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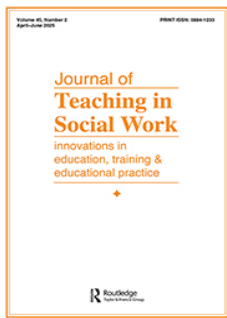
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## Is Child Welfare Oppressive?

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### ABSTRACT

U.S. public opinion polls suggest that average citizens have a surface understanding of child welfare; they recognize the complex decisions at stake in matters of child protection; they understand that a public response is sometimes required when children are in danger; and they acknowledge that the work is challenging. Social work academics have, for decades, noted the intricate and delicate balance required in assuring children's safety and honoring parents' freedom to care for children as they see fit. Recently, commentators from within and outside the field have argued that child welfare is an oppressive force toward communities, families, parents, and children. Some are calling for the complete eradication of the public child welfare system. This paper attempts to critically examine whether child welfare is systematically oppressive and if so, when, and to whom. At the same time, we offer suggestions to guide classroom discussions that will sharpen students' critical thinking skills on the topic.

### KEYWORDS

Child welfare; oppression;  
child maltreatment; false  
positive; false negative

Teaching future social work professionals about child welfare is fraught. U.S. public opinion polls suggest that average citizens have, at best, a surface understanding of child welfare, largely informed by the media. Nonetheless, they recognize the complex decisions at stake in matters of child protection; they understand that a public response to children in danger is sometimes required; and in spite of the negative press they consume, public opinion leans toward a positive assessment of the child welfare system (CWS, sometimes also referred to as child protective services or CPS) overall (Allen & Stangler, 2023). At the same time, social work academics have, for decades, noted the intricate and delicate balance required in assuring children's safety and honoring parents' freedom to care for children as they see fit (Berrick et al., 1998; Gelles, 1996). The work is challenging. Successful child welfare professionals think critically, approach their work with cultural humility, and interact with

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children, families, and allied professionals with unflagging respect, integrity, and competence. Acknowledging the many flaws in the current system, some have argued for substantial and empirically grounded reform to better align child welfare policy and program design with our practice aspirations (Garcia et al., 2024; Testa & Poertner, 2010).

In recent years, commentators from within and outside the field have challenged whether respect, integrity, and expertise are sufficient to successfully fulfill the expectations of child welfare professionals and families. Some are calling for the eradication of the public child welfare system on the grounds that it serves as an oppressive force against families and particularly against families of color (Dettlaff, 2023; Dettlaff et al., 2020; Kelly, 2021). Students are caught in the midst, at once trying to honor their commitment to anti-oppressive, anti-racist practices, yet drawn to serve families and protect society's most vulnerable children.

In this paper, we examine whether and/or how the child welfare system may systematically engage in oppressive or liberatory actions. We examine four levels where oppression and liberation may occur: (1) at the child, (2) the parent, (3) the family, and (4) the community level. We focus largely on the entry point to the child welfare system, including child maltreatment referrals, investigations, and possible entries to care, though classroom discussion could apply the concepts we address herein to other facets of the system. We suggest that these are ideas that can animate the social work classroom and engage students in critical thinking and reflective child welfare practice.

## **What is oppression?**

Calls to dismantle the child welfare system focus on the notion that child welfare professionals engage in actions that are oppressive to parents, children, families, and communities. But what is oppression?

Barth and Olsen (2020) have assessed the literature and determined a wide range of definitions. A common theme appears to include the actions or inactions of one group toward another that result in a loss of freedom or opportunity. Some definitions suggest that oppression includes cruel actions, though these cruelties may be intentional or unintentional; other definitions suggest that cruelty may not necessarily be at play, but that oppression may be normalized in society (Tankwanchi, 2018).

Drawing from Berila (2015), Conley et al., (2017), and Van Voorhis (1998), Simon and associates (2022), define oppression thus

In defining oppression, we refer to the subordination, exploitation, and marginalization of a nonnormative group of individuals that benefits members of a dominant normative group. (p. 36)

Indeed, oppression may result in benefits to one group, though these benefits may not necessarily be obvious. In general, issues of power or control by one

party over another are involved, the action or inaction must be systemic, and the actions of power or control must be burdensome and/or unfair to the group affected (Suyemoto et al., 2022). The Council on Social Work Education (CSWE, 2022) clearly states that students should be knowledgeable about the ways in which service systems contribute to oppressive experiences for individuals, groups, and communities, and students are called upon to address oppression wherever it is identified. Social workers intending to respond to oppressive circumstances may pursue the opposite: opportunities to offer freedom, choice, power, and agency – features of a liberatory practice paradigm (Morgaine & Capous-Desyllas, 2020).

