

# **“Does the Right to Life, Liberty, and the Pursuit of Happiness Exist for Children?”: Problems and Solutions to Discriminatory Legislation for Low-income in Child Welfare**

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## **Abstract**

National legislative failures within child welfare disproportionately harm children from low-income communities because parents who struggle with financial stressors, from a lack in adequate welfare support, are investigated for intentionally harming children when they are only struggling with material hardship. The study cross-analyzes the rhetoric of broad abuse definitions with policies that have been unable to target causes of child abuse, which wrongfully encompasses the inability to clothe, feed, or house a child or symptoms of poverty in its definition. Though some children rely on leaving their biological family to survive from intentional injury, the prevalent removal of children into the foster system because of poverty unnecessarily places low-income kids into the traumatic foster system *en-masse*. This study examines solutions to the legislative pendulum effect: a historical lack of preventative support for low-income communities that leads to unnuanced care of low-income children in either biological homes or harmful foster homes.

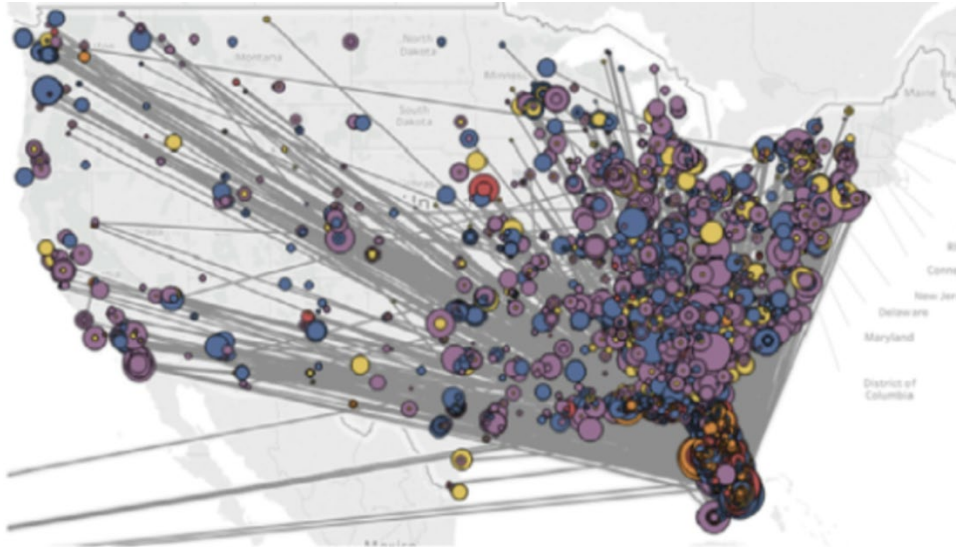
## **The Shortcomings of American Child Abuse and Neglect Legislation**

Foster care can serve as an invaluable option for children abused from physical abuse, sexual abuse, medical abuse, and neglect. Conversely, foster parents also mistreat children within the foster system as “surveys going back for decades, from 25 percent to as high as 40 percent of former foster children report having been abused or neglected in [foster] care” (Wexler, 2017). As a result of the long-lasting impacts of foster care on children, Child Protective Services’ (CPS) decision to remove a child from biological parents becomes ever more influential—a social worker must determine whether to prioritize safety concerns of the child in the homes of biological parents over foster homes. Child services can also play a large role in the lives of those like Sharlene Fields, a mother who had her children taken in by a foster parent who verbally abused her children. About the foster parent, she admitted, “She started cussing me out in front of the children, calling me ‘crackhead,’ ‘unfit mother,’ ‘your children are this, your children are that’” (Rodriguez, 2018). Additionally, Sharlene offered insight on CPS: “When you’re on the other side and you’re the parents dealing with these agencies, they pick everything you do apart like a frying comb [... and] I know people who had their children removed, and even if the report was founded, they [CPS] removed the children without putting in support [systems]” (Rodriguez, 2018). However, despite the harm that child welfare authorities’ bias can do against those investigated of child abuse, the children removed from families ultimately receive the worst of the consequences. Foster children experience significantly high rates of trauma within the foster care system that many critics argue could be avoided if they were not put in it out of due necessity.

As shown within the varied sizes of dots indicating placement duration in Figure 1, foster home placements often serve as transient living arrangements rather than dependable homes for foster youth as they are often moved in a short period of time to their next placement or back with their biological families. While foster homes were not initially pitched as long-term stays for children, the constant removal of a foster youth from one place to another strips children of the stability and permanency they need to form lasting relationships necessary for one’s livelihood. Often without clear indication from authorities, foster children also can be removed not only within brief durations of stays but drastically across foster homes throughout America, as

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seen from Figure 1's placement history of Florida foster care youth. The trauma from biological parent abuse confounded with unpredictable foster placements uprooting a minor from their community can become overwhelming for a foster child. After aging out of foster care, adults that were former foster youth often struggle with housing insecurity and high incarceration rates (McCarthy & Gladstone, 2011). As a result of the harmful role child welfare can play in the lives of many, it becomes alarming that certain demographics are disproportionately and continuously overrepresented in the child welfare system. These consequences stem from child welfare policies that harm low-income communities more than middle and higher-class families.



*Figure 1 Visualizing Foster Care Instability. A map of the housing situations of 294,899 foster youth in the Florida Safe Families Network database from 1981 to 2019. Based on public records of individual foster placements, foster children are represented by linear paths of dots—“blue is foster home, purple is relative, orange is group homes [... and] The size of the dot shows the length of time the child spent there, and the lines show the moves from placement to placement” (Latham, 2019).*

Child welfare legislation policies harm children from lower-income families at higher rates. Current policies have guidelines that correlate poverty with maltreatment, create limited access to support services, and enable personal biases of child welfare professionals to unjustifiably impact cases of lower-income families. First, families that struggle with material hardship—the inability to pay for food, shelter, and medical care—are more likely to be investigated for child abuse because legal definitions present the inability to provide basic necessities as of punishable and malicious nature rather than originating from financial hardship. This legislative rhetoric leads to a surplus of lower-income families being disproportionately investigated for neglect compared to any other type of investigations of abuse for all classes; often investigations can lead to further economic hardship for lower-income parents and children. Next, social work services are less likely to provide sufficient preventative services targeting underlying issues related to poverty—like drug addiction and chronic stress—before placement of a child into foster care. Without accounting for nuances in the systemic nature of some of these issues, child welfare relies too heavily on switching periodically from extremes—which is termed by experts as “pendulum shifts”—in trends of either removing too many or too few children from abusive households within poorer communities. Pendulum shifts occur largely due to the lack of cushioning services from welfare agencies for these poorer families. Lastly, broad discretion, given by legislation for local CPS agencies to make judgment calls for deeming behaviors as abusive, allows implicit bias of social workers to discriminate against families struggling with systemic issues relating to poverty; this decision causes lower-income children to be removed and harmed by the foster care *en masse*. These policies cause children of lower-income communities to be harmed disproportionately more than the middle and higher income from child welfare because of disproportionately higher rates of investigation of lower-income families, development of a pendulum effect that switches extremes in removing or keeping children within homes of lower-income communities, and higher placement rates of poorer children into foster care.

