

## *Addressing Poverty as a Major Risk Factor in Child Neglect: Promising Policy and Practice*

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A mother was found to have neglected her children while living in "an unsafe and unsanitary motel room" with her seven children, the oldest of whom was 14 (Matter of Bailee M.-B., 2007). The sole basis for the finding of neglect was that she left the children in the motel room when she went out. Analyzing the case through a poverty lens, New York University Law Professor

Martin Guggenheim (2007) opined that:

It is important to observe that poverty is unmentioned anywhere in the case. This is almost always true. The point about the connection between poverty and child neglect prosecutions is not that any is charged explicitly with being poor. It is, rather, that but for being poor, there would never be a prosecution. (p. 1)

But for poverty, as Professor Guggenheim observed, this family may not have experienced child protective services intervention. If the family had not been poor, they would not have been living in "an unsafe and unsanitary motel room" and the mother would have been able to afford adequate child care (Guggenheim, 2007).

Historically, the mission of the child welfare agency has been to protect children from harm, not to ameliorate conditions of poverty. However, poverty and child maltreatment, especially child neglect, are intricately intertwined. The child welfare system has focused its interventions not on addressing poverty issues, but rather on service interventions such as parenting education and counseling services. The role of poverty in child neglect cases has been largely ignored. This is not an indictment of child welfare workers, who must carry out a narrow mandate of child protection. They are provided with little system support for addressing broader family needs that impact risks to child safety.

Edicts of "save the child" with their implied message to "punish the family" have permeated child welfare policy and practice through its transformation from a largely segregated system that excluded African Americans into the present



system with its alarming rates of racial and ethnic overrepresentation and disparities in outcomes. Not so long ago in New York City, for example, sectarian foster care agencies accepted white children only, perpetuating de facto segregation either on the basis of race or religion or both (Bernstein, 2002).

A proponent of poverty-related services, Dorothy Roberts (2002) cautions that combating poverty alone will not solve problems faced by today's child welfare system, especially when it comes to the structural racism faced by families of color. A recent federal report identified four contributing factors to overrepresentation of certain children of color in child welfare: poverty, racial bias, inadequate access to services, and challenges in finding permanent homes (U.S. Government Accountability Office, 2007). Structural racism is one part of the complex equation that results in 61.9% of poor African American children living in areas of concentrated poverty without decent and affordable housing, excellent schools, or adequate health and consumer services, as compared to 13.7% of poor white children (Drake & Rank, 2009). Once identified by child protective services, Native American, African American, and Latino children in certain states are, compared with White children, removed from families at higher rates, stay in care for longer periods, experience more placement moves, spend longer periods of time in congregate settings, and exit without permanence, while their parents receive markedly fewer services (Hill, 2007; Derezotes, Poertner, & Testa, 2004).

Recognizing that poverty plays a substantial role in child neglect, some child welfare systems are experimenting with strategies to address risks associated with poverty. The creative approaches described in this article point the way for

rethinking the functions, strategies, and funding of child welfare systems in recognizing the critical role that poverty plays in the lives of the families it touches.

## Poverty and Child Neglect

Researchers have been examining and writing about the complex relationship between poverty and maltreatment, specifically child neglect, for the past three decades. As far back as 1978, Leroy

Pelton began to examine the role that poverty plays in child welfare system involvement. Over the years, researchers have continued to add to the body of evidence that poverty and child neglect are intricately intertwined. Some of those perspectives are summarized in this article to illustrate the many facets of this issue. More importantly,

recognition and awareness of this relationship should induce legislators, advocates, and child welfare administrators to develop poverty-related interventions to address child neglect.

Children experience child neglect more than any other form of child maltreatment. In federal fiscal year 2007, 59% of maltreated children experienced neglect, while only 10.8% were physically abused (U.S. Department of Health and Human Services [USDHHS], 2009).

