
A year long journey supported by the Ohio State Bar Foundation

Researched by

Ohio Family Care Association

and

Ohio Gap Closers
The Ohio Family Care Association saw, through its work with families involved in the child welfare system, that the race of a family was an influential element in the removal of children and outcomes of families that came into touch with child welfare.

In 2019, during a meeting with the Director of the Ohio Department of Job and Family Services, we raised this issue. Inspired by a lack of recognition that racism played any role in the child welfare system, her challenge to us was to develop a paper that showed this insight.

A grant from the Ohio State Bar Foundation (OSBF) initiated a year-long systematic review of related Ohio policy and procedures. This project looked at laws and practices that lead to systemic racism in Ohio’s Child Welfare system. We identified ways that primary, kinship, foster and adoptive families are affected by these laws, codes, and practices. Then we are highlighting the intersection of systemic racism and family involvement in the Ohio child welfare system as well as communicating with the child welfare system in implementing the needed changes. Our work with families involved in child welfare over the past 47 years has informed the research and understanding of child welfare that we have dived into here. We partnered with the Ohio Gap Closers to complete a survey of families as a part of this work.

The long-range goal is to create a climate for change that creates racial equity in families and the children who take part in Ohio’s Child Welfare System.

**Little Did We Know**
As the Ohio Family Care Association (OFCA) Board was sorting through how we would go about looking at the systemic racism that we had seen in Ohio’s child welfare system, May 25, 2020, happened with the murder of George Floyd in Minneapolis, MN. Groups, like OFCA, began to surface with their ideas and solutions for the systemic racism that was now front and center in our awareness. The inequalities in basic human needs (housing, food, wealth, etc.) unveiled as rooted in our history by creating an “other” to keep certain people out of leadership and decision-making gives insight into how we ultimately change the power structures in Ohio’s Child Welfare System. So, a decision was made, and we took this year to look at what has happened and what we can do to encourage change.
What is the condition of child welfare in Ohio?

The Child Welfare System is composed of entities working both in collaboration and in competition for the best interest of children. The two primary entities are the professionals who work in the system and the families who serve and affected by the system. The professionals in the system are the child welfare agencies, lawyers, judges, and social workers. Families come in four primary roles: primary/birth, kinship, foster, and adoptive. Children once involved in the system stay in their parent home or placed with one of the other three types of parents.

Child welfare placement is a broad term, referencing the temporary care of a child by someone other than the parent. The first type of child welfare placement is kinship care. In kinship, care is provided by relatives or someone known to the family. Foster parents generally have no relationship to the child prior to placement. These are individuals licensed to provide temporary care. Finally, adoptive parents are the legal/permanent parents of a child to whom they did not give birth. In this paper, the term family refers to the members of a household in any of these types of units.

One conclusion of our work that is clear, is that the Systemic Racism in Ohio’s Child Welfare System, deeply buried and integrated with the goals of child welfare, is not recognized by many of the participants in the system. Being a system that prioritizes secrecy in the interest of confidentiality, it is difficult for a participant to clearly understand all the barriers to making the system work for the benefit of all. While other systems, such as health care, policing, and housing, have been confronted with fierceness in the media, the systemic racism within the child welfare system remains a closed system that is just now beginning to be revealed by a few. Efforts that have addressed these issues are being called out nationally giving us the opportunity to use these national efforts in our own understandings here in Ohio.
In examining the state of the child welfare system in Ohio, we looked at the demographics and the history of the growth and development of this system. Child protective societies were set up to address white poverty by 1875. Black children were largely ignored in child welfare until the 1960’s when voluntary societies were replaced by governmental agencies. As interest in the well-being of children moved from poverty to child abuse in the 1960’s, oversight of the Black community grew. Once this theme was captured, the number of Black children moved into "placement services" soared.

Disproportionality of Black children separated from their families began and continues to be pervasive and enduring in the current child welfare system. In Ohio, Black and multiracial children comprise 20.3% of the total population; however, they account for 42.6% of children in foster care in the state (See Table 1). White children, who comprise 70.1% of the population, account for only 50.7% of the children experiencing out of home care through child welfare in Ohio. These rates have remained statistically stable for more than a decade.

Table 1. Children in Ohio in Foster Care by Race: cwoutcomes.acf.hhs.gov/Year2020

<table>
<thead>
<tr>
<th>Category/Subgroup</th>
<th>Child Population</th>
<th>In Child Welfare</th>
</tr>
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<tbody>
<tr>
<td>White</td>
<td>70.1%</td>
<td>50.7%</td>
</tr>
<tr>
<td>Black</td>
<td>15.2%</td>
<td>29.7%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>6.7%</td>
<td>5.9%</td>
</tr>
<tr>
<td>Asian</td>
<td>2.7%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Alaska Native/American Indian</td>
<td>0.1%</td>
<td>&lt;0.0%</td>
</tr>
<tr>
<td>Native Hawaiian/Other Pacific Islander</td>
<td>&lt;0.1%</td>
<td>&lt;0.1%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>5.1%</td>
<td>12.9%</td>
</tr>
<tr>
<td>Economically Disadvantaged</td>
<td>18.4%</td>
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</tbody>
</table>
In partnership, the Ohio Gap Closers and the Ohio Family Care Association conducted a research-based survey in 2022. This survey was designed to garner the lived experiences from parents in four categories. The parents were identified as primary, foster, kinship, or adoptive. These parental groups are defined as follows:

**Primary** – parent of a child prior to them being removed and a case opened. Parent may have been biological, adoptive or other permanent plans.