Families that struggle with material hardship are more commonly associated with being maliciously abusive of children in child welfare legislation through the definition of neglect, a type of child abuse. Though many lower-income families may struggle to financially afford to maintain legislatively adequate living conditions for their children out of no hostile intent, legislation broadly categorizes the inability to meet needs of shelter, food, and medical care as a punishable action of child abuse. As discovered by Human Rights Watch's Hina Naveed (2022a) as part of the American Civil Liberties Union, legislative rhetoric "definitions can vary from one state to the next, [though] neglect is generally defined as a parent or caregiver failing to provide adequate food, clothing, hygiene, nutrition, shelter, medical care, or supervision in ways that threaten the well-being of the child" (p. 11). Though definitions of child abuse are not standardized across the states, national legislation passed since 1997 have used the term parental unfitness, which is defined as criteria for which parental behavior can lead to termination of a parent's contact and relationship with a biological child, in relation with factors "related to poverty or income" (Naveed, 2022a, p. 89). Defining the type of child maltreatment known as neglect as the inability for families to provide adequate food, water, and clothing for children might seem reasonable as there are severe consequences to leaving children deprived of these resources. However, legal ideas of parental unfitness present in legislations fail to distinguish significant differences between parents who fail to provide acceptable living conditions from maliciously ignoring their needs and parents from having a lack of financial support from poverty. This legislation insinuates that lower-income families are less capable of taking care of their children because of their financial hardships; however, lack of money to afford resources and breathing room to meet basic needs cannot translate malicious child abuse seen with severe physical abuse cases. Holding both these cases of child maltreatment under the same degree of punishable offense causes low-income families struggling with material hardship to be wrongly associated with an inability to raise their children instead of an inability to afford the resources for their children. Current child welfare legislative practices terminate the parental rights of parents who struggle with material hardship in the same process for parents of physical abuse cases. The broad generalization of these conditions correlating with poverty as child abuse enacts the same punishment for families struggling with poverty and for those maliciously endangering and ignoring the needs of their children, making lower-income families subjected to the assumption by legislation that poverty is abuse. The lack of nuance between the two types of families within definitions of parental unfitness and the type of child abuse known as neglect disproportionately targets poorer families, however it also results in higher abuse investigations for poorer parents.

Current legislation that defines child abuse as the inability to provide food, housing, clothing, and more creates higher CPS investigation rates of lower income families compared to those of other classes. CPS investigation can also exacerbate concerns of material hardship and residential instability through being invasive. In the 2020 report via the National Child Abuse and Neglect Data System (NCANDS, 2020 as cited in Children's Bureau, 2020) from the Department of Health and Human Services, about 76.1% of children investigated were categorized as victims of neglect compared to 16.5% as victims of physical abuse. Definitions of neglect are more likely to be applicable to families struggling with lack of material wealth compared to those capable of affording resources. In the same light, disproportionately, lower-income families are investigated for neglect from child welfare investigations in opposition to higher-income families dealing with cases of severe physical abuse. Working for an agency in New York City's foster care system, American Civil Liberties Union Hina Naveed (2022b) noticed that these definitions led to the majority of investigations to be of "parents struggling with limited resources, unable to pay rent or secure stable housing, or working long hours to make ends meet, [that] are judged [as] unfit and neglectful." Particularly, as observed by child welfare sociologist Kelley Fong (2016) in a study examining poverty's relationship with child welfare, an overrepresentation of low-income children in the foster system occurs from "legal definitions of neglect [that] typically include inadequate shelter, food, and clothing, [... so] parents experiencing material hardship are more likely to be investigated by child protective services, controlling for poverty level." However, greater investigation rates of lower-income communities by CPS worsen the financial wellbeing of these families more than without intervention. While circumstances like lack of medical treatment and hygiene that "accompany material hardship [and residential

instability] can be a source of concern for school authorities [... and lead] to protective service reports” (Reich, 2005 as cited in J.M. Rodriguez & Shinn, 2016, p. 2), CPS involvement can also inversely cause low-income families to experience higher risk of “material hardship and residential instability [... from heightened scrutiny and surveillance]” (Rodriguez & Shinn, 2016, p. 2). Most investigations from CPS workers target families struggling with conditions associated with poverty for neglect, and not only does this trend cause CPS to misdirect attention away from severe cases of abuse, the increase of investigations targeting lower-income families harms the financial resiliency of the family after CPS involvement. American Civil Liberties Union’s Naveed (2022b) recalls the child welfare system putting parents, “especially single mothers of color, in the impossible situation of having to overcome poverty in order to stop being monitored and to reunite with their children, without [child welfare services] providing them the resources necessary to do so.” In addition, there is “substantiation” of allegations of abuse, parents can be added to a state child abuse registry, which decreases one’s job opportunities and increases financial hardship (Naveed, 2022b). Not only struggling with a lack of supportive services from child welfare, investigated families also must deal with increased scrutiny from their community and decreased financial resources that leads to greater stress upon the parent, which acts as a barrier to raising a family. Since neglect constitutes a majority of cases investigated by CPS, lower-income families experience higher rates of investigation and hence struggle with the alienation that comes from CPS involvement.

Some argue that those who struggle with poverty are more likely to abuse their children because they are likely to struggle with mental stressors that lead to conditions enabling child abuse such as involvement with family conflict. Families who struggle to obtain material resources to assist their children should not be exempt from CPS investigation as economic hardship can “adversely impact parenting quality and capacity through changes in parental mental health, parenting behaviors, or family dynamics” (Lefebvre et al., 2017, p. 2). To better investigate the relationship of poverty with risk of child abuse, researchers decided to investigate whether child abuse was correlated with poverty in low-income families who received support in Earned Income Tax Credit (EITC) to reduce poverty. Despite the presence of risk factors leading to abuse and neglect amongst families struggling with poverty, it is discovered that when families are provided with EITC benefits, rates of child neglect significantly decreased while those of physical, sexual, and emotional abuse remained largely similar (Kovski et al., 2022). Considering that neglect makes up the largest proportion of child abuse cases investigated, providing government financial aid is highly effective in limiting conditions of neglect, showing a directly causal relationship between current definitions of neglect coinciding with financial strain. As well, though “half of states have acknowledged that poverty does not equal neglect, by including a poverty exemption in their statutory definition of neglect [...] many focus on the parent’s financial ability” (Dale, 2014). Most families struggling with economic hardship do not maliciously abuse their children; however, it is more likely for children growing up with poverty to experience child abuse compared to children of other classes because of greater risk of mental strain on parents from financial concerns. This causal relationship shows that poverty cannot be directly correlated with child abuse, so though mental pressure from a lack of material resources can be correlated to sexual, physical, and emotional abuse, it is ethically flawed to categorize families struggling with poverty as abusers without evidence yet for harming children. Nonetheless, a large majority of CPS cases involving low-income families revolve around inability to provide food, clothing, medical care, and shelter rather than malicious abuse. The prevalent issue of low-income families’ inability to provide food, housing, or clothing cannot be simply solved by removing children from the home, though the current legislative policies treat low-income families as more incapable. As a result, these families are harmed on a larger scale by the child welfare system because of definitions of child abuse leading to higher investigation in impoverished communities.