The field of children's services has long been attuned to the power imbalance that accompanies interactions with clients and continues to wrestle with strategies to mitigate any potential for harm (e.g., Saar-Heiman, 2023). Clients who are low-income and/or who belong to marginalized groups, and clients who might be subject to involuntary services are especially vulnerable to oppressive power differentials (Raz et al., 2021). In order to re-balance the scales, social work students are routinely asked to reflect on their practice with parents and children and devolve their power and privilege whenever possible. Well-trained professionals do just that, acknowledging the significant power of the state that they represent and offering parents (and sometimes children) as much latitude to drive decision making as possible.<sup>1</sup> Innovative programs and policies like Family Group Decision Making and Alternative Response support these efforts.

But abolitionists argue (e.g., Dettlaff, 2023) that the mere existence of public child welfare systems represents an oppressive force against parents, families, and communities and go much farther than traditional claims about trying to mitigate the adverse possibilities of misusing power and privilege. Recent discourse focusing on oppression suggests that the architecture of the system itself is oppressive, cruel, and unjust, and that it functions as it was intentionally designed to function, as an oppressive force (Briggs et al., 2023; Dettlaff et al., 2020). Seen in this light, child welfare should certainly be abolished. But is child welfare systematically oppressive? Are individual or groups' rights broadly and unjustly discarded? And if oppression occurs, who is oppressed? Children? Parents? Families? Communities? These are the topics of this analysis.

### **Children's rights, liberation, and oppression**

Turning first to children, the U.N. Convention on the Rights of the Child offers a framework for considering children as individuals with legal and social rights equivalent to adults. Article 19 stipulates that all children have a right to be free from violence and all forms of harm, "while in the care of parent(s), legal guardian(s) or any other person who has the care of the child," and it

enjoins states to enforce these rights, if abridged (Whalen, 2022, p. 293). From this perspective, child welfare is therefore designed to protect children who are experiencing harm or significant danger, and who do not have the agency or legal authority to liberate themselves from their unsafe conditions, nor do they have extended family members with sufficient authority or power to respond to their needs (Berrick et al., 2023). Children in such circumstances are living under oppressive family conditions and require a response from individuals other than their parents or other family members.

Although the U.S. is not a signatory to the UN Convention, in the U.S. and most other nations, the state responds to concerns about the oppression of children within the family through its child welfare system. In fact, the Child Welfare League of America (CWLA, 2013) has noted that safeguarding children's rights is a core principle of the system. CWS responds to calls from concerned citizens, contacting children, parents, and other important adults to discern whether the child is sufficiently safe in the home, whether the family requires state-supported services, or whether the child's safety conditions are so severe that separation from parents is required for the child's safety. From a children's rights perspective, a home in which a child is unsafe due to a parent's behavior is an oppressive environment, regardless of intent on the part of the parent.

### ***True positive and false positive decisions***

CWS has the responsibility to determine whether a child is living in unsafe conditions. When concerns about a child's safety are supported with evidence and are determined to be severe (i.e., the child is indeed unsafe at the hands of their parent – what is sometimes termed a *true positive*), the state is expected to offer safer alternatives that can liberate the child from the oppressive, unsafe conditions in the home. Typically, in-home services or referral to in-home services are offered. In a minority of cases, children may be separated from parents to increase the likelihood of their safety; less than 5% of child welfare contacts result in removal (Drake et al., 2023). Children, then, typically spend less than 10% of their lives in foster care before being reunified or adopted (Wulczyn, 2020).

When a child is unintentionally or inaccurately identified as unsafe (sometimes referred to as a *false positive* decision) and the state provides a response that limits, minimizes, or compromises the child's safety or the child's well-being, the state has acted as an oppressive force against the child.<sup>2</sup> Child removal in such instances would be considered an oppressive state action.

But what about other, more common CPS activities? Is a child's safety or well-being necessarily limited, minimized, or compromised during a child welfare investigation? Indeed, individual child welfare professionals may not handle the assessment process well, and some jurisdictions may engage in

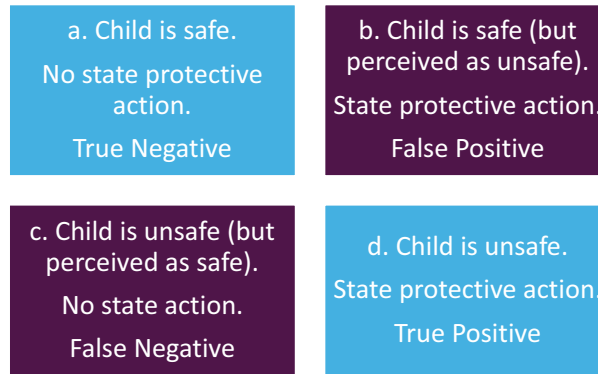
practices that are poorly executed, but we lack any rigorous research to indicate that the assessment process itself is necessarily or systematically compromising and therefore oppressive. To the contrary, parents may receive concrete services and referrals to evidence-informed programming during the investigative process (Wilson et al., 2025).