**Kinship** – informal or formal caregiver temporarily caring for a child who has been removed from their primary home and who had a prior relationship to the family or child before placement.

**Foster** – licensed caregiver for a child who has been removed from their primary family.

**Adoptive** – legal/permanent parent of a child not by biological birth.

Family Survey – 106 individuals participated in the survey in 3 different settings
1. through the online format (88),
2. focus group (3 new participants),
3. paper survey at the OFCA annual conference (15 new participants).

Some individuals served in more than one role. With duplications 133 family experiences were represented.

This report also includes conversations throughout the year with families through our warmline calls, OFCA conference, and other contacts made by our leadership team with families involved in child welfare.

OFCA Team members and staff researched racism as present in federal legislation as a base that influences the direction of policy and funding for Ohio.
Important Concepts in this Work

**Systemic Racism**
Systemic racism may be defined as the discrimination or unequal treatment based on membership in a marginalized or minority ethnic group that arises from systems, structures, or expectations that have become established in Ohio and the greater United States based on a White, middle-class, Christian norm. In the child welfare system, systemic racism makes Black families vulnerable to disproportionately adverse and lesser quality treatment than their White peers.

**Implicit Bias**
Implicit bias refers to unconscious prejudices or negative attitudes and beliefs about individuals based on a common characteristic, such as race, gender, and income level. Oftentimes, individuals are not aware of their implicit biases, which arise from social cueing and lived experiences. When implicit biases cause people to behave in a manner that differently impacts the outcomes of a group of people, the biases must be examined. In the case of the child welfare system, implicit biases held by professionals and families in the system may impact the experiences of child welfare primary families with potentially life changing outcomes for Black children experiencing child welfare and the parents that provide it.

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I have never witnessed any interactions where race influenced the child welfare system. Any influence that does happen in my opinion such as child race type is completely out of the control of the system and is predicated on the choices, decisions, and outcomes birthparents make. [White, adoptive, foster parent from a rural county]

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I feel like there are not enough cultural discussions, as they don’t want a person to be dissuaded from fostering/adopting, but being colorblind does not work, we can’t ignore the difference as many children will have it pointed out at school, church and in the community. Our children need to feel they can come and talk to us about their culture and not feel they need to ignore it themselves. [White, kinship, foster, adoptive parent from a rural county]
Where Racism Shows Up in Child Welfare

When providers of child welfare services hold implicit biases, they fail to view their families within the context of their circumstances. When a middle-class, White, Christian norm exists the child may be placed with a family outside of their family culture. This practice finds that often the primary family is blamed for the situation that places a child in care without regard for the multigenerational oppression and systemic racism that overwhelmingly contributes to the family’s circumstances.

An undeniable relationship exists “between poverty, oppression, mental illness, and family dysfunction.” When professionals and foster or adoptive families are unable to understand or accept the contexts of the primary and kinship families’ lived experiences, their own and their community’s culture, implicit biases and context blindness result in negative outcomes for Black and other non-white families.

These biases may also extend to negative outcomes of permanency for families who desire to adopt a child currently experiencing child welfare.
Those Involved

The Community
The community is involved with the child welfare system on many fronts. Set in motion with Mandated Reporting Laws for licensed professionals that include consequences for lack of reporting suspected abuse or neglect, along with the more frequent surveillance of Black and poverty communities by the police, ensure that many more Black families end up at the front door of local children services.

The outcome for students in the educational system who experience child welfare involvement has been a concern for many years. (See Appendix II) When Black children experiencing child welfare in Ohio age out, they exit a system rife with systemic racism only to enter a society rampant with the same racism across multiple institutions and systems in which they are required to interact.

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My black son once told me he wished he could be a fireman and was sad he couldn’t. I asked why he couldn’t, and he said it was because only white men were firefighters. Representation matters. The system will only be as anti-racist as its influential people are diverse. (White, adoptive, foster parent from an urban county)

Training and Schools of Social Work
Studies also suggest that social workers of middle-class backgrounds, perhaps unconsciously, incline to favor continued placement in child welfare with a generally higher-status family rather than return the child to his family, thus reflecting a bias that treats the parents’ poverty and lifestyle as prejudicial to the best interests of the child.

In Ohio, there are a variety of schools of social work and not all have yet included comprehensive training curriculum to assist students in uncovering their own bias that is brought with them into their training to become a social worker.
Those Involved

The Families
Families volunteer to serve in the kinship, foster, or adoptive roles. To be accepted as families in these roles, expectations are set on the majority cultural norms. Primary families are drawn into the system through a process of reporting and referrals outside the control of the family.

Research comparisons of children who are separated from their families, children who remain at home and receive services, and children with comorbidities who neither experienced maltreatment nor child welfare indicate the most significant behavior problems are found in those children who are separated from their families.

Children placed in unrelated foster or group care show higher levels of internalized problems compared to those receiving treatment at home or placed in kinship care with a known family member.