Next, the lack of supportive programs for prevention of child abuse in favor of removal of children into foster is one of the most significant flaws in the national child welfare legislation as it causes extreme shifts from investment into either family preservation or child safety. Universal Declaration of Human Rights (UDHR) affirms that one should have rights to a “standard of living adequate for the health and wellbeing of himself and

of his family, including food, clothing, housing, and medical care and necessary social services” (United Nations, 1948). As emphasized from the UDHR, social services play a large role in helping many families struggling with poverty who are more at risk of chronic stress, adverse health effects, and substance use because of erratic work schedules, limited access to health care, and ease of access to substances. These systemic issues occur at a societal level but are disproportionately more prevalent in lower income communities because of their lack of material resources and the flaws in social support services, including child welfare and the health system. A lack of resources to target these systemic issues in national child welfare legislation, especially regarding the treatment of reported substance abuse in parents, leads to failure to provide support to abused children across the state-level. The national legislation has a variety of supportive resources such as counseling, referrals for domestic violence and substance use recovery facilities, even so child welfare’s most beneficial service is emergency financial assistance that is provided “within a short time frame and certainly cannot [address long-term issues] with one month’s emergency rent or a single payment to a utility company” (Martin & Citrin, 2014, p. 3). Long-term financial support to help families struggling with obtaining financial stability is not addressed within child welfare legislation even though issues such as exacerbation of mental illness and substance use disorders (SUDs) have long-term repercussions on individuals. Regarding other CPS supportive systems in place, parents who are investigated by CPS often must attend legislative mandated programs, which legislation considers to be support services for prevention of child abuse, in order to retain parental rights. Mandatory reporters and CPS authorities must follow-up with providing parents accused of child maltreatment with “parent education [... with] ways to prevent serious and often life-threatening injuries from occurring in the first place” (Crane, 2010). For low-income parents, who also struggle with work and SUDs, attending these classes can be difficult even though they are necessary for proving to social services that one is committed to keeping their children safe. In particular, stressors and “resource limitations make participation difficult, undermine the use of positive parenting practices, and contribute to their risk for child maltreatment or involvement with child welfare services in the first place” (Folger et al., 2016, as cited in Rostad et al., 2017). By having less accessibility of services for lower-income families, CPS supportive services currently do not account for the barrier that exists when these families juggle obtaining enough income along with systemic challenges like managing substance use and mental illness. As a result, current supportive services offered by child protective agencies through legislation can be inadequate for solving issues that require long-term solutions, unnuanced in tailoring solutions for higher risk communities, and inaccessible for working parents. These barriers in supportive systems threaten many low-income families who try to correct child abuse behavior as they have less resources.

The tendency for existing support systems provided in child welfare legislation to not adequately address issues of lower-income families results in many poorer communities being given one-size-fit-all solutions that can create problematic extremes in leaving most abused children in families or removing most into foster care. Since most families in foster care consist of low-income communities, CPS lacking supportive services such as long-term financial support that allow low-income families to deal with systemic issues can cause lower-income children to be futilely left for long periods of time within abusive households, which are expected to change but unable to due to issues related to material hardship. To better investigate the role of supportive services improving lives of children reported of having abusive parents, Professor John Davidson Fluke, Associate Director for Systems Research and Evaluation at the University of Colorado, Denver, and colleagues investigated CPS implementation of more costly and less financially accessible routes of utilizing family engagement and service linkage, which are supportive services Fluke classifies as alternative responses (ARs), with children safety. Previously, little research pertained to the common populations served by CPS ARs, though Fluke emphasized from looking at CPS response systems, known as the Differential Response System, of Kentucky, Minnesota, Missouri, North Carolina, Oklahoma, and Tennessee that most families that benefited from AR were those struggling with neglect, which have significant roots in lower-income families. Families that have access to “1% increase in AR related to a 3% decrease in rereports” (Fluke et al., 2018), which suggests that continuation of abuse within households formerly reported for abuse decreases with

increased services that help families gain fiscal security. However, these ARs are found to be a more expensive option for CPS even though they are mostly used for families with low and moderate levels of child abuse, which can limit its availability to lower-income families. Without this support from child welfare agencies, lower-income families are most likely to deal with first, being unable to afford ARs and second, having increased severity of poverty-related conditions classified as abusive. With the opioid crisis, the likelihood of dealing with Substance Use Disorders (SUDs) has increased for individuals struggling with poverty, and likewise, treatment facilities that assist with rehabilitation from SUDs typically were “less likely to accept payment through federal or state assistance programs, like Medicare, while federally funded programs were less likely to accept cash payment” (National Survey of Substance Abuse Treatment Services [NSSATS], 2018 as cited in Close, 2022). The role of substance abuse in child welfare harmed lower-income families at an alarming rate. The Director of the Division of Data and Technical Analysis in the U.S. Department of Human and Health Services, Robin Ghertner and colleagues, investigated whether measures by CPS involving families with SUDs became increasingly more aggressive with increased severity of SUD presence within a community.

Variable	Mean	Standard deviation
Reports of child maltreatment per 100,000 children	5377.40	4451.70
Substantiated reports per 100,000 children	1102.04	1069.69
Foster care entries per 100,000 children	490.50	441.19
Proportion of reports in foster care	0.12	0.29
Drug overdose deaths per 100,000 residents	13.95	7.41
Drug-related hospitalizations per 100,000 residents	749.88	583.17
Opioid-related hospital stays per 100,000 residents	171.63	204.12
Alcohol-related hospitalizations per 100,000 residents	760.65	577.44
Stimulant-related hospitalizations per 100,000 residents	111.38	148.20
Hallucinogen-related hospitalizations per 100,000 residents	1.11	6.26
Small metropolitan <sup>a</sup>	0.23	–
Micropolitan <sup>a</sup>	0.20	–
Rural <sup>a</sup>	0.42	–
Median income	32,491.37	8800.83
Unemployment rate	6.83	2.78
Population	101,021.30	32,3768.10
Medicare disability (percentage)	3.37	1.62
Workplace injuries per 100,000	36.18	56.38
Uninsured (percentage)	15.25	5.92
Percent of cases in differential response	0.28	0.36
PDMP, voluntary <sup>a</sup>	0.88	0.33
PDMP, mandatory <sup>a</sup>	0.14	0.35
Pill mill bill	0.25	0.43
Health professional shortage area, primary care, whole health professional shortage area y <sup>1</sup>	0.26	–
Health professional shortage area, primary care, part county	0.60	–
Health Professional Shortage Area, Mental Health, Whole County <sup>a</sup>	0.68	–
Health professional shortage area, mental health, part county <sup>1</sup>	0.23	–
Reports removed in 2010 (percentage)	47.98	32.04
Age over 65 (percentage)	17.28	4.46
White population (percentage)	78.20	19.91
Black population (percentage)	9.36	14.38
Title IV-E expenditures (millions)	195.11	345.66

All continuous variables are presented in levels, but are transformed in natural logarithms in models.

<sup>a</sup> Categorical variable.

