justify pre-chosen policy
    ▪ as vs use of Research to
      • Genuinely assess pros and cons and guide Policy
      • Including to assess Child Interests

DIFFERENTIAL RESPONSE (aka Alternative Response etc)

Nature:
■ Divert 70% of CPS track to Alternative Track
■ Federal Finance “Reform”

Obvious Risks to Children
■ Nature of current CPS track cases including Neglect
■ CPS now starved of resources to adequately deal
Idea Questionable: No reason to think will protect children better by removing any coercive pressure eg:
  - Drug abusing Parents eg
    - Require as condition of keeping child
    - Ask politely
  - Monitoring: Required Social Worker Visits or Only if allowed by Parents

Implementation/Execution of Idea Questionable:
  - No Investigation up front, no separate interview of Child to determine which track
  - Yet Investigation often needed to assess actual risk to child
    - Eg Child has serious burn: accident or deliberate torture? Common sense says will help decide future risk
    - Evidence says that prior CAN incidents one of best predictors of future

Flawed Self-Serving Research

Most of the Research Reports out on DR very favorable, making the case for “evidence-based,” “success story”

But if read the Research – as you lawyers must learn to do – deeply flawed, ignores Child interests
  - First section of each report and most of Success Claim: Families like it: Doesn’t pass Laugh Test:
    - Parents on Voluntary track, offered services that emphasize financial subsidies like rent stipends, like this track better than
- Parents on CPS track where can be required to go to substance abuse treatment or anger management to get rehabilitated
  - Research deliberately avoids asking the questions that would assess whether better for Children
- Reasons why might endanger Kids – Research to test
- Improve CPS as vs Create New Voluntary

Happily: a challenge to this self-serving Research from within the Child Welfare Research Community: hugely important article blew the whistle on the corrupt research led to:
  - Whole Issue in Social Work Practice
  - Your Prof. Vandervort article praising the whistle blowing article
  - Unfinished story

But for future: need:

- A new dynamic within Child Welfare,
- A new Research tradition, truly independent, peer-reviewed: independent from Policy Advocacy

CONCLUSION:

You: Your work is important

Important to:

- Stand up for children,
- Challenge the orthodoxy in Child Welfare
- & the powerful forces defining that orthodoxy.