### **False negative decisions**

A child welfare professional may, at times, inaccurately and erroneously identify a child as safe (referred to as a *false negative*) and therefore do nothing to protect the child. In such an instance, the state has not offered the opportunity for liberation that may have been available and the child's oppression by caregivers may continue. Whether, in that instance, the state has acted in an oppressive manner toward the child by failing to intervene is a contested legal idea (see for example: Curry, 2007). We argue that intentional inaction that allows preventable harm is generally considered complicit with the original actor causing harm and therefore oppressive. But what if the missed opportunity were unintentional?

False positives and false negatives surely occur in child protection. In a service system that attends to human, complex, intimate, largely private family affairs, often involving preverbal children, some decision-making errors are inevitable (Biesel et al. 2020). But we have no data to discern if, or how many of, these errors are intentional, systematic, or patterned. We know of no evidence whatsoever suggesting that child welfare workers, as a group, intentionally engage in oppressive behaviors. Further, insufficient data are available to determine whether false positives are more or less frequent than false negatives, or whether either type of error occurs among 1% of all decisions, 10%, 20%, or more.

It might be possible to study the incidence of these errors. Certainly, some false negatives are inevitable in a system that endeavors to give families the benefit of the doubt and support their potential to parent safely. If an agency routinely denies services to children who are perceived as safe, but who are actually at grave risk (i.e., false negative decisions) – as evidenced by a subsequent high rate of serious or fatal maltreatment – then the agency, and those who implement the policy, could reasonably be viewed as oppressive. It might also be possible to assess the relative likelihood of false negatives in one jurisdiction compared to another. If, for example, a jurisdiction routinely screened-out cases with prior referrals and saw a high relative injury or fatality rate compared to a jurisdiction that more typically screened-in cases with prior referrals, one might assess the first jurisdiction as making patterned false negative decisions. Similarly, if one jurisdiction typically ignored prior emergency room hospitalizations and witnessed high rates of child injury or fatality, and another weighted prior hospitalizations in decision-making and



**Figure 1.** True positives, false positives, and false negative outcomes for children who are reported to CPS.

saw relatively low rates of subsequent child injury or fatality, this too might suggest systemic false negatives that would be deemed oppressive.

Figure 1 depicts a simplified version of these basic options. The blue boxes portray a response to children that – theoretically – offers liberation from their oppressive family circumstances. The upper-left box (a) shows an appropriate response at the hotline if it is determined that the maltreatment referral is not warranted. The lower-right box (d) is the intended focus of child welfare services. The purple boxes (b and c) signify child welfare action or inaction that could be perceived as oppressive.

Of course, if a service is offered to an unsafe child that is misdirected, ineffective, or insufficiently responsive, one might argue that the intention was toward liberation, but that the outcome was inadequate. The response could be oppressive if there is no effort to understand the shortcomings of, or improve service provision.

Policy makers have concluded that child welfare practice is too often insufficiently robust to significantly improve children’s physical and/or mental health, hence the growing emphasis on supporting more “evidence-based practices” (Berger & Slack, 2020; Lindell et al., 2020; Whitaker et al., 2020). Where interventions are weak, new or better interventions may be required to make profound impacts; social workers should assertively pursue such alternatives. But it is not necessarily oppressive when a service is offered but does not fully achieve its intended outcome. A school is not necessarily oppressive if a child cannot read by third grade. Perhaps the reading intervention is insufficiently robust, or the child participated in an inadequately stimulating preschool environment. Certainly, a doctor’s prescription for antibiotics is not considered oppressive if a child’s sinus infection recurs, or if the antibiotic is insufficiently strong to maintain a child’s health.

Spirited classroom discussions can help to ascertain what the child welfare standard is that changes an environment or program from “unsuccessful” to



“oppressive.” Is it that there are better services that this agency is not helping families access? Or is there no evaluation to determine whether families are improving? Or are there data showing a consistent disparity in outcomes for a single class of children that is not being used to tailor services? Taking on these important questions offers valuable lessons in critical thinking and can help students consider problems in service delivery that may be troubling, but that are probably not oppressive.