*Figure 2: Substance Use Measures and Child Welfare Caseloads. As investigated, SUDs lead to more severe cases, related with behavioral health or economic circumstances; more aggressive CPS measures taken against higher prevalence of SUDs; or a combination of the two factors.*

by CPS to obtaining adequate services like SUD treatment despite families having no physical abuse of children played a role in causing a 2.5% increase of children being placed in foster care communities where SUD was more prevalent. Though substance use can lead to higher severity of child welfare cases, it is likely that the pre-existing supportive CPS services, which do not cover SUD recovery treatment, are not enough to

Figure 2 demonstrates that there is an increased correlation of children who enter the foster system as a result of parental drug overdose and drug-related hospitalizations as there was a “10% increase in drug overdose death rates predicted a 2.4% increase in child maltreatment rates, a 2.4% increase in rates of substantiation, and a 4.4% increase in foster care removal” (Ghertner et al., 2018, p. 86). As a 10% increase was observed in Figure 2 in both overdose death rates and drug hospitalization, CPS social workers typically responded to increased SUD behavior with harsher measures in child welfare that dialed back on providing the minimal support services already present. Termination of parental rights, the highest measure taken by CPS to families struggling with any legislative definition of child abuse, is described by advocates and parents like Elizabeth Brico—who had her parental rights terminated by CPS after struggling to obtain permanent housing, Medicaid, and recovery for her SUD—“the civil death penalty” (Brico, 2019; Brico, 2020). Children from lower-income families might receive this less-nuanced solution of placement into foster care because CPS wants to avoid the risk of leaving the child in the house with security concerns that can often lead to harm. However, many low-income parents like Brico had no incidents of “harm or near-harm” to her children but were terminated of parental rights because Brico explained, “The agency not only failed to provide me with referrals to the trauma and addiction treatment I was mandated to complete, but also barred me for months from accessing them myself—in part by forcing me to undergo a psychological evaluation, which they repeatedly delayed” (Brico, 2020). The barriers put in place



help lower-income families and children recover from child abusive behaviors. Additionally, when considering that SUD prevalence in a community can also inherently lead to higher rates of foster care entry, CPS' higher rates of enacting sweeping decisions can apply one-size-fits-all solutions for the majority of families in historically lower-income communities. Experts refer to this phenomenon as the "pendulum" of child welfare in which CPS either leaves too many children within their homes, resulting in higher rates of endangerment, or removes too many children to foster care, creating unnecessary removals before implementation of support services (Fluke, 2022). These implications with CPS supportive services providing unnuanced care in the most vulnerable communities is widely detrimental especially for the children involved. Overall, it appears that CPS support responses are ineffective for lower-income families as they cause the two extremes of either endangerment of the child for long periods or removal of children from families capable of recovering. The lack or inadequacy of solutions given to families struggling with CPS intervention, leads to extreme measures being enacted for communities in large rather than necessary tailoring of solutions.

Other perspectives argue however that it is best for CPS to place lower-income children into foster care because regardless of the lack of supportive services for lower-income families, lack of material wealth is harmful to children as impoverished communities are more likely to not have basic needs. Instead, CPS should encourage the stability of children within the foster system. These efforts discourage reunification attempts after children are placed into the foster care system from reports of parents being neglectful by legislative definitions of child abuse. In particular, scholars look towards a theory formed by Doctor Joseph Goldstein and his research team in 1973 that for abused children, the best choice of action would be removing a child from neglectful parents in order to foster the long-term development of a psychological connection with foster parents (Goldstein et al., 1973). Without doubt, removing children from homes that are objectively harmful for their wellbeing might be necessary to protect their safety, however efforts to remove children from homes of lower-income children often are not long-lasting. An article by University of Rochester expert, Sandra Knispel, touches on the child welfare system with health policy historian and physician Mical Raz's research compiled in *Abusive Policies: How the American Child Welfare System Lost its Way*. In order to follow the theory that CPS should create a healthier psychological connection of a better caregiver with the abused child, child protective agencies have historically removed children into foster homes rather than leaving them in biological homes. Knispel points out that these efforts are done in lower-income communities specifically for "neglect" even though parents are not necessarily injuring their children, indicating a lack of nuance between efforts taken from case to case, through authority involvement and removal in a traumatic experience that should be seen as a "last resort for severe harm. And yet, we know that in the US, about 10 percent of all children [and] roughly 25,000 annually, who are removed from their homes are returned within 30 days" (Knispel, 2020). Although it might be seen that temporarily removing children until circumstances were safer for them is beneficial, the often short-term arrangement of placing a child into the foster system is not as nearly beneficial for the child as removal of the child for this period of time disrupts their life and exposes them to greater harm such as a "twice as likely [of a chance] as U.S. war veterans to experience PTSD in adulthood" (Howard, 2019). Considering the child's traumatic disruption of being placed into foster care, Knispel also argues that the period of 30 days is not enough time either to help families from which these children are removed from to recover. First, the attempt to correct behavior from abusive parents, regardless of income status, exists on a longer timeline. However most alternative responses, such as parent behavioral training, and foster care are problematically treated on a short timeline. Next, though children—especially those younger—require constant psychological connections with caregivers, excessive efforts to encourage foster children to remain within the foster system to maintain this psychological connection can also imply that biological parents must overcome and solve challenges correlated with material hardship within a short timeline. Lastly, placing a child within foster care serves as a disruption for the child as although critics might advocate for stability of a child's experience within foster care, foster care currently does not have the capability of providing long-term stability and is hence more harmful if not reformed. Based on the current services that CPS are allowed to provide to biological families, the inadequacy of supportive services assisting biological families only discriminates more

because of challenges related to lack of financial resources against lower-income families who attempt to reform behavior to meet expectations of CPS caseworkers.