There is no federally mandated definition of child neglect, complicating efforts to establish prevalence, examine the issue on a grand scale, and accumulate knowledge across studies (Glasheen, 2007). The broader the definition is, the greater the likelihood for error. Federal legislation provides minimum standards that states must incorporate into their own statutory definitions of child abuse and neglect. While state definitions of neglect may vary, they often involve a primary caretaker knowingly or negligently

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allowing a minor child to be deprived of the basic necessities of food, clothing, shelter, or care (Child Welfare Information Gateway, 2007). Poverty, however, is also defined in terms of inadequate food, shelter, and clothing. As a result, poverty can be mistaken for and labeled as neglect. In 2007, the National Child Abuse and Neglect Data System took a step in the right direction when it explicitly defined neglect as maltreatment that refers to “the failure by the caregiver to provide needed, age-appropriate care although financially able to do so or offered financial or other means to do so” (USDHSS, 2009).

While many studies reveal an association, the nature of the link between poverty and maltreatment is complex and continues to be examined. One of the studies often cited as evidence of the link between poverty and maltreatment is the third National Incidence Study of Child Abuse and Neglect (Sedlak & Broadhurst, 1996). In this study, families with annual incomes below \$15,000 were 22 times more likely to experience an incident of child maltreatment than were families with incomes above \$30,000. In an analysis of data from the National Survey of Child and Adolescent Well-Being, researchers found a strong association between poverty and involvement with child welfare services in urban areas, whereas children’s mental health problems were a greater contributor than poverty was in nonurban areas (Barth, Wildfire, & Green, 2007). An analysis of data from the National Longitudinal Survey of Youth suggested that low-income families with higher economic resources (e.g., Temporary Assistance for Needy Families (TANF), food stamps) and families, either single-parent or two-parent, in which the mother is working were less likely to experience child protective services involvement resulting in children living in out-of-home care (Berger, 2006).

Continuing research explores the various facets of the poverty-neglect relationship, but does not dispute the existence of the relationship. As noted by Professor Guggenheim, poverty is unlikely to

be a stated reason in any court document for a finding of neglect. Poverty can be a major factor in many conditions that exacerbate risks to child safety, such as parental stress, inadequate housing and homelessness, lack of basic needs, inadequate supervision, substance abuse, and domestic violence, as noted in the following studies.

Researchers both in the United Kingdom and the United States find that stress from factors associated with poverty increases the risk of parenting difficulties and can affect parents’ abilities to meet their children’s needs. When parents struggle to provide the day-to-day necessities of their children, they can feel anxious, depressed, fearful, and overwhelmed. The stress of living in harsh, deprived conditions can have a disabling effect on parenting capacities, resulting in inconsistent discipline, failure to respond to a child’s emotional needs, or failure to prevent or address a potential risk to safety (Dyson, 2008; Frame, 2001; Roberts, 1998).

Housing problems are a dominant theme in child neglect cases. In a special issue of *Child Welfare* devoted to the intersection of housing and child welfare, it was noted that “for many years, the child welfare system has been bearing the burden of America’s affordable housing crisis most often using the only tool afforded it by current federal financing constraints, foster care placement” (White & Rog, 2004, p. 391). In a study of families involved in the Milwaukee child welfare system, housing problems were found to be common among both families that were referred for in-home services and families whose children were removed and placed in state custody. The researchers questioned the effectiveness of family preservation or reunification services that do not help families obtain stable, adequate housing (Courtney, McMurty, & Zinn, 2004).

As one researcher noted, “CPS is not a housing agency, but housing is a CPS problem.” Workers are caught in the middle and must make decisions

about removing children from environments they assess as risky, even though they believe that the parents are loving caretakers and that children would be better off with their own families (Shdaimah, 2008).

Poverty can be an underlying cause of why people suffer from various mental health issues or turn to drugs and alcohol as an escape from a dire and hopeless future. In a consultative session on poverty and neglect sponsored by the Annie Casey Foundation/Casey Family Services on November 27 and 28, 2007, in Baltimore, Maryland, Robert, a parent, described his descent into substance abuse and depression because he could not adequately provide for his children. Although substance abuse was the stated reason his children were removed from his care, Robert would say that the real reason was poverty. He asked why help cannot be made available to poor families sooner, so that they can improve their circumstances and keep their families intact. Middle-class parents also abuse drugs and alcohol, experience domestic violence, and suffer from depression and anxiety. Because they have financial resources, however, they are able to pay privately for services to get the help they need and for various child care arrangements when they are not able to adequately supervise their children (Roberts, 1998).

