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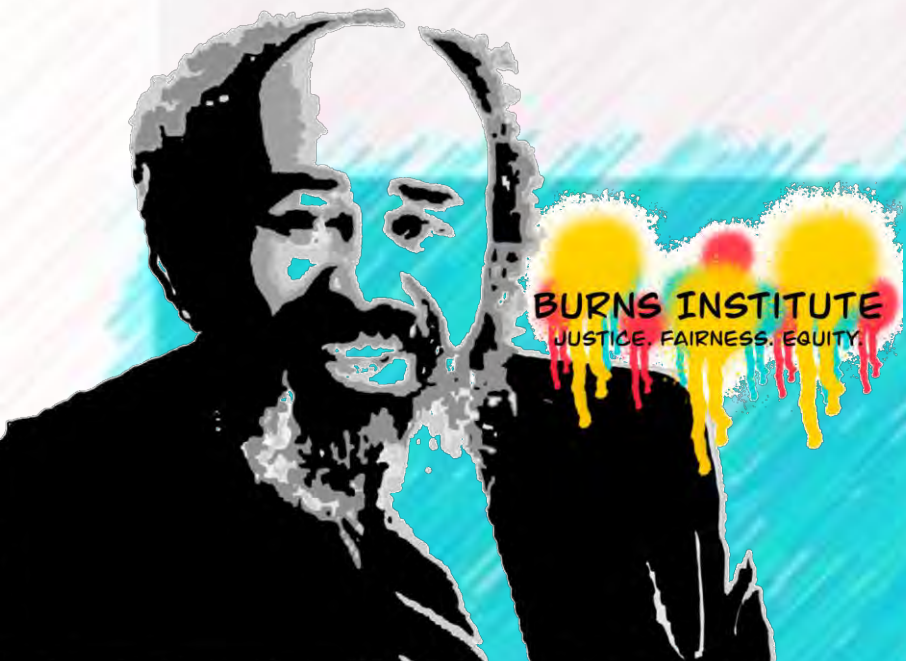
Transforming Systems Together

History of Child Welfare

A Primer

Part II


1962-Present



Date: September 30, 2021



DESIRED RESULTS FOR TODAY

- 
- ✓ Demonstrating our commitment to our guiding principles
 - ✓ Increasing our historical competence of structural racism in Child Welfare
 - ✓ Anchoring our path forward in a narrative of truth
 - ✓ Honoring the lived experience of our impacted partners and communities



Historical Competence helps us
understand why things are the
way they are.

It also helps us to disrupt the
pattern.



Child Welfare in the U.S.



Recap Part I

1600-1962

The notion that Black and American Indian children need White protection from their own families was established in the 1600's.

Emphasize systems created for social control and self protection.

Raising the question—can they be transformed?

What does it look like and what must be implemented for transformation?

1958: Indian Adoption Project

Once the “success” of the boarding schools was called into question, the dominant belief was that American Indian children were better off raised in white homes.

In 1958, the Bureau of Indian Affairs created the Indian Adoption Project, administered by the Child Welfare League of America, to promote adoption of American Indian children from sixteen western states by white adoptive families in the East.

ADOPTIONS OF INDIAN CHILDREN INCREASE

One little, two little, three little Indians--and 206 more--are brightening the homes and lives of 172 American families, mostly non-Indians, who have taken the Indian waifs as their own.

1950's

Wide use of contraceptives amongst white women results in dwindling of "white, blue eyed babies"

1960's

The good experiences of white couples with Korean adoptees motivated them to choose an American Indian child rather than an African American child

1962

Adoption fees out of the range of American Indian Families

1962

The Means to solve "the Indian problem" – President Lyndon Johnson

1970

Increase in American Indian population 1950-1970 meant federal government had to allocate more funds to tribes. Reducing the members of tribes through adoption appeared a good solution

1977

Approximately 12,486 children were adopted between 1961 and 1976



What Triggered Adoption
of Native Children



Child Welfare In The U.S. 1962 - Present

“If you came with no preconceptions about the purpose of the child welfare system, you would have to conclude that it is an institution designed to monitor, regulate, and punish people of color”

Dorothy Roberts, Shattered Bonds: The Color of Child Welfare



1960's

1962 Public Welfare Amendments to the Social Security Act: “homes that are deemed unsuitable” and “reporting requirements.”

1962 amendments for the first time, identified Child Protective Services as part of all public child welfare; required that by 1975 child welfare services available statewide; essentially expanding governments reach into the lives of families.

AFDC-Foster Care mandatory for all states. Foster care was viewed as a major advance and as the best solution for many “dependent” children.