American child welfare legislation also allows implicit bias of CPS social workers to hold an unethical amount of authority in the decision-making process of handling cases of child abuse, specifically regarding lower-income and often minority families dealing with incarceration and SUDs. Compared to Caucasian counterparts, families of color who cannot adequately provide for their child are disproportionately seen in the foster system—“Black representation in foster care is 24.3% and American Indian/Alaska Native is 2.4% despite their 0.9% general population” (Miller, 2018, p. 4). Dean of Social Work and Criminal Justice of the University of Washington Tacoma, Keva Miller (2018), shows that historically, “Families of color often experience a higher prevalence of exposure to multi-layered socio-ecological challenges that exist within and outside child welfare and criminal justice systems. The challenges include structural and institutional exclusion, social isolation, intergenerational poverty, [... and] These are challenges that too often serve as pathways to system involvement for parents and place children at similar outcomes” (Miller et al., 2017, as cited in Miller, 2018, p. 5). Furthermore, literature on the relationship between child welfare and criminal justice are limited, however it is generally theorized that incarceration rates cause an overrepresentation of families of color within child welfare because of higher economic risk factors, systemic bias in child welfare policies, individual bias of CPS workers in decision-making responses (Barth, 2005; Bartholet et al., 2011; Cahn & Harris, 2005; Dettlaff & Rycraft, 2011 as cited in Miller, 2018, p. 5). Implicit bias, or the unconscious attitude formed towards groups of individuals impacting judgments and decisions made towards them, for families of color as a 2020 draft report from the Administration for Children’s Services determined that from auditing families in Brooklyn and the Bronx described that CPS was a “predatory system that specifically targets Black and brown parents’ and subjects them to a ‘different level of scrutiny’” (Newman, 2022). Historically, communities of color have also struggled with disproportionately higher rates of incarceration as a result of over targeting of investigation of these communities by enforcement. Within the child welfare system, many children with incarcerated parents likewise face increased rates of placement into the foster system as it is perceived that families involved in the criminal justice system cannot overcome challenges of poverty, single-parenthood, unemployment, and disruption in parenting practices. Although these issues can exacerbate a parent’s stressors and prevent them from caring for children, social workers also have an overwhelming role in creating decisions to remove children from these households. Their overwhelming influence is a result of “notoriously broad and malleable state definitions of abuse and neglect allow for [such] significant subjectivity [... that] if the caseworker or child welfare agency subjectively determines that abuse or neglect has occurred, the allegation is deemed substantiated” (Nardeev, 2022, p. 3). In particular, it is noted that most child welfare interventions occur without judicial oversight, or provisional legal mechanisms that hold government officials accountable for their actions under court examination. Most caseworkers as a result must create decisions in a judicious manner; however, CPS organizations are ethically unable to carry this responsibility. Even regionally, every CPS organization varies in the stances they hold on unclear legislative standards of child abuse. The broad room for interpretation of a parent’s style of child-rearing from CPS social workers allows for implicit bias to hold an immorally high degree of authority in investigations of child abuse. These inherent flaws in the system in which child abuse reports are substantiated by CPS harms lower-income children more than any other parties involved with child welfare.

As a result of the legislation’s nebulous definitions of abuse allowing for social workers’ implicit bias to play a role in child abuse investigations, children from lower-income families populate the majority of the children sent into foster care, which is extremely damaging to the mental psyche of the children. In particular, foster youth are greatly disturbed from removal from biological homes into the foster system more than remaining within the home. Researchers conducted a national sample of in-home and out-of-home child welfare care.



Characteristic	Out of Home ( <i>n</i> = 483)			Remain in Home ( <i>n</i> = 1,365)			Total ( <i>N</i> = 1,848)
	Age Group			Age Group			
	8-10	11-14	All	8-10	11-14	All	
<i>M</i> ( <i>SD</i> )	53.5(12.4)	52.0(11.3)	52.6(11.7)	50.4(11.9)	48.0*(10.0)	49.1(11.0)	49.5(11.2)
% above the clinical cutoff ( <i>SE</i> )	24.9(7.6)	15.7(4.9)	19.2 (3.7)	15.4(2.8)	6.7**(1.5)	10.7(1.5)	11.7(1.5)

Note: Inferential tests are based on weighted analyses. TSCC = Trauma Symptom Checklist for Children; PTS = posttraumatic stress.

\*  $p < .05$ .

\*\*  $p < .01$ .

Figure 3: Mean TSCC PTS (Post Traumatic Stress) Scores and Rates of Heightened PTS by Age Group Within Placement Setting. The sample of 1,848 children and adolescents (ages 8-14) came to the attention of child welfare for investigation of abuse or neglect. Researchers compared PTS (Post Traumatic Stress) scores of abused children living with biological versus nonbiological parents.

In Figure 3, researchers discovered statistically significant rates of higher Post Traumatic Stress amongst children who were placed in out of home care instead of remaining within the homes of biological families being investigated for abuse or neglect. These rates of abuse demonstrate that without accounting for the circumstances of one's biological family, foster youth disproportionately have greater distress from being placed with non-biological parents, which are foster parents or relatives. Though one can argue these results from higher severity of abuse within cases in foster care compared to those within the home, former foster youth have reported to have much worse experiences in foster care compared to in biological homes. These testimonies include those such as David who recollected, "I helped place us [siblings and I] into foster care, and I was excited and thrilled about it with the concept and notion that we were going to be finally safe, and loved, and fed, [... However] I learned very quickly—that whatever hell I was in—that hell had a basement, and I was in it" (National Public Radio [NPR], 2023). These intense challenges for foster youth related to foster care stem from a lack of quality foster care homes that leads to easy relocation from foster home to foster home. When accounting for biases in CPS that discriminate against low-income, foster youth are much more likely to also fall back into challenges that they might have been removed for, lack of housing, after aging out of the foster system. The National Conference of State Legislatures reported that after aging out of foster care after their 18th or 21st birthday (varies based on individual state guidelines), "more than one in five [foster youth] will become homeless. The majority of young women just out of foster care (more than 70 percent) will be pregnant by 21" (National Conference of State Legislatures, n.d. as cited in NPR, 2022). Many of these children cannot easily escape challenges that their families might have been investigated for CPS caseworker suspicions of negligence. Foster children, majorly from lower-income families, end up struggling with lower mental health and homelessness that their biological parents struggled and were suspected of doing with malicious intent. The implicit bias of CPS workers is often judged as warranted for biological parents, who should take responsibility for their children's wellbeing, however the effects of the implicit bias trickle down to the lives of these children placed into foster care. Especially as children are an utmost priority of child welfare, even bias against biological parents can be especially harmful for children of lower-income communities and should be reduced. While parents of low-income families can be objectively harmful to their children due to circumstances of poverty, it is injurious to children for CPS workers to use implicit bias to assume that most low-income families abuse their children.

Overall, the child welfare legislation substantially harms communities struggling with poverty in legislation's correlation of child abuse with evidence of lack of basic needs, lack of supportive services provided to assist with financial hardship, and authority given to implicit bias of CPS workers to judge families' circumstances. As a result of the overreaching rhetoric across state legislatures that is biased against materially poor families who cannot provide ample housing, clothing, and food for their children, lower income families experience higher rates of child protective agency involvement in the form of investigation, which can be invasive and harmful to one's financial ability. In addition, lack of supportive services, especially those like financial support, offered to investigated families disfavors poorer communities involved in child welfare as they are provided less of a chance to improve their wellbeing while also facing greater scrutiny from CPS procedures; this challenge

results in many lower income communities experiencing extreme enacting of one-size-fit-all policies that can switch from regionally higher rates of removal of children or harming of children within the homes. Lastly, the lack of understanding of impoverished families' efforts, caused by implicit bias of CPS workers, and often for communities of color struggling with poverty can cause lower-income foster youth to be overrepresented in the foster system and higher rates of financial hardship for these youth even after aging out of care. The issue of financial instability is a systemic challenge that affects all government social services; however, it is best to recognize the side effects of current policies within child welfare to reform legislation that discriminates against socioeconomic conditions.

## **The Governmental Responsibility in the Historical Failings of Child Welfare**

Marie, a mother of five children relying on disability payments to pay rent, appealed for the return of her children who she lost to Connecticut's Department of Children and Families in 1996 (Bergner, 2006). The court had filed a petition to terminate Marie's role and rights as a mother as a result of her drug addiction, which encouraged her to "work her way through a five-week inpatient program, [...] graduate to outpatient sessions, [...] and show [higher demonstrations of] 'affection [to her children]'" (Bergner, 2006). Marie's substance use disorder efforts were nonetheless seen as too slow because she could not successfully recover within 15 to 22 months, leading a clinical social worker to separate her children and terminate her parental rights (Bergner, 2006). Overwhelmingly, like Marie's case, child welfare legislation has historically disrupted communities struggling with material hardship instead of helping them recover from child poverty. Although child welfare is meant to service families struggling with the most financial insecurity and safety concerns, previous legislation created an environment that seems to harm the most financially vulnerable and at risk of harm.