Workers and Power in Decision Making
Decision-making power held by professionals in the child welfare system may be infused with implicit and explicit biases or context blindness, as we all are in our society, resulting in evaluations of Black or Mixed-Race families differing from those of White families even when all other circumstances are equal.

Differing cultural values and stereotypical views may taint perceptions of families, may impede child welfare and legal professionals' interactions with families, and ultimately culminate in faulty decision-making counter to the best interests of the child.

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We have loved our experience so far.
Our entire team is a different race than ours and I feel as though we work together well. Of course, there are differences, but I believe it’s all celebrated and everyone is heard. I’m so glad my foster daughter’s team is primarily her race. (White, foster parent from a suburban county)

See Appendix IV for Research and References Used
Investigations
For a primary family, a contact with children services begins when attention is drawn to a family and the local children services is required to investigate the report to see if the children in a home are safe and not at risk of serious harm. While reports come from many sources (police, schools, neighbors, relatives, etc.) most of the reports do not cause alarm to the extent that a case is opened to stay connected with the family nor are children separated from the family. In communities where the cultural norm is to separate children from their families rather than provide concrete supports for the family referred, the Black family is at greater risk of separation.

Poverty
Race and poverty in the United States are inextricably connected. It is difficult to discuss them independent from one another. This is especially true as it relates to child welfare and families investigated. Child welfare professionals unfamiliar with cultural differences often believe that the poorer the child, the more at-risk they are for abuse and neglect. This belief is pervasive and enduring. Unfortunately, the Black-White wealth gap and multigenerational economic poverty disproportionately experienced by Black families in the United States is steeped in a national history with its origins in African enslavement and the belief that Black people are less than human.

Former Kids-In-Care
When the judges of a child's health and welfare hold bias and blindness and are supported by a system that is infiltrated by disparaging practices towards groups based upon their race, the perpetuation of poor academic outcomes, economic poverty, incarceration, and both physical and mental health disparities persist. Often young adults who were once in foster care themselves show up at the front door of child welfare with their own children. Whether from an allegation in the community or their own sense of seeking help from the system that raised them when confronted at the front door of child welfare, they are no longer the youth being served, but they are now the parent accused of abuse and neglect and given a case to follow. If their children are placed in foster care, too often they are then seen as "not following their case," "not caring about their children," or not worthy to continue to parent. How quickly we moved from a child needing service to a parent needing to follow a case plan.

Placement Decisions
Systemic racism results in Black families being investigated for child abuse and neglect at far higher rates than equally situated White families. During investigation, the children of Black families are removed from their homes more frequently than White families. This component of systemic racism holds true even when the problems being
investigated, and the family characteristics are the same in the Black families as in the White families. Furthermore, Black children, once entered in the child welfare system, experience child welfare “longer, are moved more often, receive fewer services, and are less likely to be either returned home or adopted” than similarly situated White children.

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I would like to see black children have more comparable wait times for placement and permanency as compared to their white peers. This may involve better recruitment efforts, but also involves a shift in the way the system removes children, treats primary families, and educates resource families. There is much work to be done to tackle issues of race in child welfare. (White, adoptive, foster parent in urban county)

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**Given the Ability to Ignore Context**

While poverty does not cause neglect, it restricts access to housing, health care, food, and childcare, which challenges a family’s ability to care for children. (Bryan Samuels-Chapin Hill-Univ of Chicago). The category of neglect in Chapter 2151.03 of the Ohio Revised Code lays the responsibility of neglect at the hands of the parent even focusing on their “refusal” to provide for the child. This is a good example of how Ohio’s laws ignore the context in which the family is forced to live.

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A second way that Ohio’s practices ignore context is in how it views the trauma of separating a child from the family as a benefit versus a negative practice. The FosterClub Training views it in this way: "From a child protection perspective, separation has several benefits, the most obvious being the immediate safety of the child. Separating a parent and child can also have profoundly negative effects. Even when it is necessary, research indicates that removing children from their homes interferes with their development. The more traumatic the separation, the more likely there will be significant negative developmental consequences. It is imperative that foster parents and other child welfare stakeholders be informed about how separation and loss impact the children they care for and how to help minimize the impact.”

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Our current foster child is of at least 2 different races however, to our knowledge the birth mother and no one on the case team has explained this to him. The child currently believes another male is his father and this is not the factual. The importance of this child understanding his identity is not being taken into consideration. (White, foster parent in a rural county)
Racism: Laws and Legislation

Mandatory Reporting Laws (1962)
The publication of an article from the medical community in 1962 labeling physical injuries as child abuse set up several laws that were passed to prevent child abuse in the community. In 1963, Ohio became one of the first states to adopt a mandated reporting law. By 1965 forty-seven states had adopted laws to demand professionals report suspected abuse frequently threatening their profession if they did not report. In Ohio, the list of who is a mandated reporter expanded. It now includes foster parents and ordained clergy. The definitions of abuse and neglect (both requirements for reporting) and the frequency in which children in poor and in Black families run up against mandated reporters, finds a larger number of poor and/or Black families coming into the child welfare system. Nationally, 53% of Black children are subject to an investigation while 28% of white children undergo an investigation by age 18. (Kim, Wildemann, Jonson-Reid, & Drake 2018) According to the Federal Children’s Bureau, 85–89% of reports submitted by educators are unsubstantiated indicating that no protective services are needed. Yet the family trauma of the separation remains.