President Lyndon Johnson’s “War on Poverty”

Larger percentage of children entering foster care due to “abuse and neglect,” parental instability, and substance abuse



1970's

Child Abuse Prevention and Treatment Act of 1974 (CAPTA) marked the final passing of privately funded nongovernmental child protection societies

Conflation of “neglect” and “abuse”

As many as 35% of American Indian Children removed from their parents for alleged neglect or abuse

Operation Babylift, Fall of Saigon; children's orphan status was not clearly established in all cases. Brought the issue and increase of intercountry adoption to the world's attention

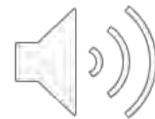
Foster Care “drift” – increase from 177,000 in 1961 to 503,000 by 1978; children languishing in state custody



1970's cont. – “The Welfare Queen”



“There’s a woman in Chicago. She has 80 names, 30 addressees, 12 Social Security cards and is collecting veterans’ benefits on four nonexistent deceased husbands. She’s got Medicaid, is getting food stamps and welfare under each of her names. Her tax-free cash income alone is over \$150,000.”



Civil Rights and American Indians

TRAIL OF BROKEN TREATIES

"If a man loses anything and goes back and looks carefully for it he will find it, and that is what the Indians are doing now when they ask you to give them the things that were promised them in the past. I do not consider that they should be treated like beasts, and that is the reason I have grown up with the feelings I have. . . I feel that my country has gotten a bad name, and I want it to have a good name; it used to have a good name, and I sit sometimes and wonder who it was that has given it a bad name."
—TaTanka YoTanka (Sitting Bull)

In the spring of 1834 U.S. Congress passed an Act to Regulate Trade and Inter-course with the Indian Tribes and Preserve Peace on the Frontiers. This act set aside all land west of the Mississippi as "per-manent Indian territory," but even before the law could be put into effect the line between U.S. and Indian lands was moved many miles to the west. The treaty — which forbade any white person from entering Indian country without permission was broken. The U.S. Cavalry, which was operating out of the numerous fortresses built along the divide to keep white people out of Indian country; if you can dig that, quickly became the economic foundation of the rapidly developing, newly birthed capitalist economy; an economy that was based on the wholesale slaughter of the Indian people and the robbery of their priceless lands, forests, and buffalo, and then the quick rape of those same lands and forests by those life-sucking vampires using the bonded, blood-stained labor of the black and yellow peoples.

With the discovery of gold in California back in 1848 thousands of fortune-seeking white marauders raced across the western terrain of this naturally wealthy land, spewing forth the stench of racist supposition in their malevolent quest for ultimate control of the planetary wealth. To justify this final invasion on what little land the Indians had left of their once bountiful country — and all other breaches of treaty obligations over the preceding 400 years — the control addicts in Washington invented "Manifest Destiny". This ordained the Europeans and their descendants, by European and their descendants, the lands, forests, mineral and water rights, along with the native people themselves. The ghost-white ruling elite were now legally the "protectors" of the beautiful people whose song once harmoniously enveloped the country, whose dirge now began echoing in the barren valleys.

As the "permanent Indian territory" had nearly diminished into nothing but a few square miles of worthless rock, the words of Yellow Hair attest to the continual robbery of Indian rights.

"We have given up nearly all our land and you had better take the balance now (picking up a ball of earth) — here I hand it to you."

On October 30, 1972, the Trail of Broken Treaties caravan, representing 300 tribes of North American Indians, gathered in Washington, D.C. to demand the government's fulfillment of all U.S. treaty obligations and the right to institute self-determination over the reconstruction of their lifeless reservation existence.

(The average life of a North American Native is 42 years. The death rate of Indian children is three times that of Euro-American children. The average Indian income is approximately \$1,500 a year!)

After having spent the first night in a rat infested church donated through efforts by the Bureau of Indian Affairs (BIA) the leaders of the American Indian Movement (AIM) asked for decent housing and were denied in the dying tradition of the BIA.

Unable, and unwilling, to remain in the church another night, but with no other place to go, the Indians went to stay at the BIA building, necessitating the rapid flight of the racist chumps that have directed the rip-off of the Indian peoples — including \$50 million to finance the race to the moon, and the U.S. military occupation of South-East Asia.

The brothers and sisters were forced to take over the BIA building in order to get the Nixon administration to take the demands and problems of the Indian people seriously.

Due to the upcoming elections, the exemplary perseverance of the AIM, and the necessity for Nixon to remain behind his falsified cloak of peace and good will, the Indians held the building until the evening of November 8. The departure of the Native Americans came as a result of setting up of a 12 person commission, consisting of 7 Indians and 5 honks, to investigate the demands of the AIM.