Child welfare's problem of disproportionately harming lower-income communities can be traced back to decades of legislation. As the results of legislation only come into effect about five to ten or more years after the legislation is initially enacted, it is critical to look back two or more decades to see the several significant developments that led to the failures in child welfare today. The Child Abuse Protection and Treatment Act (CAPTA), one of the most authoritative laws for child abuse, was reauthorized by the CAPTA Amendments of 1996 and incorporated conditions related to poverty into national definitions of child abuse and neglect. It was passed with intentions of increasing efforts to find child abuse and place more children at imminent risk of harm into the foster system; however, it led to many lower income families suffering disproportionately higher rates wrongful investigation from child welfare for circumstances related to poverty rather than malicious harm to a child. In 1997, the Adoption and Safe Families Act decreased family preservation resources involved in investigations of child abuse, which caused higher rates of lower-income biological parents being separated from children within shorter time frames. This act increased federal incentives for adoption efforts that favored disruptive and traumatic removals of children from the home, disproportionately harming low-income communities who struggle with systemic issues like substance use disorder that cannot be solved quickly. Subsequently, in 2003, the Keeping Children and Families Safe Act – an amendment to the Child Abuse Protection and Treatment Act – considered prenatal substance use as a form of child abuse, leading to high rates of anti-drug implicit bias. This expansion of the definitions of abuse implicated more lower-income families of being abusive though they mainly struggled with substance use and did maliciously injure children. Additionally, the more lower income families were investigated and removed of parental rights by authorities, the more the influx of children from lower-income communities into the foster system increased. Since the Keeping Children and Families Safe Act did not invest into the foster system, children were removed from their families into homes that were underfunded and not equipped to support them. Contrary to the purpose of social work systems, lower socioeconomic communities must navigate through a child welfare system that treats poverty as intentional abuse. The implicit bias against lower-income families from this assumption reduces the child welfare system's ability to make impactful care, contributing to the mental health crisis in low-income children.

Since the CAPTA Amendments of 1996, the child welfare system has conflated material hardship with definitions of child abuse specifically for treatment of infants. Previously, the CAPTA had nationally standardized that the terms child abuse and neglect meant the “physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child’s welfare” (Child Abuse Prevention and Treatment Act, 1974). However, in particular, amendments to the CAPTA in 1996 defined the form of child abuse known as neglect as the biological parents’ “failure to respond to [... infants and children in] life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication)” (Child Abuse Prevention and Treatment Act, 1996). This particular clause of the Child Abuse Prevention and Treatment Act problematically generalized that any “failure to respond” was abusive even if it was not intentionally done to deprive a child of food or medication or but caused by an inability to afford it. The latter of the cases was significantly a result of poverty rather than intentional mistreatment of the child, and this amendment to definitions of neglect implicated lower-income parents. As a result of these changes, the Amendments of 1996 encouraged higher child welfare investigations of lower income communities and of families. The child welfare system definitions disproportionately shifted investigation of child abuse to challenge families that would be eligible for welfare. From data of the National Child Abuse and Neglect Data System (NCANDS) in Children’s Bureau, there was a significantly higher amount of foster care children being put into the welfare system for neglect a decade after the amendments passed in 1996 that conflated neglect with the failure to provide “nutrition, hydration and medication” (Child Bureau, 2005). Data on the status of families placed into foster care demonstrated that “nationally, more than half of the children in foster care come from homes that are eligible for welfare” (U.S. House of Representatives, 1998, as cited by Geen & Tumlin, 1999, p. 28-29). Children from families who were “eligible” but sometimes unable to obtain welfare benefits were significantly overrepresented in the foster system, which also shows that the majority of families who had children removed from their care were not equipped with enough financial resources to address the needs of their children and oftentimes their own needs.

Proportionally, as seen in child welfare involvement in Figure 4, rates of involvement of a child in child welfare for neglect increased from 59% in 1995, which was before effects of the CAPTA amendment of 1992 could be observed, to about 62.8% in 2005. The CAPTA’s main agenda in child welfare was to accurately identify child abuse and neglect, which are notoriously difficult to detect because of the secrecy and stigma affecting child abuse victims and perpetrators. Based on the third National Incidence Study 3 (NIS) in 1996 compared to the NIS 2 in 1986, it appeared that the CAPTA had previously been successful in identifying child abuse as the amount of victims identified for “physical abuse nearly doubled, sexual abuse more than doubled, and emotional abuse, physical neglect, and emotional neglect were all more than two and one-half times their NIS-2 levels” (National Child Abuse and Neglect Training and Publications Project, 2014, p. 58). While the CAPTA was successful in discovering more instances of child abuse, it was not questioned if these increased rates of report truly reduced rates of child abuse and neglect, which was the main reason that child welfare agencies increased investigations of families suspected of being harmful to children. Since there were not enough resources to help parents struggling with material hardship overcome poverty, most of the families being subject to increased rates of investigation from child protective services were unfairly expected to complete the Herculean tasks of meeting the child agency investigators of an adequate housing environment while also trying to obtain enough resources for children. Although there are dangerous cases of neglect, most families being investigated for neglect were not intentionally harmful but just needed assistance, so the children removed from these households were not addressing the cases of the most abuse. Even though the 1996 Amendments of CAPTA had good intentions of helping identify more cases of child abuse, its implemented effects hurt the communities most financially vulnerable.

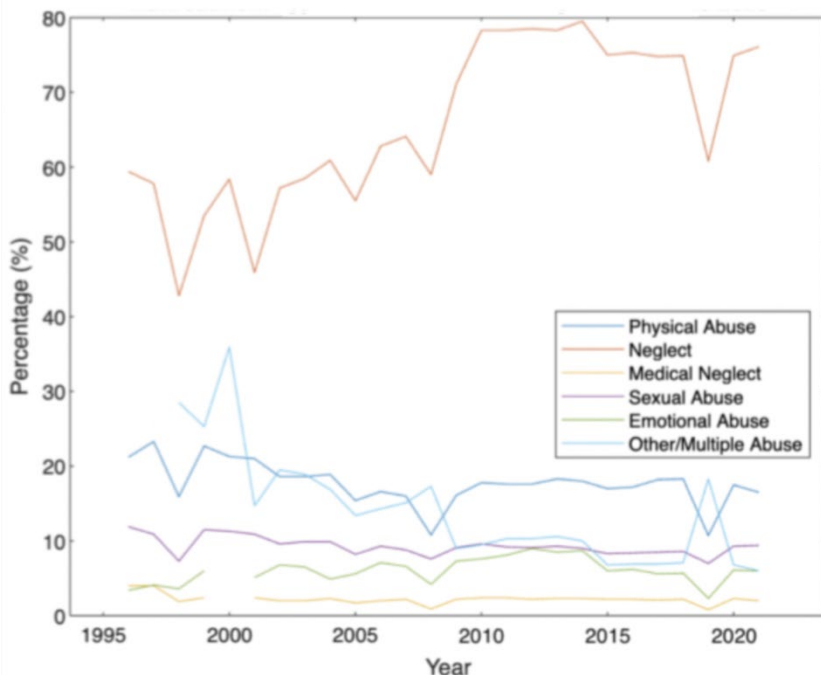


Figure 4: National Child Abuse Maltreatment Types of Victims in Child Welfare from 1995 to 2020. Data compiled from 1995 to 2020 of Child Abuse Maltreatment Types of National Child Abuse and Neglect Data System (NCANDS) in Children's Bureau Reports.