Child Abuse Prevention and Treatment Act in 1974 (CAPTA)
The creation of the Child Abuse Prevention and Treatment Act in 1974 came during the time child welfare services had been embedded in the federal government/local government focus of child welfare. Fresh from the discovery of the “Battered Child Syndrome” in 1962, the government response provided CAPTA to increase the efforts to eliminate child abuse by funding programs/states to help identify and report child abuse and child neglect and to provide placement and other protective services to children. As a direct result of CAPTA, the rate of Black children placed in foster care exploded. As the number of Black children being removed from their homes and placed in foster care, reach out to foster parents in Black communities to join in the government care for their children began. Today 80% of foster care givers are White and 17% Black in Ohio (ODJFS response to data request 3/2020).

The Adoption Assistance and Child Welfare Act of 1980 (AACWA)
AACWA was passed by the federal government in 1980 as an attempt to make sure that agencies had used “reasonable efforts” to prevent removals from home or to set timelines for permanency action so that children did not languish in foster care. This focus on permanency was seen by most people as a move toward adoption as permanency. The act became mostly a "dotting the i's" process. At one point, Ohio even spent energy to ensure that each court had the legal language of "reasonable efforts" in their paperwork. Once again Black children continued to remain in care for longer periods of time while the "paperwork process" took over.
Racism: Laws and Legislation

A revamping of this legislation was attempted with the passing of the **Adoption and Safe Families Act in 1997 (ASFA)**

The stated goal was “to ensure that consideration of children’s safety is paramount in child welfare decisions, so that children are not returned to unsafe homes.” It was also to speed up the process of moving children from child welfare placement to adoption. This legislation has become a large piece of regulation of families with Black families caught without adequate resources (legal representation, Judges, Guardian Ad Litem, Parent Advocates) and personnel (Children Services) who understood their struggles. With the tight timeline on the process for children to return home or be given to someone else for permanency, more Black children remain in care to the point of leaving the system at age 18. Being a legal process, the normal family to family relationships that can be developed by foster/kinship/or foster families are often under strain.

Embedded in ASFA is an option called Planned Permanent Living Arrangements (PPLA) found in the Ohio Revised Code 2151.353. It is a disposition order for an abused, neglected, or dependent child where there is “clear and convincing evidence” that the child will not gain permanency through adoption. In Ohio on June 1, 2022, there were 583 youth (16-21 years old) in this category. The planning behind this category included informal family connection for these youth with foster or kinship families which could continue into adulthood. The reality is that only 229 of these youth are placed in families where an on-going family relationship could take place. The remainder are placed in a variety of group care settings (residential, group homes, Independent Living settings, detention, nursing homes). Once again, intentions in legislation do not serve the best interest of our families or children.

"I was able to get TPR on my African American children a full year before I got it on my white child. White bio parents got less on their case plan were hardly ever drug screened. My African American bio parent had a ton on her case and was drug screened often. In my personal opinion I feel I was due to race. (White, foster parent in a rural county)"

**The Multiethnic Placement Act of 1994 (MEPA)**

Perhaps the most damaging federal legislation for Black children and their families in Ohio, this act thought it was doing good by encouraging Black children to be adopted. Its method is to prohibit the delaying or denying families to adopt solely on the basis of race, color, or national origin. This stopped the process of matching Black children to Black families.
Racism: Laws and Legislation

Or even to question if an adoptive family had the knowledge, skill, or community resources to provide for a Black child. The act tried to balance this by requiring agencies to develop plans to recruit a racially diverse pool of foster and adoptive families. The Act allows the Adoptive Parent to have a choice about culture but does not allow the parent to have a preference or the agency to match placement by culture.

“I was pretty cocky about my ability to raise a child of a different race when I was younger. Now that I and my children are older, I realize how ill-prepared I was. My younger daughter has told me that her friends all feel she is “white washed” although her biological mother is also white. She struggled sometimes to find her racial identity and connect to it, in spite of our best efforts. (White, adoptive parent from a rural county)

In Ohio, this became a huge problem, in part because of the death of a child placed from a white foster home into an out-of-state Black family. The state was then faced with a lawsuit and settled a decree that lasted for 12 years and linked to the Multi-Ethnic Placement Act (MEPA). It meant that issues of racism and multi-racial living in our child welfare system were never allowed to be addressed. Confusion on what could be said led to nothing being voiced. In 2016 Ohio satisfied the terms of a 12-year corrective action and resolution plan and agreement with U.S. Department of Health and Human Services (HHS).

“I would love to see workers and resource parents given high quality culture competency training. People are afraid to talk about race due to MEPA. (White, foster, adoptive parent in an urban county)

No training on cross-racial living was executed and the comfort level to address the issues of racism that have for so long been buried in the Ohio Child Welfare System was not addressed. This gap makes these very tough conversations with families that could have been working on relational connections with each other outside our current practices and training.

The Family First Prevention Services Act of 2018

The newest piece of legislation has not yet been settled into practice in Ohio. It is designed to move the focus back into the prevention side of child welfare and decrease the number of children separated from their families. How Ohio puts its Evidence-Based practices into practice will show us in years to come if we have been able to address any of the front-loading issues of Black children coming into placement services.
Racism: Practices

We have seen that issues of Practice also include many aspects of Racism. Issues that we have looked at this year include these concepts that are not well defined, are practiced differently, and create different outcomes for families and children, based both on the provider of services and how the service is provided.