The major demand was that the U.S. renew and uphold its treaty obligations, abolish the BIA, which oversees all activities of the Indians, and the stripping of all duties and powers that are connected with the Indians in any way of Assistant Secretary of the Interior, Harrison Loesch. They also demanded that Bob Robertson, director of the National Council on Indian Opportunity, which is controlled by Spiro Agnew's office, be fired along with other high-level officials.

Before the Indians left the building they retrieved a ton of documents and records exposing the criminal operations of government and corporate institutions — one ton of paper strewn along the trail of broken treaties. The red people have gotten the records that could insure that the people can control their own Indian affairs agency.

Above the auditorium of the BIA building the Indians left this message: "Gentlemen, we do not apologize for the ruin or so-called destruction of this mausoleum. For in building anew, one must first destroy the old. This is the beginning of a new era for the North American Native People. When history recalls our efforts here, our descendants will stand with pride knowing their people were the only ones responsible for the stand taken against tyranny, injustice, and gross inefficiency of this branch of a corrupt and decadent government."

The reason for the actions of the AIM are exemplified in this one short statement by Spotted Tail in 1860: "This war did not spring up here on our land; this war was brought upon us by the children of the Great Father who came to take our land from us without price, and who in our land, do a great many evil things. . . This war has come from robbery — from the stealing of our lands."

—John Collins



Indian Child Welfare Act (ICWA) – 1978

History of disregard for American Indian Sovereignty

LDS Church (Mormons) belief that it was their responsibility to guide Native American toward a more righteous path

Up to 35% of American Indian children being “snatched” and placed in non-Indian homes

Majority taken on the basis of vague standards as deprivation, neglect, homes too poverty stricken

High poverty rates in Indian country as a result of displacement and racist policies used by welfare agencies as “evidence” to take children from their families

Criteria were set for white middle class families

Impact of assimilation policies – intergenerational trauma



Indian Child Welfare Act (ICWA) Elements

Defines the exclusive jurisdiction of Native courts to deal with child custody when child lives on the reservation

When child does not reside within the reservation, State court must transfer custody proceedings to jurisdiction of the Tribe

Compels state courts to inform child's parents and Tribes in involuntary proceedings

Appoints attorney to defend the child's rights

Any voluntary consents to foster care placement or termination of parental rights be invalid if not knowingly executed in writing

Testimony of qualified expert witness familiar with Native culture

Any child accepted for foster care or adoption shall be placed with member of extended family, or family home, or Indian foster home or institution approve



1980's

Proposals to change AFDC emphasized devolution to the states in decision making, rather than nationalization. They also emphasized requirement to work, rather than work incentives.

Adoption Assistance and Child Welfare Act of 1980 (public Law 96-272) – on the heels of the 1970's that saw significant increase in children entering care, lengths of stay and lack of oversight within foster care system

- Title IV-E of SSA created

- “Reasonable efforts” to keep families together

- First significant role for the court system, requiring regular review of child welfare cases

- Stipulated that children placed in detention or related child care institutions were not eligible

Multiple Funding Formulas Enacted

Number of children in the U.S. foster care system declined by approximately 45 percent, from 502,000 in 1977 to 276,000 in 1984, but increase second half of 1980's

Independent Living Program to assist transitioning from foster care to independent living