### ***How to assess oppression with insufficient data***

Absent data, how can we understand children’s oppression? False positive decisions are largely hidden from the public. Very young children have no means of widely communicating their experiences with child welfare or other allied professionals. Older youth have the capacity to share their stories, especially via social media, and these opportunities are growing. Stories of harm are sometimes shared as youth-authored op-eds in *The Imprint*, an on-line news source for child welfare, or as blogs in *FosterClub*, though youth-focused organizations typically channel youth voice into spaces of policy advocacy and mutual support rather than offering a space for grievances. Anecdotal narratives such as these offer important insights into some youth experiences, but they are inadequate in conveying findings that are representative of the population. For example, Courtney et al. (2004, 2007, 2014, 2020) prospective longitudinal studies examining the experiences of current and former foster youth found that most participants felt lucky to have been placed in foster care and were generally satisfied with their experiences in care; they also saw social workers, foster parents and staff as helpful. While both types of information are important, reliance on large, representative samples should offer greater confidence than individual anecdotes.

False negative decisions may be revealed to the public more widely through the mainstream media, particularly when children are seriously harmed or killed, though these revelations are also limited as many injuries and child maltreatment-related deaths are not widely reported (e.g., *Lives Cut Short*, n.d.). Public tolerance for false negative decisions is especially thin (Jagannathan & Camasso, 2013) and these are the cases that often animate classroom and social media discussions about the oppressive nature of CWS.

Further efforts are needed to advance scientific methods to identify the frequency of false positive and false negative decisions, and the conditions under which errors occur (Gambrill, 2017). Similarly, more studies using large, representative samples of youth might uncover patterns of response that would help to inform classroom discussions about whether or when child welfare offers liberation or is oppressive for children. To characterize all child welfare efforts as oppressive to children, however, would be a gross misstatement and would ignore the plight of vulnerable children, abandoning

them to the oppression of their families. Students can be encouraged to engage in discussions about how to measure false positive and negative decisions, about where and when they may see these decisions in their agency placements, and how they can address errors when they occur. The starting point is parsing out children's experiences of oppression and liberation and thinking critically about what's at stake for children's safety.

### Parents' rights, liberation, and oppression

Turning to parents' rights, there is a long historical record regarding U.S. interests in securing and affirming the rights of parents. According to Richard Gelles (2016),

If Lady Justice were mounted over a family or juvenile court building, the scales she holds would not be even. In matters of child maltreatment, the scales of justice are heavily tilted toward parental rights. (p. 741)

If the scale is tilted toward parental rights, how did that happen? Individual rights expressly identified in the U.S. Constitution are considered "fundamental" and are therefore strongly protected by the courts (Guggenheim, 2005). Although parents are not mentioned in the Constitution and parents' rights are not specifically articulated there, the 14<sup>th</sup> Amendment's privacy rights clause has been generally interpreted by the Supreme Court as a fundamental right. Parents' freedom to exercise their role, contributing to the care, upbringing, education, and health of their child, has been honored by the court as a privacy right, and therefore a fundamental right that must meet a high bar for government intrusion.

Over a century ago, the Supreme Court acknowledged a parent's right to "bring up children" as "essential" (*Meyer v. Nebraska*, 262 U.S. 390 1923), and shortly thereafter clarified parents' "liberty" to "direct the upbringing and education of children under their control" (*Pierce v. Society of Sisters*, 268 U.S. 510 1925). The importance of parental rights was reaffirmed in *May v. Anderson*, 345 U.S. 528 (1953) as "[r]ights far more precious . . . than property rights." In these cases and others (e.g., *Parham v. J.R.*, 442 U.S. 584 1979; *Wisconsin v. Yoder*, 1972), parents' rights have long been recognized by the courts as foundational to "Western civilization." According to the justices in *Wisconsin v. Yoder* 406 U.S. 205 (1972): "This primary role of parents in the upbringing of their children is now established beyond debate as an enduring American tradition." This collection of court decisions (along with others) has firmly established what is typically referred to as the "parents' rights doctrine," elevating and confirming parents' authority vis-à-vis their child on a host of issues (Foran, 2022).

Although parents' rights are prominently recognized in the U.S. justice system, they are not absolute. In *Stanley v. Illinois*, 405 U.S. 645 (1972), the

justices argued in favor of a state's compelling interest to separate children from parents under some circumstances ("We do not question the assertion that neglectful parents may be separated from their children"), however, the court further argued that the state could only assume custody "after a hearing and proof of neglect." In general, states set standards to allow for government intrusion into family life at the "outer limits of acceptable parenting" (Guggenheim, 2005, p. 36), a minimum threshold that stands in stark contrast to a broad "child's best interest" standard that might allow for expansive state intervention.