**Kinship Care Services and Rights.**
In working to not break bonds with the child’s permanent family, Ohio is moving to be more inclusive of Kinship Families. A struggle continues with individuals who feel that “the apple does not fall far from the tree” and see the parents and relatives as the abusers of children and those who want the bonds of family not to be broken. The move to provide more funds for kinship care providers by embedding them deeper into the system by licensure continues to strengthen the racial disparity in family services.

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I receive full updates, education, access to resources. The other kinship family caring for my kins sibling does/has not, we are different races but otherwise similar. (White, kinship caregiver in a rural county)

**Building a strong Private Provider system.**
The public child welfare system has sometimes turned over the recruitment and care of the foster and adoption elements of the system to private providers. In doing so a further separation from the families who care for children and the parents of those children (who remain being serviced by the public system) creates a deeper dive into our structural racism. If, as a provider (agency or family), one never forms a sustaining relationship with the family of the child in care, there is no reason to examine ones implicit bias or contextual blindness and systemic racism continue to embed into Ohio's Child Welfare System.

**Voices from Lived-In Experience.**
A current theme that has caught attention is having individuals with "lived experience" present to be heard in the setting of policies and practices. Since the concept of who has lived experience is not well defined, this push for positive involvement is also flush with inequities and unequal representation. A person who has been on the receiving arm of having their children separated and not returned has a more difficult journey to follow to be willing to help the system that abused them. Often positions offered to primary families are not at the same power level or payment structure as other workers on a team.

**Funding Programs.** Ohio’s work to effect change has placed many dollars into program development. The work of ensuring that these programs are serving all families equally from all cultures is far from being accomplished. An example is
the multi-system youth funds that have been allocated to assist families who might be faced with giving up custody to children services to gain financial support for services and thus keep custody of their child. A good idea, long in the making, has a deep racial flaw. During the first report on services provided 83.2% of children served were white and 8.3% were Black. That those who know about the resource and how decisions are made about the resource is another display of Systemic Racism.

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I feel as if my concerns regarding kinship children were not taken as seriously due to my race. I feel like more resources are provided to those individuals who are white. (Black, Primary Parent in an urban county)

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Failure to Build Relationship Connections.

Programs are built on recruiting and supporting foster families. Many of these programs are beginning to talk about the inclusion of kinship families. However, the divide between the serving families (kinship, foster, adoptive) and the separated family continues to be built by the decisions we make that inherently bring less resources to Black and poorer communities. Recent examples are "tickets provided to foster families to the Ohio State Fair," YWCA program memberships bought for foster families," "take a break evening's out for foster and adoptive families with dinner out and childcare." These programs all ignore the need and inclusion of primary families to receive services. Ohio’s child welfare’s lack of holding provider agencies responsible for providing concrete support to the families whose children are in their care, is another example of the way our systemic racism is sustained.

In the best interests of the child. In almost all decision-making, a major criterion is that it is in the "best interest" of the child. Ambiguous language at best, this clause is sufficiently rendered unhelpful.

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Feels like the system is acting like to old slave auction block taking children and sending them off to the highest bidder somewhere in rural counties. (Black, kinship, foster caregiver in an urban county)

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The best interests of the child clause (seen through a racist lens) cited in legislation and guidelines provides a green light to the continued application of systemic racism in the removal and placement of Black children into the child welfare system where they are shown to be at often greater risk: both in the short and long-term. This standard has been questioned even by the U.S. Supreme Court, which warned in Lassiter v. Department of Social Services that “[t]he [best interest] standard is imprecise and open to the subjective values of the judge.” Quoted frequently in Ohio decision-making we must come to terms with the racial overtones and practice in this statement.
Policy and Rules Influence on Systemic Racism

In a systematic review of Child Welfare policy, findings showed four main themes:

- Whose interests are at stake,
- Assessing risk,
- Role of training, and
- Accountability

Using a critical policy analysis framework, 727 policies outlined by the Ohio Revised Code were specifically examined by the Ohio Gap Closers. While the child welfare structure states as its purpose the protection of children, the role of power and implicit bias shapes the impact of these policies on Black families and children. Though policy strives to be written through the language of neutrality, the application can change based upon the examination of interests and risk assessment.

**Whose INTEREST is at stake?**

The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. (5101.1416)

This law puts the judge into the decision-making role for family separation where families have not voluntary agreed for the placement. In a state where 93% of our judges are white, it sets up potential bias decision making.

Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service. (5153.16)

This law puts the Public Children Services Agency in power to determine the Best Interest of services for the child. In 88 counties having only 1 or 2 Black Directors also sets up the potential for bias planning.

I find that most African American girls get less support from the child welfare system as their Caucasian counterparts. If a Caucasian child is experiencing trauma they will find a therapist of the same her ethnicity. But African Americans just have to settle for whatever. The system doesn’t provide the help for African Americans for unification as their counterparts. (Black, foster parent from an urban county)
Policy and Rules Influence on Systemic Racism

How are risks assessed? Who determines the risk?