Despite the relationship between poverty and child neglect, most poor families do not come into contact with the child welfare system. Protective factors seem to act as a buffer to the risks that can be exacerbated by poverty. Some of these protective factors include maternal employment, parents who were competently parented themselves, a strong informal social support network, and availability of supportive family members (Smith & Fong, 2004). By developing strategies to strengthen protective factors and reduce poverty-related safety risks, child welfare systems can protect children by supporting and strengthening their families.

More rigorous evaluation of programs that address poverty and measure the impact of child safety, along with more sensitive, qualitative, and multivariate statistical analyses of poverty and family functioning can further disentangle the complex interplay between poverty and neglect.

### **What Does It Take: Policy and Practice Strategies**

Although the relationship between poverty and child neglect is supported by research, there is yet no clear national policy and systems approach to intervening on behalf of families in ways that preserve the family unit while resolving safety issues compromised by poverty. Scattered across the country, however, are creative and courageous child welfare leaders, legislators, advocates, and parents who are developing innovative policy, system reform, and practice strategies which promise to lead the way to national child welfare reform.

### *Federal Policy Challenges*

Unlike many developed countries, the United States remains a country without an explicit, comprehensive family policy. To the extent that a family policy exists, it is characterized by an assortment of disconnected state and federal laws, regulations, and administrative policies. While some states, for example, conduct family impact policy analyses, family benefits and supports such as paid maternal or parental leave, paid sick leave, early childhood education and care, and health care are not yet universally available to poor and working poor families (Borgenschneider, 2006).

Under the U.S. Constitution, child protection is a function of state, rather than federal, government. Nonetheless, through federal funding incentives and federal statutory and administrative mandates, the federal role has significantly increased since 1935, the year Social Security funds were first used to support local child welfare service provision. Just last year, after more than a decade-long hiatus,



Congress enacted comprehensive child welfare legislation: The Fostering Connections to Success and Increasing Adoptions Act of 2008 created new protections, increased resources, expanded benefits, and imposed new state mandates to improve permanence and well-being outcomes for children in and about to exit from foster care. From its inception to the present time, however, federal child welfare financing policy has been skewed toward spending on out-of-home placements, while in-home service provision has been dramatically underfunded. In 2004, federal child welfare budgetary policy spent about 10 times more on out-of-home placement than on family support services designed to eliminate any risks to children while addressing individual family needs (Scarcella, Bess, Zielewski, & Geen, 2006). Reform strategies would increase flexible use by states of federal funds, such as Title IV-E of the Social Security Act, for family supports and preventive services — the assistance most needed by impoverished families at great risk of child welfare involvement.

### State Policy and Practice Strategies

#### *Differential or alternative response*

Several state and county agencies have challenged the status quo in child protective services by developing differential response — one of the most significant reforms in child welfare. A Minnesota child welfare supervisor summed up the state’s differential response system: “The focus is not on ‘you neglected your child,’ but rather on ‘how can we work with the realities you face and ensure the safety and well-being of your child’” (Gursky, Sullivan, & Welch, 2007, p. 22). Minnesota’s Family Assessment Response, now statewide, was first piloted in 2000 in 20 counties (Gursky et al.).

From the very first contact in a differential response system, parents are treated as partners to identify the underlying causes of risk to child safety. Instead of investigating each allegation of maltreatment in the traditional adversarial manner, differential response (also termed alternative response or dual track) permits a varied response determined by factors like the type of the alleged maltreatment, the severity of the reported maltreatment, the number of previous reports, the age of the child, and the willingness of the parents to participate in services (Kaplan & Merkel-Holguin, 2008). Differential response offers families a continuum of concrete and therapeutic services that allows a child to remain safely at home and avoids the trauma of child removal experienced by child and parent alike.