Break

1990's

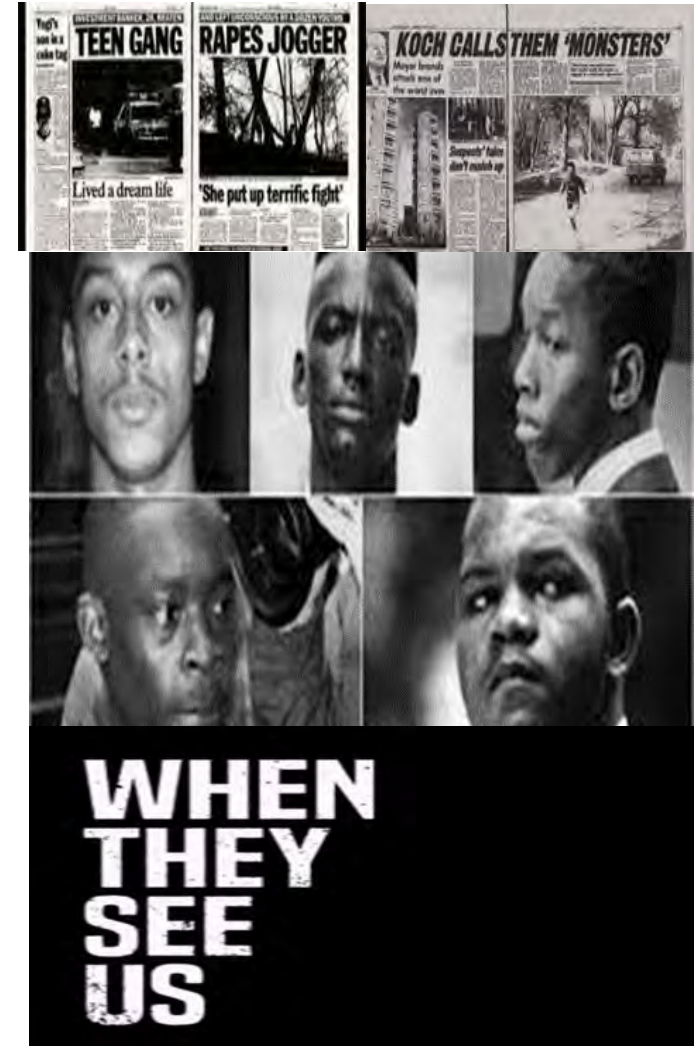
Efforts of reform targeting AFDC programs

Nuanced forms of racism with claims that AFDC encouraged out-of-wedlock births, irresponsible fatherhood and intergenerational dependency. Played into public angst about rising taxes & national debt attributed to payout of welfare checks to people who were not carrying their own weight.

Crack epidemic, when criminal justice system was breaking Black families apart, created a pipeline to the child welfare system. Children of color coming into the foster care system more than doubled in the '80's and early '90's parallels criminal systems mass removal of Black men and women from their communities

"Border babies" – remaining in hospitals for long periods of time - born exposed to drugs or HIV number 10,000

Family Preservation Act of 1993



1990's (cont.)

Personal Responsibility and Work Opportunity
Reconciliation Act of 1996 (PRWORA) - Bill Clinton's
Welfare to Work (re-instill work ethic)

Temporary Assistance for Needy Families (TANF)
replaces AFDC

Mandatory work

Time-limited benefits

Pregnancy prevention

Teen parent requirements

Limitations on assisting most legal immigrants



1994 Multiethnic Placement Act & Interethnic Adoption (MEPA) Provisions of the Small Business Protection Act of 1996 (IEPA)

Advocating for a “color-blind” approach to child welfare.

Concern was the fact that African American are overrepresented in the system and limiting their adoption to only African-American families would put them at risk of never finding a home.

Taken together, MEPA & IEPA withholds federal funding if placement or adoption is based on parent or child’s race, color or national origin.

MEPA & IEPA also require states to develop plans for recruitment of foster and adoptive families that reflect the ethnic and racial diversity of the child.



2001

Promoting Safe and Stable Families Amendments of 2001 – added strengthening parental relationships and promoting healthy marriages to the definition of “family support services,” support for infant safe haven programs, authority for HHS to fund programs that mentor children of prisoners

2005

Hurricanes Katrina and Rita devastate the South, thousands of children and families in the child welfare system were displaced

2006

Adam Walsh Child Protection and Safety Act –requires fingerprint-based FBI checks as part of criminal background checks of prospective foster and adoptive parents; states can no longer opt out of this requirement

2006

Youth of color represent 58% of children in foster care

2008

Fostering Connections to Success and Increasing Adoptions Act includes most far-reaching changes to federal child welfare financing since the 1980 creation of Title IV-E

2015

Disproportionality index of American Indian children in Foster Care in Minnesota is highest in nation at 13.1

2019

Neglect, often a proxy for the consequences of poverty, was the most common reason for children entering the child welfare system; common misconception that physical and sexual abuse are the primary drivers of child welfare involvement

2019

Of every 1,000 white children in the United States, 5.2 are in foster care, compared with 9.9 of every 1,000 Black children and 16.9 of every 1,000 American Indian/Alaska Native children



2000's



ICWA 2000's

History of assertions that ICWA violates 14th Amendment of U.S. Constitution

Emergencies as an “exception” to ICWA

“Active efforts”

States applying ICWA in different ways, different parts of the family across state lines would receive different treatment

2016 - New regulations meant to try and implement a uniform standard across the states

Begrudging “compliance;” goal should be “spirit” of the law

2021: Brackeen v. Haaland (5th Circuit of Appeals) Texas, Indiana, Louisiana, and individual plaintiffs, alleging that ICWA is unconstitutional for discriminating against non-Native families in the placement of Native children – court strikes down portion of the law that gives preference to Indian families in adoption of Indian children. On appeal to U.S. Supreme Court