Implement a system of safety and risk assessment, in accordance with rules adopted by the Director of Job and Family Services, to assist the public children services agency in determining the risk of abuse or neglect to a child. (5153)

When assessing risk, we know that child welfare workers must make value judgments that are informed by the majority culture’s value systems. The nature of interest and the determination of danger can differ on cultural lines. This results in a higher likelihood that a Black child is seen to be at risk and thus removed from the home and placed within the child welfare system.

When the “system” has moved itself into one driven by rules and regulation based on the separation of children from poor and Black families, the struggle to create an unbiased framework is evident. The current push to fund those programs that are “Evidence-Based” yet does not look at each program to see if it was evaluated with a variety of cultures before adopting is one way that we continue to implant racism into the system.

When and How is Training Utilized?

at least one hundred two hours of inservice training during the first year of the caseworker’s continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program (5153.122)

This implicit bias can be reinforced or deconstructed through high quality training that illuminates the inherent racism embedded in their processes and practices. According to ORC 5153.122 and ORC 5101.25, the department of human services develops annual trainings goals for which caseworkers are required to complete 102 hours of professional development, yet these hours do not dictate a requirement to address implicit bias which has a deleterious effect on outcomes for Black children and families.

Ohio’s child welfare system has incorporated training as an important element for its case work staff, the individuals who are on the frontline making assessments about abuse and neglect in families. The general language puts a value on graduation from a school of social work. No focus on the experience of the person or
Policy and Rules Influence on Systemic Racism

the variety of ways that social work is taught in colleges. Colleges are only now beginning to look at the issues of culture being relevant to their curriculum. And this is still very uneven. Even with a social work degree, a young graduate who grew up as a single child in her/his family from an Ohio suburban community will have a different understanding on how to assess risk in a family housed in an urban poor community. 

I also believe caseworker & foster care staff are somewhat lost when it comes to the culture & mental flow of African American children. (Black, foster parent from an urban county)

Accountability. Who bears responsibility for the efficacy and implementation of the process?

The department shall promptly notify all public children services agencies of the initiation and completion of statewide implementation (5101.13)

In a state where the responsibility is spread between the 88 counties, the state department, and the private providers, the answer to who bears responsibility is often buried in an atmosphere of secrecy and confidentiality.

Such a chaotic and confusing system further enables systemic racism to continue.

The county agencies operate according to their own understanding of the rules and do not have a solid grasp of state regulations and expectations. Per the topic of this survey, the organization’s caseworkers need to be representative of the communities they engage in. (White, adoptive, foster parent from a rural county)
What Did We Learn?

Through our study of Ohio’s child welfare system with a family lens, we learned that the Ohio Child Welfare system is very complex, not well understood by the families who are involved, and riddled with systemic racism. Getting data out of our system into public view is not easy in Ohio.

We observed that the leadership at the top of our 88 county children services and 150 private agencies have few Black leaders. When there is a Black leader, we overwhelm them with the push to “train us.” Putting once again the responsibility somewhere outside ourselves.

Racism in our system is complex and nuanced. We cannot assume that poverty and substance abuse are the only driving forces in our racial disparity. The systemic racism that is present in other structures within our society, such as education, healthcare, and the prison system, relate and make more difficult any change for improvement in the child welfare system.

We know that the practices at the front end bring more Black/multiracial children into care and that we are turning foster care from a support for families into an “inexpensive” adoption resource for majority white families. We also learned that racism is part of our practice making foster care a ‘placement bed’ and not a planned match to connect and support the child’s family.

We learned that our failure to give financial support to kinship families equal to what unrelated foster families are getting has a basis in systemic racism. We observed that our lack of commitment to keeping children geographically near their families but instead prioritizing separation of families has a strong racial bias.

When it comes to foster care, we learned that having a large proprietary private foster care system make it more difficult to keep children close to and engaged with their families. We learned that continuing to place children in homes that are afraid to visit the children’s home neighborhoods has a strong racial bias connection.

We learned that many of our current separated parents spent unsupported time in foster care themselves. Also, we learned that racism is evident when agencies are not willing to see how their own behavior in moving children contributes to the major trauma that children and families face.
What Did We Learn?

In the survey of 88 foster, kinship, and adoptive parents in the Ohio child welfare system, 46.6% of White parents indicate they believe they have better outcomes in the child welfare system because of their race while 87.5% of Black parents did not believe they had better outcomes due to their race.

This makes us think that white parents have the privilege of not thinking about race and how it impacts their family lives because of their race. Black parents are forced to confront their race in interactions with Ohio Child Welfare due to the systematic racism present.

Figure 1: Perceived Outcomes in the Child Welfare System by Race
What We Still Want to Research

- How many Black or multiracial members sit on the Boards of these 238 child welfare serving organizations? How many family members with lived experience sit on those Boards?
- In breaking down our racial data on children in care, we now include a multi-racial category. Is this an attempt to make it look like there are less Black children in care?
- Do we know if multi-racial children are treated differently than Black Children?
- When and how do we look at the job we have done in processing the traumas of former youth who were in care and who were adopted out of care?
- How does creating barriers between our adoptive, foster, kinship, and primary families in our rules and legislative processes have an implicit bias?
- Is our current rush to keep money flowing during a change of federal policy, looking closely at the inequality we are continuing to build in our system?

Learning from one another at the 2022 OFCA Conference
In the many events we attended to learn about Ohio’s Systemic Racism in Child Welfare, we came across this quote -- but we didn't keep good notes to remember where it came from. Since it speaks our truth, we have decided to include it here as anonymous.