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Research has shown that children in families in which a first instance of neglect has been alleged are at higher risk for future neglect than are children who allegedly faced physical abuse (Fluke, Shusterman, & Hollinshead, 2005). Loman and Siegel’s Minnesota

findings (2006) strongly suggest that alternative response has the potential to break the revolving door of neglect, perhaps more appropriately dubbed the untreated poverty syndrome:

Controlling for satisfaction, level of financial need, and various combinations of service approaches, families offered Family Assessment Response continued to show evidence of fewer reports over the extended tracking period. This supports the earlier finding that the approach to families alone (the protocol), apart from what is done for them (services), is important. (p. 6)

The service array made available to low-income families on the alternative track



permits immediate, targeted, and customized interventions capable of meeting a family's basic needs. An examination of the services provided in Minnesota's differential response initiative shows that concrete services, including financial assistance for basic needs such as utilities, rent, food, child care, and health needs, were most often requested by and provided to families (Loman & Siegel, 2006).

In one case, for example, an assessment worker responded to a report that children were living in a house trailer that was unsafe. The worker found that the children were healthy and active, but the trailer was old and the wooden floor was in danger of collapse in several places. The mother was working, but in a very low-paying job. The worker asked her to participate in the safety assessment and the development of a safety plan. The mother admitted that she worried about the condition of the floor, but could not afford the expense of moving. Although she had some carpentry skills, she could not afford the tools or the materials to fix the floor. The assessment worker, empowered to make spot decisions to solve service needs, decided to assist the mother by purchasing materials to fix the floor. The mother agreed to make the repairs. After an inspection of the repaired floor, the case was closed and no further reports were made on the family. The investment of flexible funds to buy wood and tools saved the expense of foster care and eliminated the trauma of child removal experienced by child and parent alike (Loman, 2007).

Of particular relevance to policymakers during the current economic recession is the cost-benefit analysis data from the Minnesota evaluation. Combined costs for case management and other services were less for alternative cases than for control cases on the traditional track. "The mean cost per family of achieving the goal of recurrence avoidance with alternative response was \$398 less than the traditional approach" (Loman & Siegel, 2004, p. 24).

### ***Better linkages between child welfare, TANF, and other economic supports***

Innovations to address poverty and neglect have begun to cross agency boundaries, integrating the work and even braiding agency budgets. Much has been written about Dave Berns' successful efforts in El Paso County, Colorado, to transform the respective missions of the child welfare and public assistance agencies into an integrated mission of eliminating poverty and family violence at reduced costs (Hutson, 2003). A process evaluation of California's Linkages initiative — a child welfare and TANF collaboration in 13 counties — revealed opportunities and challenges in cross-agency strategies for the benefit of dually involved families (Kakusa & Hercik, 2002). Action planning included strengthening prevention services through TANF and Title IV-B funds, earmarking dollars for flexible funding, and cross-training on funding and service coordination.

Data on economic instability of families receiving TANF demonstrate that economic vulnerability is a contributing factor to involvement with child protective services. TANF sanctions and time limits, and policies that decrease the resources available to families are associated with increases in maltreatment and out-of-home placement of children (Berrick, Frame, Langs, & Varchol, 2006).

In 2009, the Center for the Study of Social Policy convened a learning network of states pursuing family economic success strategies on behalf of low-income families involved with or at risk of being involved with child welfare. Reports from network states recorded an array of innovative strategies at various levels of implementation and evaluation (Family Economic Success Learning Network, 2009). In Pennsylvania, Allegheny County's Family Support Centers have partnered with the University of Pittsburgh to fund employment support grants. In Montgomery County, Maryland, an expedited enrollment process for economic benefits is being tested with child welfare-involved families. In Iowa, an



“undoing racism” class is required for the income-maintenance and child-welfare staff, in a broader strategy developed by their managers to address the disproportionate representation of certain children of color in foster care (Iowa Department of Human Services, 2009).

In Wake County, North Carolina, not only has the state taken steps to increase the effectiveness of its Child Welfare and Work First programs but also, its Human Services Academy is leading the development of a “Middle Class Express prototype” that provides a personal life coach to participants, including families in the child welfare system, committed to the long-term transformation of their economic status (Wake County, North Carolina, 2008). These innovative state-level policy and practice reforms have the potential to assist impoverished families whose poverty was the trigger for their child protective services involvement.