Racialized Family Regulation

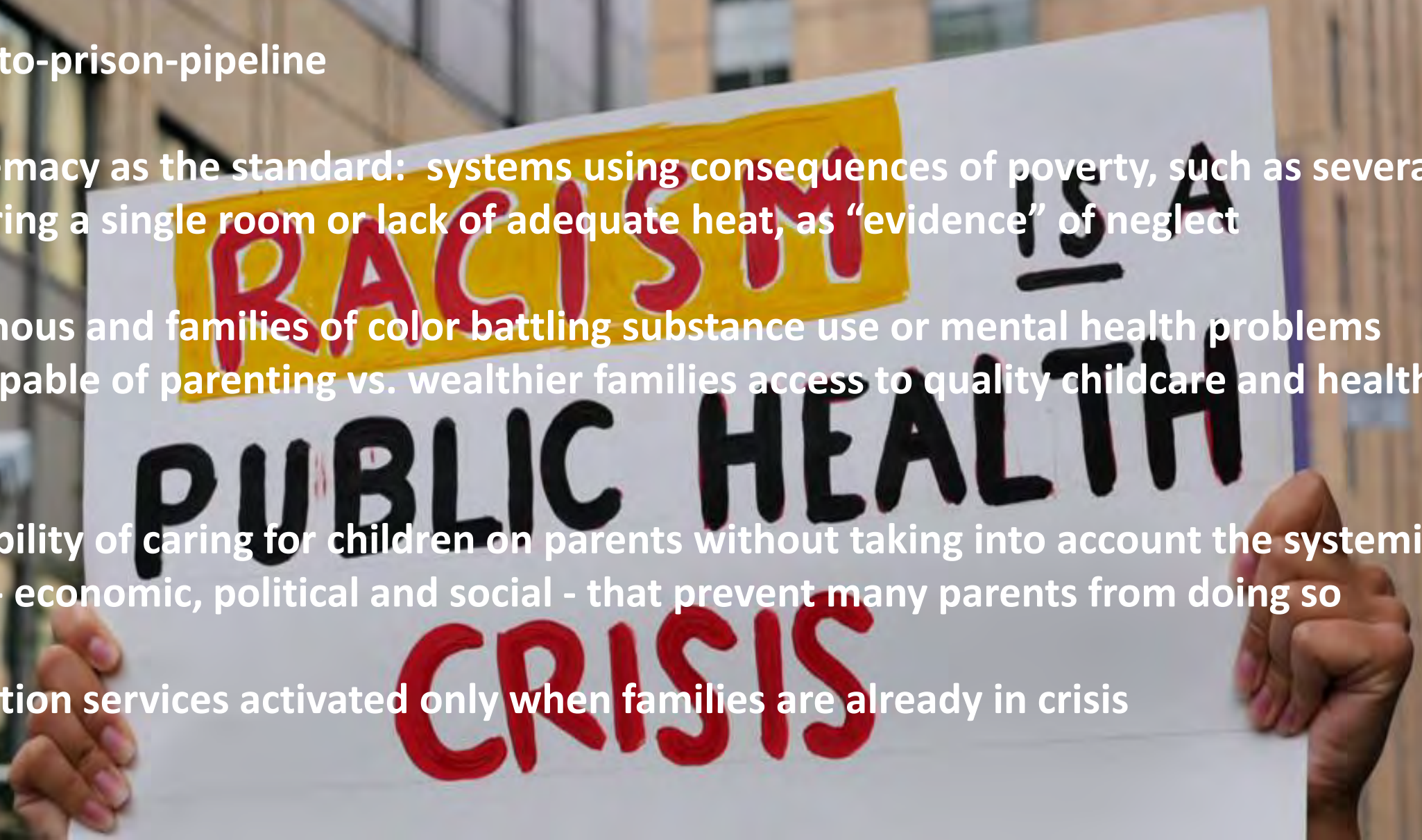
Foster-care-to-prison-pipeline

White supremacy as the standard: systems using consequences of poverty, such as several siblings sharing a single room or lack of adequate heat, as “evidence” of neglect

Poor Indigenous and families of color battling substance use or mental health problems labeled incapable of parenting vs. wealthier families access to quality childcare and health care

All responsibility of caring for children on parents without taking into account the systemic constraints - economic, political and social - that prevent many parents from doing so

Child protection services activated only when families are already in crisis



Removing a child from his or her home is one of the most violent acts a government can undertake against its people.

Dorothy Roberts, George A. Weiss University Professor

Thoughts, Reflections, Questions



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