So, is it oppressive to parents when child protection professionals enter a home to investigate alleged maltreatment? Is it oppressive when courts require parents to participate in services to improve the safety conditions of their home or behavior? And is it oppressive when child protective services and the courts involuntarily separate parents from their children when children's safety is significantly at risk or seriously compromised?

We know that some parents definitively answer "yes," as state actions that limit parenting and that intrude upon the privacy of the family are likely to be perceived as unfair, burdensome, perhaps cruel, sometimes racist, and therefore oppressive. But a closer examination is warranted to distinguish oppression from displeasure (including extreme displeasure) or feelings of significant loss and grief if a placement into foster care is necessary. Not unlike the argument put forth previously with regard to children, state actions toward parents are best viewed within the context of accurate versus inaccurate decision making.

Imagine a child who is correctly identified by a community member as seriously maltreated. The community member makes a referral to the community hotline, the referral is screened in by the child welfare agency, and a child welfare professional is deployed to the home to ask a series of questions about the child's safety (if a parent refuses to cooperate but there are serious safety concerns, a court-ordered warrant for probable cause could be issued).<sup>3</sup> At the conclusion of the assessment, the social worker determines that the child is unsafe. The parent may (or more likely "will") experience significant discomfort because of the social worker's actions, and the parent may feel oppressed. But if the intrusion into family life was justified (i.e., the child is actually unsafe due to the parent's behavior), CPS' actions were not oppressive, *in spite of the parent's feelings*. From a perspective centering the child's safety and human rights, the action was *anti-oppressive*. Based on past precedent, the courts would likely argue that reasonable state actions to determine the safety of a child are warranted, even when they intrude upon the parents' rights doctrine.

The parent's experience of oppression hinges on the notion of a "just" intrusion. As above, if state intrusion results in a *true positive* decision, it is

less likely that the state's agent engaged in an oppressive action. However, when *false positive* decisions lead to state intrusion, CPS' actions could reasonably be considered oppressive to the parent. Moreover, the aftermath of the state's actions would likely be experienced as oppressive to the parent. A social worker's decision to "substantiate" a referral typically places a parent's name on a state registry with implications for the parent's capacity to obtain future employment as well as other negative outcomes (see Henry & Lens, 2021). A "wrong" decision would therefore have implications for parents personally as well as materially.

Assuming the family intrusion was based on a *true positive* decision, students can and should question the service response that child welfare typically offers to parents. Services provided to a parent to safely maintain a child in the home or to return a child after a stay in care could be and should be experienced as anti-oppressive for the parent. Effective services that support the parent in addressing family needs and empowering parents to exercise greater agency in safely parenting their child can and should be considered liberatory. If, however, a parent-focused service that is known to be ineffective is routinely required, the mandate could be considered oppressive.

False positive and false negative decisions are both consequential, but decisions that result in *false negatives* have far more adverse consequences for children than they do for parents. Under circumstances where a child is actually unsafe, and the state mistakenly allows the parent the freedom to continue to engage in unchecked unsafe behaviors, the parents' freedom has been protected, but not the child's. The parent, therefore, has been liberated to continue to harm the child, although the child's oppression within the home continues.

The call for abolition of child welfare services is focused largely on the purported oppression of parents by child welfare and allied professionals. According to Roberts (2012) "... the child welfare system is designed to monitor, regulate, and punish black mothers" (p. 1483). Indeed, parents who judge themselves to be aggrieved, and parents' attorneys, have been a driving force behind abolition (Redleaf, 2017; Tobis, 2013). To the degree that *false positive* decisions result in inappropriate state intrusion into parents' lives, parents may experience oppression, though there is no evidence these errors are by design, as Roberts suggests. Further, because we have no data on the prevalence of false positive decisions, there is no way to determine whether false positive decisions are systematic or patterned. Instead, a growing social media presence offers valuable anecdotes that showcase parents who feel unjustly touched by child welfare (see for example, Movement for Family Power or Rise Magazine). While these claims are important representations of some parents' experiences, they elevate the profile of false positive decisions and distort common understandings about just and unjust state intrusions upon parental freedom. Agencies that provide services to families and see

them make gains in providing safe parenting are unable to tell those stories on social media – resulting in a significant imbalance in reporting via that medium. Random samples of parents who have had confidential interviews after receiving child welfare services often report a far less concerning process (Chapman et al., 2003; Drake & Jonson-Reid, 2007).