Another state to keep an eye on is Texas, where the state legislature directed \$9.2 million in federal funds as temporary cash assistance to deliver family preservation and reunification services to families with incomes below 200% of the federal poverty level and whose allegations of neglect are confirmed (Texas Department of Family and Protective Service, 2008). The policy goal under evaluation remains the significant reduction in the state’s 50,000 neglected children through the timely provision of “one-time cash assistance.” The Department is examining staffing and training needs to meet the progress goals (Elliott, 2008).

Minnesota has once again distinguished itself with innovative family policy reform initiatives. Building on its successful Family Assessment Response, the state has launched a primary

prevention pilot program — Parents Support Outreach Project (PSOP) — targeted at families at risk of being, but not currently, the subject of a screened-in child maltreatment report. While various barriers to services prevented over a quarter of families (28%) from obtaining their desired assistance, the overwhelming majority of “workers and families generally agreed that the assistance received fit the needs of the family and that it was effective” (Loman, Shannon, Sapokaite, and Siegel, 2009, p. viii-ix). Loman and his associates’ evaluation of program outcomes included that 87% of participating families were referred to community services, while 47% of families indicated that they learned of new services. Significantly, the evaluation further showed “that counties that served relatively large numbers of families through PSOP in relation to their CPS caseload experienced a greater reduction in accepted reports of child abuse and

neglect during the 2006 to 2008 period” (Loman et al, p. xii).

### *Family Team Meetings*

Over the past 10 years, the use of family team meeting models (including family group decision making, family group conferencing, permanency teaming, and team decision

making) in child welfare systems has expanded dramatically across the country (Casey Family Services, 2009). This culturally respectful and inclusive approach to involving families as partners with public child welfare agencies in case planning and decision making can also serve as a process for addressing poverty-related neglect.

The team meeting process provides an opportunity to offer resources to assist families in addressing poverty-related issues that are either placing children at risk of harm or preventing

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reunification. Resource specialists, who could be requested to consult with teams, might include housing specialists, TANF workers, or representatives from local employment and training programs. High caseloads may preclude their attendance in person, but they can participate in team meetings by phone or they can provide relevant information to caseworkers to relay to the team.

In order for a family team meeting approach to be expanded to address poverty issues, workers need training on having conversations with families about their financial situations and assessing the impact of poverty on child safety, and they need to become familiar with federal, state, and local resources related to family economic needs that they can bring to the team's attention.

### ***Adequate Legal Representation***

In *Lassister v. Department of Social Services* (1981), while acknowledging a 14th Amendment due-process right of parents to raise their children and of children to be raised in their families, the U.S. Supreme Court nonetheless held that the Constitution does not require the appointment of counsel to indigent parents facing allegations of child abuse or neglect. Instead, the assignment of counsel to the indigent is to be made on a case-by-case basis. It falls, therefore, on state government to provide low-income parents legal counsel in dependency matters, and not all states have accepted this important responsibility (Bullock, 2003). Parents may be left without legal counsel or left with inadequate legal representation to defend themselves against state interventions that could temporarily or permanently separate them from their children.

Public and private partnerships that promote multidisciplinary models of legal representation for parents and children involved in child welfare proceedings are emerging. These models may bring a combination of attorneys, social workers, paralegals, and — perhaps of greatest significance — parent advocates together on multidisciplinary

teams, united in their resolve to provide their clients with quality legal representation and case management. One such model is the Center for Family Representation in New York City. Staffed with social workers, parent advocates, and attorneys, the Center has achieved impressive results in its representation of indigent parents, including teenage parents. The Center reported that of 700 families served in 2008, 56% of the children never entered foster care; those who did spent an average of 98 days in care, compared to a citywide average of 11.5 months and a statewide average of 4 years. Moreover, for every dollar invested in the Center to assist families, there is a potential \$22 savings to the city and state (Jacobs, 2009). Other innovative parent legal representation models include the Washington State Office of the Public Defender, Legal Services of Philadelphia, and several law school clinics, such as New York University's and the University of the District of Columbia's David A. Clarke School of Law.