In 1997, the Adoption and Safe Families Act (ASFA) increased child welfare funding in adoption efforts and proportionally decreased the amount of funding placed into family preservation. These changes harmed the mental health and financial prospects of lower income families and the children placed in the foster system because the ASFA did not improve resources within foster homes to instead move children into homes within shorter periods of time. The ASFA decreased funding placed into family preservation resources based in "principles including extensive efforts to preserve and reunite families, to [principles based in] a greater emphasis on finding permanent placements for children in foster care [in temporary care for 15 to 22 months], especially through adoption at a more rapid and regular pace" (Spinak, 2003).

Based on the unproven theory that

adoption would be better for children than instability within the foster system (Goldstein et al., 1973), the ASFA attempted to increase incentives that enabled the adoption of children from lower income families with the intention to keep children within a stable home without lengthy periods of disruption. However, by focusing attention on increasing incentives for adoption, ASFA deteriorated child welfare support systems available to preserve the wellbeing of lower income families. Critically, during this period, more families were terminated of their parental rights out of *parens patriae* – the legal principle that the government is allowed to intervene and terminate parental rights out of moral obligation. *Parens patriae* is necessary in protecting children from child abuse, but in this case, using *parens patriae* to justify that adoption was necessary caused lower-income families to be subjected to the bias that they were incapable of improving their circumstances even if they attempted to change. As executive director of the National Coalition for Child Protection Reform, Richard Wexler (2015) described this bias as extremely capable of causing harm as these families have high rates of being capable of change with financial assistance, consequences of child welfare involvement could be avoided. Overall, when the ASFA decided to nationally place financial incentives for states to emphasize adoption, results showed that "although increased adoptions have been observed since the passage of the ASFA, some argue that the increase in adoptions has been offset by the number of children coming into care because of that policy" (Chibnall et al., 2003, p. 42). Although the ASFA had efforts to improve adoption rates of children, in fact many children in child welfare still spent "lengthy periods in 'temporary' placements" (Genn & Tumlin, 1999, p. 5). Many of the children placed into foster care were expected to be adopted once they entered foster care, but rates of foster care adoption were also associated with higher reports of feelings of "ambiguous loss," with depression caused by feeling the absence of the relationship from being cut off from biological parents from the adoption and foster care process (Kim, 2009). The theory that children would fare better being adopted after foster care ended up creating higher rates of distress amongst foster youth because efforts to remove a child from low-income families was rushed and not met with not enough quality foster homes. Overall, the ASFA caused foster children—largely from lower socioeconomic circumstances—to struggle in foster care from rushed efforts to increase adoption.

The Keeping Children and Families Safe Act (KCFSA) of 2003, an amendment to the CAPTA, was substantially injurious to lower-income families as it considered prenatal drug use to be child abuse. The KCFSA (Keeping Children and Families Safe Act, 2003) enforced that mothers of “infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure [from substances other than ...] alcohol and tobacco” should be reported to Child Protective Services (CPS). When the KCFSA included prenatal drug use as child abuse, it also was correlated with higher rates of children being removed from homes as a result of substance use disorders (SUDs) (Children Bureau, 2013). At the same time, CPS’ policy threatening the risk “of child removal and termination of parental rights [...] discouraged pregnant women from seeking prenatal care” (Christian, 2004, p.3). The involvement of CPS in SUD cases of prenatally exposed infants treated SUDs as a crime rather than of a disease that physiologically can be treated with recovery. For parents like Marie as discovered by Daniel Bergner of The New York Times, the KCFSA removed infants from mothers even if they have already recovered from SUDs. The higher rates of lower-income communities being subjected to removal of children from prenatal drug use were wrongly biased as well; although drug exposure is found to be more likely in lower-income neighborhoods compared to families of higher income, it does not mean that substance use disorders only affect poorer communities (Close, 2022). Many families struggling with drug addiction particularly with lower socioeconomic status were more likely to be investigated by the child welfare system because of the implicit bias to target poorer communities. The removal of children is also harmful because child welfare does not provide drug addiction but instead harshly punishes mothers struggling with drug addiction. Lower-income mothers are given less opportunity to heal from their drug addiction with these barriers in place and also are subject to significantly negative repercussions such as lack of job opportunities from being placed on a child abuse registry after her child is removed from her by CPS. Additionally, after the passing of the KCFSA, the amount of foster children increased substantially with nationally about “437,465 children were in care [in 2016]—up from 427,444 in 2015 and 396,966 in 2012. The increase was expected given the continuing impact of the opioid crisis” (Boo, 2018). The foster care system is often overwhelmed by the surge of children whose parents are addicted to opioids, and it struggles to find ways to keep these children safe in the foster system. While efforts are often made to protect children by removing them from parents with SUDs, the reality is that in many cases, these children are removed without enough addressing of root problems which are implicit biases that target lower-income communities and lack of SUD treatment. One of the main challenges in these situations is that the parents struggling with SUDs often end up struggling to pick themselves up after child welfare involvement, which punishes them rather than helping them address their substance use disorders and reunify with their children.

Child welfare’s role in causing the overrepresentation of low-income communities within the system demonstrates that the inability for government institutions to provide public support likely leads to mistreatment and further deprivation of the lower-income children and families. The CAPTA Amendment of 1996, which attempted to introduce more children into the foster system who most needed the care. Although there often are severe cases of abuse that require for removal of children, more often than not, the removal of children from the 1996 amendment to the CAPTA treated circumstances related to poverty as a form of child abuse. The 1997 ASFA attempted to use *parens patriae* to better the wellbeing of children but showed that a reliance on intuition and theory and not evidence-proved methods causes harm on the wellbeing of especially low-income communities. Lastly, the 2003 KCFSA showed that families in low-income communities are treated with implicit bias from CPS, resulting in more reports targeting the area, and are not given the opportunity to improve their wellbeing. Hence, many low-income communities with higher levels of involvement with CPS experience worse levels of poverty. This analysis of the CAPTA Amendments of 1996, ASFA, and KCFSA was done with the structural-functionalist perspective of poverty presented by Emile Durkheim’s sociological theory. Durkheim asserted that society’s complex system, with its laws and moral codes, guided autonomous individuals within the system to create divisions of labor and inequality. As a guardian’s ability to financially provide for their children relies on their source of income which is not intentional abuse, Durkheim’s theory considers the societal structure to be the main force that causes low-income families to be accused of greater



abuse. In order to decrease child abuse and prevent further harm on low-income families, solutions must incorporate structural changes that drive impoverished parents into circumstances that they might endanger children.