As critical consumers of the literature, social work students should be wary of using social media posts as a substitute for good or generalizable data. While the claims of unjust system involvement expressed on social media sites may be true, they are an insufficient data source to generalize to populations. Students should therefore be encouraged to determine strategies for assessing the actual incidence of false positives in an agency context and, where these are identified, to examine the factors that contribute to these erroneous decision outcomes. From a quality improvement standpoint, even if the system as a whole is not oppressive, stories of unjust or negative encounters should be evaluated for opportunities to avoid such occurrences in the future.

Given the relative power of adults compared to children, it is not surprising that the narrative of oppression would focus on parents and would largely ignore the plight of children. Students should be encouraged to assess power, stigma, and marginalization of vulnerable groups, including children and parents, as they determine how to best protect the interests of both. Such discussions can help illuminate *who* is being oppressed, *how* such oppression is being expressed, and *what* a social worker can do to offer liberation to the oppressed party.

### Family rights, liberation, and oppression

If child welfare is sometimes oppressive to children and sometimes oppressive to parents, and if children live in families, then child welfare may be oppressive to families, some of the time. Indeed, recently referred to as the “family regulation system” (Baughman et al., 2021, p. 503), a number of authors argue that CPS is designed as an intentional “weapon” developed to “threaten” and “tear apart” families (Roberts, 2022, p. 35); a “punishment of poor families” (Raz, 2020, p. 1); or a mechanism of “Family policing . . . [whose] underlying goals are similar to those of the carceral state, i.e. to ‘other,’ punish, and control under the guise of public safety or child protection” (Kelly, 2021, p. 262).

But whose interests are protected with the claim that child welfare oppresses “families”?

The language used in the abolition discourse in fact fuses the interests of parents with the interests of children, suggesting that the interests of individuals within a family are necessarily subsumed under the interests of the whole. This is true if the children are secure and safe in their families but

misleading when child maltreatment is involved. Guggenheim (2005) speaks to the synonymous interests of children with their parents' interests when he refers, in general, to the reciprocal nature of parents' and children's relationships in **functional** families:

... the parental rights doctrine involves far more than my right to call my children my own. It allows my children to call me their parent. When parental rights are characterized as familial rights, children reciprocally share the rights of their parents. The rights now become more than parents' rights to keep the custody of their children; it is also the children's right to remain in their families.

For this reason, some prefer to regard the parental rights doctrine as the *family's* right of autonomy [italics in original], emphasizing that within the family are individual but connected members. Children and parents are interdependent. All family members benefit from rules that provide security in the belief that the family unit is significant not only to them but to the society in which they live. (p. 37)

The family rights argument, however compelling, essentially erases the individual interests of children and assumes that parents' interests *always* align with children's safety and well-being. An alternative perspective might suggest that when a child is harmed by parents in their family, the individual interests of the child must be given prominence and their rights to protection and liberation from the oppressive forces within their family must be addressed. Not unlike the issues raised above relating to children's rights, liberation, and oppression, false positive and false negative errors may result in children's oppression, but true positive decisions have the potential to offer children important opportunities for liberation. Perhaps the clearest example of this relates to forms of severe maltreatment including sexual abuse, physical abuse, neglect, or torture. Most would agree that a child who is being sexually assaulted by a parent needs a protective response; the same is true for other situations that are degrading or debilitating to children. Parents do not typically have a right to seriously harm their children, even in the name of family.

The current discourse that conflates children's interests with family interests distracts from the core conundrum at the heart of child protection: In hundreds of thousands of families each year, children experience oppression because of their parents' unsafe behaviors, sometimes even after child welfare professionals have attempted to mitigate family risk. In those circumstances, the family's interests cannot supersede the interests of the individual rights of the child to be free from oppression. The state has a duty to try to intervene to protect the child and to do so with all due respect, dignity, cultural humility, and competence.

Students engaged in discussions of child welfare should be encouraged to critically examine the language we use in this field, as well as the constellation of actors engaged with child welfare services. Students might be pressed to

consider whether the goals of protecting family privacy and integrity are absolute rights, and whether individuals within families have rights that may sometimes supersede the goals of family privacy.

### **Community rights, liberation, and oppression**

Turning finally to questions of community rights, the U.S. Constitution was designed based upon a framework of individual rights. As such, it does not have a strong juridical history articulating or arbitrating community rights. Although legislators developed a separate, community-oriented approach to child welfare policy for Native American children through the Indian Child Welfare Act (ICWA, 1978), the provisions included in ICWA were derived from Native Americans' unique sovereign status within the U.S., not based upon an articulated vision of community rights.