“Getting to the roots of the issues embedded into Ohio’s child welfare system is necessary. It must be done with the voice of all families able, without fear, to have their insights shared and heard.

As mothers of biological children know, Birthing is a Painful Process. This kind of change from a middle-class system of rules, regulations and expectations will need to be a Birthing process which will require an open mind and will have, we are fearful, a long painful labor.

But with Frederick Douglass famous saying "If there is no struggle. There is No Progress." We must be committed to face the personal discomfort and support long overdue anti-racist legislation and child welfare regulations.

"
The Team on this Year Long Journey at the 2022 Ohio Family Care Association Annual Conference

This is Us: The Role We Each Play in the Future of Ohio's Families

The Ohio Gap Closers Presenting

OFCA Leadership Team and Board Hanging Out
Family members who were involved in the survey, focus group, and conference had a lot to say about their experiences. Here are many that we were not able to include in our final report.

“I feel that Caucasian children I’ve cared for receive the adequate mental health care & resources needed in a timely manner versus children of color.” (Black, foster parent from an urban county)

“... supervisor treated us like we were dumb and made things difficult for us because of race.” (Black, kinship parent from an urban county)

“That every person no matter of their race be treated equally and not shunned because the extra help is needed.” (Black primary parent from an urban county)

“I can’t say with any certainty, but we seemed ‘fast tracked’ to adopt our son. We fostered him for six months and then immediately finalized the adoption. Never met his birth mom, who had a history of drugs. I have no idea whether race played into this, but I have often wondered if us being a stable white family got the same treatment as a black family would have received in placing the child. Similarly, do birth parents struggling with drug addiction get treated similarly across racial lines or is their disproportionality involved there as well?” (White, adoptive, foster, parent in an urban county)

“One of the considerations for moving my foster kids was to find a home with black foster parents so they felt comfortable. But I experienced more discrimination based on being a single mom than my race.” (White, foster parent in a rural county)

“I would like to see the county workers stop playing god with people’s lives because they decide MEPA doesn’t matter.” (White, kinship, foster, adoptive parent in an urban county)

“My race became an issue with the county worker because my husband and I are white, we adopted two biracial daughters 13 years ago and were fostering two black children. The worker was black herself and she wanted the foster children moved because we weren’t ‘culturally adept’ enough to raise them.” (White, kinship, foster, adoptive parent from an urban county)

“I think it is likely that by my being white and my children being white that we have had the benefit of favorable assumptions.” (White, kinship, foster parent from a rural county)
“I recognize the hesitancy some GAL’s and Caseworkers have around a white person parenting a POC child. It is extremely important as a foster parent that we educate yourselves constantly about cultural differences and make sure we are confronting our own biases daily. We strive to prove to our caseworkers the effort we are putting towards addressing and overcoming racial differences within a placement. If we were the same race as our children in care we’d likely feel less of that burden to prove our cultural competency.” (contributor unknown)

Comments from families on issues that families would like to see changed in the child welfare system. Individuals were all family members but not identified.

- Stop labeling and find solutions instead of pacifying the issues
- Less black children and families entering the child welfare system.
- More homes for black children with black families
- More knowledge of services
- More education for workers
- Address previous trauma in policy to support healing process
- Evaluate the $$ going into agencies and percentage going to support services
- Evaluate county grievance policy/differences
An Example

Systemic Racism and Educational Outcomes of Students who Experience child welfare.

In Cincinnati, Ohio, the median Black income is 48.4% of White income. White unemployment stands at 4.8% while Black unemployment is nearly double — at 9.2%. If the core of the child welfare system is to “monitor, regulate, and punish poor Black families” the resulting disproportionately and the negative effect on Black families comes as a matter of process and policy.

Numerous intersectionality’s exist between families of children experiencing child welfare, race and systemic racism, unmet social and psychological needs, deprivation, trauma, and academic achievement. Children who experience child welfare are highly mobile. Highly mobile children tend to suffer from academic achievement gaps due to inconsistency of instruction and placement in special programs for lower performing learners. Children who suffer from academic achievement gaps tend to exhibit behaviors that result in removal from class, suspensions, and expulsion.

Child welfare children, particularly those with race-based commonalities, hold less cultural capital than their socially dominant peers. They are less likely to have experiences linked to the purchase of travel, cultural events, computers, literature, and tutoring services than their socially dominant peers. These experiences provide academic enrichment and advantages not equitably enjoyed by child welfare children.

While state standards do not vary from one school district to the next, curriculum resources and instructional strategies vary widely, not only from school to school but district to district, which impacts the consistency of instruction a child may experience. This inconsistency tends to result in the creation of provision and opportunity gaps and ultimately, a child’s likelihood of graduation from high school and their level of college and career readiness. Where families of color experience the historical impacts of housing discrimination and redlining, unmet academic and social needs are exacerbated.