### ***Parent Advocacy***

Parent-led support groups, advocacy initiatives, and organizing efforts aimed at educating low-income parents about their heightened risk of scrutiny by child protective services and their constitutional and legal rights as respondents are springing up across the country. Child welfare systems that incorporate the analyses, critique, and recommendations of parent advocates will receive valuable insights and advice on how policy can be developed to distinguish poverty from neglect. A parent who has experienced the child welfare system is the real expert on how that child welfare system and its corresponding dependency court system treat families, and yet parent participation in policy reform efforts within agencies is all too rare. One exception is the Child Welfare Organizing Project in New York City. The Project has existed since 1994 and has developed into a premier parent support and advocacy group that trains parents on the intricacies of New York's child welfare policy and practice. In partnership with New York's Administration for Children's



Services, parent advocates from the Project and similar organizations are eligible for employment as parent advocates at private child welfare provider agencies. The Project spearheaded a successful advocacy campaign in the New York City Council that led to an ordinance to increase parent and foster parent access to child welfare agency data and information.

### *Poverty Exemptions*

The argument that parents and their children should not be separated by child protective services because of their impoverished economic status appears to be the spirit and intent behind a minority of jurisdictional statutes that prohibit a finding of neglect against a parent who is financially unable to meet a child's basic needs (Bullock, 2003). The Arkansas Code, for example, states that a finding of neglect applies "except when the failure or refusal is caused primarily by the financial inability of the person legally responsible" (Ark. Code Ann. § 12-12-503 (12)(b), 2001).

On the one hand, statutory poverty exemptions make a compelling case for child welfare systems to revisit and retool their assessment processes to ensure that poor families are not punished exclusively because of their economic vulnerability. On the other hand, the poverty exemptions challenge policymakers to clarify state definitions of neglect, eliminating its broad and vague meaning and narrowing its application, perhaps, to instances in which parents have willfully acted in a way that deprives a child of basic necessities or intentionally placed a child at imminent risk.

Although many of these statutory poverty exemptions have not been consistently utilized, when applied as law, they can serve as a catalyst challenging the child welfare field to analyze, distinguish, and address the intersection between poverty and neglect. This was the impact of the District of Columbia's poverty exemption on an appeals court case in which a termination of parental rights was prevented after the court held

that the evidence of neglect was insufficient and that the government had not met its burden to prove that the alleged neglect was not caused by unmet financial needs (In re T.G., 1996).

### **Creating a New Vision for Child Welfare Systems**

Pioneering child welfare agencies such as the ones cited previously are re-visioning child welfare. The new vision continues a strong emphasis on protecting children from harm and promoting permanence, but does so by increasing services and interventions that aim to strengthen and support families. Focusing on the interrelationships between poverty and neglect, while paying close attention to racial and ethnic disparities, compels new thinking about strategic policy and practice solutions to ameliorate poverty and its negative consequences to child safety and family stability.

Changes in federal policy are needed to support a new vision for child welfare, particularly ensuring that federal child welfare financing allows and possibly incentivizes the use of funds to prevent foster care placement by addressing poverty-related safety risks to children.

A newly envisioned system respects parents as partners in planning and decision making concerning their children. A differential response structure, a critical component of the new vision, ensures a more family-friendly service system from the first contact. Using family teams is standard practice and continues a respectful way to bring families to the table as planning partners with child welfare professionals. By supporting organized parent groups, both philosophically and financially, the system ensures the inclusion of parents' voices in policy development and advocacy.

Of critical importance to this new vision is the ability of child welfare agencies to respond to both immediate poverty-related safety risks and long-term needs for family financial stability. Flexible funds are easily accessible for workers to address



a range of concrete poverty-related needs such as inadequate food or clothing or home repairs, or to place a family together in a hotel while repairs are being made. While the child welfare system should not be made responsible for the long-term economic health of families, child welfare agencies should be held accountable for linking client families to public benefit programs, housing programs, employment resources and training, and financial planning resources that can help families improve their financial well-being.

To ensure that social justice is a strong underlying principle of the new vision, families are afforded adequate legal representation in all aspects of child protection proceedings. Evaluation of these innovations is important to inform future development and refinement of data-driven policy and practice strategies.

When this new vision for child welfare becomes a reality, poverty will no longer be a factor in the separation of children from loving parents, racial and ethnic disparities will be significantly reduced, and families will receive the help they need in time to keep their children safe from harm.

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