But racial/ethnic groups can be considered unique communities, and child welfare clearly has significant impacts on some communities more than others. Because of these differential contact rates, students can and should ask: Is child welfare oppressive to some communities?

The child welfare system indeed disproportionately engages with black and Native American families compared to other racial/ethnic groups. For example, approximately one-half of all black children in the U.S. will be investigated for child maltreatment before their 18<sup>th</sup> birthday compared to about 37% of all children (Kim et al., 2017). Moreover, while about six percent of all children will experience foster care during their childhood, about one in ten black children will experience a foster care placement (Wildeman & Emanuel, 2014). And approximately one percent of all children will experience termination of parental rights (TPR), but the incidence of TPR for black children is higher at 1.5% (Wildeman et al., 2020). These facts raise questions about why black children have significantly higher contact rates. Abolitionist authors argue that these outcomes are by design:

The child welfare system cannot be reformed because it is designed to oppress the most marginalized communities in the nation. . . . the child welfare system's purpose is not to support families and improve children's welfare. Rather, child welfare authorities police families: they accuse, investigate, regulate, and punish families by relying on their power to forcibly remove children from their homes and separate them from their family caregivers (Roberts, 2023, p. 3).

Roberts fails to recognize that CPS workers do not identify, let alone "accuse" parents of abuse. Rather, they rely upon community members and professionals from other service systems to report alleged signs of harm. If the child is not at imminent risk of harm during initial contact, CPS may refer parents to services to mitigate risk and prevent out-of-home placement. To that end,



child welfare agencies rely upon a community-driven response to alert them when children could be oppressed.

But Roberts' argument hinges, in part, on the notion that because black families are disproportionately represented in child welfare systems, CPS is an assault on the black community as a whole, and it has deleterious effects on community cohesion and well-being (Roberts, 2008), thus abridging community rights. There is no argument that most black communities are disproportionately touched by child welfare,<sup>4</sup> and that out-of-home care, in particular, is a significant, intrusive intervention that responds to children's safety needs. But over-representation in child protection compared to a group's proportion of the general population is not necessarily an indication of oppression.

There are many examples among U.S. social programs where one group is over-represented compared to their representation in the population. According to the most recent data, about 27% of SNAP (Supplemental Nutrition Assistance Program) participants are black (Desilver, 2023), though blacks make up about 12% of the total U.S. population (U.S. Census Bureau, 2023). Similarly, about 29% of TANF (Temporary Assistance to Needy Families) recipients are black (Office of Family Assistance, 2021). Although there are aspects of SNAP and TANF policies that may be inadequate or unfair, these are not systems widely viewed as oppressive because of over-representation.

Child welfare is different. Parents and children in the U.S. do not typically volunteer to participate in public child welfare services – although instances of parent or child self-report or requests for assistance do exist. The system is, to a large degree, involuntary, and social workers' initial contact with parents is usually unannounced and uninvited. Because of over-representation of black children compared to the general population, combined with the involuntary nature of child welfare involvement, this raises questions about whether black communities subject to child welfare reports, investigations, mandatory services, and separations are unfairly and inappropriately targeted by CWS because of implicit or explicit bias. Systematic bias would certainly suggest a system that is oppressive to a targeted community.

But the evidence on bias as a fundamental driver of over-representation is weak. We have elsewhere addressed this issue (Barth et al., 2021). In brief, however, we find that the disproportionate representation of black children in child welfare is strongly associated with the very high rates of poverty for black children and families. Controlling for poverty, research shows that black children are referred to child welfare at a relatively similar (or lower) rate than white children (see: Kim & Drake, 2018; Maloney et al., 2017; Putnam-Hornstein & Needell, 2011). Similarly, entry rates to foster care for black children are similar to (or lower) than entry rates to foster care for white children when poverty is statistically controlled (Drake et al., 2021; Fix & Nair, 2020; Maloney et al., 2017; Putnam-Hornstein et al., 2013).



Examples not specific to race/ethnicity also exist. Recent studies suggest that LGBTQ youth are over-represented in the child welfare system (Fish et al., 2019; McCormick et al., 2017; Mountz & Capous-Desyllas, 2020). Some researchers who study this phenomenon (e.g., McCormick et al., 2017; B. D. M. Wilson & Kastanis, 2015) note that LGBTQ youth are disproportionately involved with CWS because they experience family rejection, stigma, discrimination, or violence related to their sexual orientation or gender identities at higher rates than non-LGBTQ youth. This suggests that child welfare may be liberatory for LGBTQ youth.