Implicit biases held by predominantly White educators negatively impact the academic outcomes for learners of color. Poor academic outcomes are frequently cited as a significant risk factor for corrupt development outcomes, including delinquency, behavior and conduct disorders, substance abuse, and a failure to complete high school. A significant body of research highlights the behavioral referral discrimination faced by students of color, particularly Black boys, taught by teachers who are White.
Appendix II

Students experiencing child welfare are not included as a subgroup in state or federal disaggregated educational outcomes, nor reported in state report cards. However, overall outcomes for Black learners is a decent metric, given the disproportionate number of Black children in child welfare. The four-year adjusted cohort graduation rate for children who experience child welfare in Ohio is shown in Table 2. With lower graduation rates and levels of college and career readiness as compared with their socially dominant peers, Black children who have experienced child welfare have limited access to higher education and lower levels of employment and lifetime wage-earning capabilities. They will experience disproportionately higher rates of incarceration and are at increased risk for a fatal encounter with law enforcement.

Table 2. Ohio Four-year Adjusted Cohort Graduation Rate

<table>
<thead>
<tr>
<th>Category/Subgroup</th>
<th>Percent of students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian/Pacific Islander</td>
<td>90.7%</td>
</tr>
<tr>
<td>White</td>
<td>85.3%</td>
</tr>
<tr>
<td>Total graduation rate</td>
<td>82.0%</td>
</tr>
<tr>
<td>2 or more races</td>
<td>76.9%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>73.4%</td>
</tr>
<tr>
<td>Economically disadvantaged</td>
<td>71.0%</td>
</tr>
<tr>
<td>Indian/Alaska Native</td>
<td>71.0%</td>
</tr>
<tr>
<td>Black</td>
<td>69.4%</td>
</tr>
<tr>
<td>Limited English proficiency</td>
<td>65.2%</td>
</tr>
<tr>
<td>Homeless/enrolled</td>
<td>54.0%</td>
</tr>
<tr>
<td>child welfare</td>
<td>52.0%</td>
</tr>
<tr>
<td>Students with disabilities</td>
<td>48.0%</td>
</tr>
</tbody>
</table>
Three theoretical frameworks reviewed:

Social Dominance theory

Examined through social dominance theory, the child welfare ecosystem, with roots in discrimination and oppression of families of color, disproportionately favors the people at the higher levels of the hierarchy: both White children and families, and the White professionals at the highest level of the hierarchy: lawyers, judges, child welfare agencies, and social workers. Social dominance will always benefit one group and act as a detriment to another. The beneficiaries of social dominance in the ecosystem are the professionals. The disproportionate removal of Black children from biological parents and placement in stranger child welfare over kinship care is just one example of social dominance theory at work in the ecosystem.

Hierarchy-enhancing forces, such as the legal system in which adequate representation is reliant on family wealth reinforces White dominance and systemic racism in the ecosystem. Hierarchy-attenuating forces, such as many non-profit and civil rights organizations, must exist at present to more fairly distribute resources and provide equitable opportunities to the subordinate groups within the ecosystem. These agencies are needed to support children and families of color in the best interest of the children through a culturally relevant lens.

Social Cognitive theory

Social cognitive theory analyzes the psychological processes that govern all human behavior. Through this framework, the development, maintenance, and modification of the behavior of the child welfare ecosystem’s power-wielding professionals may be explained. Social cognitive theory seeks to accomplish explanation by identifying the determinants of racist actions and the mechanisms through which they operate. Implicit bias is a vicarious process on the part of individuals; however, in a child welfare ecosystem steeped in systemic racism, race-based biases on the part of professionals are allowed to operate unchecked and unchallenged. New professionals entering the ecosystem learn from the existing professionals which outcomes are accepted and acceptable, thus persisting the disproportionate placement of Black children into stranger child welfare as compared to their White peers. The disproportionate placement of Black children into stranger child welfare denies biological parents and potential kinship parents the opportunity to provide care through a familial, culturally relevant lens while receiving equitable access to services that White children in biological and kinship care receive.
What has been learned can be unlearned. Social cognitive theory posits that seeing systemic racism, context blindness, and implicit bias punished may be inhibited. The objective is to overcome the phenomena by building culturally relevant self-efficacy, in professionals in the ecosystem. By developing their ability to operate in a culturally cognizant and just manner, children and families of color may receive equal access to social and legal supports along with equitable biological family maintenance and kinship placement, thus working to undo the systemic racism that currently exists.

**Labeling theory**

Labeling theory posits that the cause of deviance originates in labels assigned to individuals, and that the behaviors expected to accompany the label are exhibited as a matter of self-fulfilling prophecy. Those of the socially dominant caste, the professionals in the child welfare ecosystem, apply these labels to children and families of color, branding them based on what they are, not from something they have done. Their comorbidities become the labels. Through this framework, the enduring state of disproportionality in removal, stranger placement, and insufficient services provision continues to occur as its existence is supported via the data that shows that this is the expected behavior of those families. In other words, Black children must be removed from homes because Black families are unfit to care for the children based on the data showing the historically disproportionate removal and stranger placement of Black children.

The behavior the child welfare professionals observe and interpret as inappropriate or dangerous in the biological or kinship home may simply be behavior that is culturally different from the acceptable White middle-class norm. A zealous parent advocate who is White and wealthy is labeled differently than a Black parent who is economically distressed. Although they may both have the same goal and been accused of similar mistreatment of their biological children, judges and social workers see their behavior through a lens biased to a White middle-class norm where the verbal and physical zealousness of one is judged very differently than that of the other.
Appendix IV

References


Appendix IV