Taken together, it is possible for disproportionate involvement to be related to bias and/or disproportionate need. Students should be encouraged to question their assumptions and conclusions about system designs that are oppressive and anti-oppressive. They should also examine policies that have or may continue to systematically exclude groups like black and indigenous communities from income and wealth generating opportunities, thus placing these children at greater risk for child welfare involvement. Students can be engaged in challenging discussions to address these and other questions. Such upstream, systemic factors may be especially oppressive and should be examined for their role in contributing to child maltreatment and subsequent child welfare involvement.

### **Implications for teaching**

CSWE compels social workers to engage in anti-oppressive practice. This suggests that social work students should ask how or if systems like child welfare are oppressive. Alternatively, students should interrogate whether involvement with child welfare services offers opportunities for liberation for children, parents, families, and communities. In an ideal world, we could offer an affirmative response to the latter: Yes, engagement with child welfare is regularly good for everyone. But we are a long way from that ideal world, and discussions animating many social work classrooms currently focus on if, where, or when child welfare services and child welfare professionals engage in oppressive behaviors.

These discussions are critical. The child welfare workforce is starving for thoughtful, well-trained, competent staff; according to some sources, child welfare agencies in some jurisdictions are operating with only a fraction of their needed workforce (Cull & Lindsey, 2023; Quality Improvement Center for Workforce Development, 2022; D. Wilson, 2022). If social work students leave our classrooms assuming that they are being trained to support an oppressive enterprise, they will choose other fields of practice, contributing to the deterioration of high-quality services for families. Further discussions engaging students in critical thinking can support improvements and reforms that identify where change is needed.

Social work instructors can guide these classroom discussions by breaking down the question into its component parts related to the various levels of child welfare contact: Is mandatory reporting oppressive? Is hotline decision making oppressive? Are investigations oppressive? Are referrals to services oppressive? Is placement into foster care oppressive? If so, in what ways? These discussions must also take into account how children, parents, families, and communities may engage in child welfare. Are some services potentially oppressive to one actor but not another? It might be useful to consider children from a developmental perspective, examining oppression from the perspective of an infant, a preschooler, school-age child, and an adolescent.

When involuntary, intrusive state intervention in family life occurs and results in false negative or false positive engagement (as it almost certainly will some of the time), is it systematic or random, frequent or infrequent? What data do we have to determine whether social worker decisions are generally correct or incorrect and whether these decisions are backed by bias or the disregard for the rights of the child or parent? Are agencies engaged in determining whether a given service or referral is effective? And what do we do, and can we do, if or when we witness or engage in practices that are intentionally or unintentionally oppressive?

As students grapple with these questions, it is imperative to recognize that negative or unintended outcomes could stem from larger structural injustices (Clifford, 2016). Indeed, oppression can stem from a lack of access to services and programs to mitigate the risk of unwarranted investigative responses or the prevention of maltreatment for some groups of children and families. These unjust structures can then influence the capacity of child welfare service workers to deliver services and engage in anti-oppressive practices.

Striving to engage in anti-oppressive practice requires a recognition of child safety as a public imperative, a nuanced understanding of the complexity of this work, effort to fairly detect whether there is systematic bias, and discernment that multiple actors are involved in all child welfare interactions, sometimes with distinctive interests and needs.

Critical thought is also needed to understand upstream factors that are oppressive (such as systematic barriers in access to adequate income or asset building) that may contribute to eventual child welfare contact for especially vulnerable families. Identifying upstream modifiable factors can lead to broader societal changes that may ultimately reduce the need for child welfare intervention. Arguably, while pursuing preventive goals either apart from or in concert with child welfare, there remains a need for competent, thoughtful, culturally sensitive and ethical responses to child protection needs.

We experience social work students interested in pursuing child welfare as caring deeply about vulnerable children, parents, and families. We see them striving to learn how to provide a liberating response to all members of the family and avoiding actions of oppression. Facilitating deep conversations

about the multi-faceted concepts and circumstances associated with ideas of oppression can bring intellectual rigor to the social work classroom, and ultimately to a field eager to embrace fresh child welfare professionals. Greater social justice will result.

## Notes

1. We acknowledge that some states and jurisdictions do not have the opportunity to employ well-trained child welfare professionals; we assume the readers of this text are engaged in a teaching enterprise focused on preparing well-trained professionals for the field.
2. Of course, any intentional act to inappropriately intervene in family life where there is no safety concern would be considered oppressive.
3. We recognize that some jurisdictions do not require a warrant to enter a parent's home and to interview family members if there is a likely emergency situation. The use of warrants should align with the fourth amendment to the U.S. Constitution, protecting against the state as an oppressive force in family life.
4. As an exception, see Smith et al. (2018).

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