## Potential Anti-Poverty Solutions to a Flawed Child Welfare System



Figure 5: Preventing Child Abuse & Neglect: A Technical Package for Policy, Norm, and Programmatic Activities. Preventative programs for child abuse come in many types that overall receive only 1% of funding from the child welfare budget.

support, and safety preservation programs. All these programs largely fall into serving a two-fold approach to “reduce risk factors and promote protective factors to ensure the well-being of children and the families affected” (Children’s Bureau, 2017). The most successful preventative programs are those that invest in these two types of support, which each provide safety nets for communities struggling with low-income and child abuse. Next, lawmakers can amend the definitions of child abuse, specifically of the child maltreatment type known as neglect, to be distinct from circumstances explicitly caused by poverty. The disproportionate over-representation of lower-income communities in child welfare can be considered as a result of national legislation that fails to provide adequate supportive services for low-income communities and creates definitions of child abuse that become too nebulous. Definitions are broad because they often correlate child abuse with poverty without adequate distinction between neglect from financial hardship. These definitions also allow a wide discretion for CPS social workers to incorporate their implicit bias into giving CPS workers the most authority for making influential decisions that can separate families. As a result, solutions would eliminate the conflation of poverty with child abuse, which would be able to reduce the amount of false positive reports encountered by CPS investigations. False positive CPS reports are cases in which families are not injuring or harming their children but are accused of being neglectful and abusive. Although one could argue false positive reports are not as harmful compared to cases in which a child is abused and not investigated, the large influx of false positive reports into CPS agencies mainly from material hardship being mistaken for neglect oversaturated the CPS system and diverted attention away from cases of severe physical abuse. Advocates argue that solutions must include laws that distinguish conditions of material hardship from child abuse to decrease targeting of lower-income communities by child abuse agencies.

Solutions in the child welfare system that have been introduced include bills that advocate for more preventative services, which includes any financial, mental, and substance use programs that reduce rates of child maltreatment, and laws that distinguish poverty from child abuse in legislative definition of child abuse. Preventative programs are advocated for by experts because safe reunification of children with biological parents who have learned better ways to care for children through preventative programs and prevention of exposing a child-to-child abuse has significantly high benefits. Children who reunified with their parents after successful change in parental abusive behavior are reported to “do better in school, [while] parents do better at work, and families thrive long-term” (Washington Foster Team, 2020)

The various types of preventative programs that advocacy teams strive to increase in child welfare are seen in Figure 5: economic support, anti-child abuse campaigns, quality child care, parental skill



Both the solutions of funding and expanding preventative programs and distinguishing abuse from poverty in legislation are necessary and must work together to achieve success. For the first solution, the cost and benefit of investing in child abuse preventative services before placing children into foster care is that it is one of the costliest solutions; however, it is one of the solutions leads to the best return on investment for the budgeting of child welfare from the financial benefits of financial productivity of children who avert abuse. Through investment into preventative measures as seen with comparison to the Child Tax Credit expansion in 2021, solutions to increasing preventative responses in the financial support can be successful. However, comparison also demonstrates a need for funding to train for not only the implementation of one successful prevention service like addressing financial concerns but all preventative programs, including those that address safety concerns. Additionally, feasibility analysis demonstrates that although most child welfare reform bills receive bipartisan support, public budgeting for improving preventative services in child welfare is difficult to receive as children, who cannot vote for support, are a lower priority for politicians. Bills investing into child welfare have been historically unlikely to pass; however, expansion of prevention services for solving issues before foster placement currently has great momentum in support from voting constituents especially after the COVID pandemic and economic recession. Lastly, acts advocating for financial supportive services before removal of children into foster care has the greatest coverage in the amount of individuals protected who are involved with the child welfare system. Not only is greater quality of care provided but more quantity of individuals most in need – such as lower-income communities and most severely abused children – have their difficulties addressed. The second solution addresses the causation of harm on low-income families from child welfare definitions of abuse, which treatments of poverty as a punishable form of child abuse though it is an issue as that can be thoroughly addressed without this stigma. Creating an national law to add this specification to child abuse definitions creates greater coverage of care across all states as without national standardization of the definition, each state's CPS has its own agency in handling cases of child abuse on their own subjective terms. This addition to the national definitions of child abuse is moderately feasible as multiple states have already garnered enough support and success when adding it to their state legislation, so evidence of their implementation can encourage the passing of the amendment nationally. Cost-benefit analysis shows that there would be an increase in the quality of care invested into the child welfare system without as costly of an investment needed to implement this solution. Contrary to the current trend of adding types of abuse to be addressed, the proposed law would theoretically lead to reduction of false-positive abuse reports, making the money spent addressing each child abuse case have a greater return on investment in the long-run. Overall, the reduction of investigating families who are simply struggling with poverty instead of those injuring or intentionally depriving their children would have to work in tandem with solutions that offer preventative programs that protect children from exposure to abuse because of poverty-related circumstances and safety concerns. As a result, lawmakers can work for the wellbeing not just for lower-income parents but mainly for those served the most by child welfare, children in poorer communities.

New bills for prevention programs that implement and fund prevention programs would greatly reform the child welfare system for the better. By providing more funding for prevention services that increase financial and mental health support that lower-income families can receive, lawmakers would enact a solution that offsets the costs of poverty-related interventions with high financial benefits for society. Federal funding provides about half of all money that is spent by states for child welfare. Currently, federal funding for child welfare as seen from the Congressional Research Service has remained consistent as the fiscal year (FY) of 2023 budget for child welfare is about \$12.0 billion, only providing a 2.5% increase to account for inflation from \$11.7 billion of federal funding during FY2022 (Stoltzfus, 2022). Of this limited budget in child welfare, only about 1% of all federal child welfare budgeting is used for preventative services while the rest of funding is for foster care, adoption assistance, child protection services, and prevention services (Stoltzfus, 2023a). The small percentage of funding spent on prevention of child abuse by Congress, which evaluates whether to implement bills on its benefits only within the span of that fiscal year, largely stems from a lack of recognition by Congress for the benefits of these preventative services that result ten or more years after investment. In particular,

benefits of fully investing and providing successful preventative programs are estimated to eventually provide back to the government “\$124 billion over the lifetime of the children believed to be abused in a single given year” (Fellmeth, 2018, p. 10). Implementation of prevention programs has a positive return on taxpayers’ investment because aversion of child abuse can counterbalance consequences of child abuse such as lost work productivity of abused children, low-income parents, and foster children. In order to receive the \$124 billion per year that greatly offsets the national annual child welfare costs of about \$33 billion in the last survey of Child Trends (2018) in FY2018, funding for preventative programs must increase rather than staying stagnant as it is now. Researchers Cora Peterson and her colleagues have conducted cost-benefit analysis of state child welfare data to further uncover the national financial costs and benefits of preventative programs that reduce risk factors of abuse, such as Child-Parent Centers (CPC) and Nurse-Family Partnerships (NFP). The former of which provides education services as child care for low-income families for children from 3 to 9 years of age, while the latter is a visitation program for nurses to assist first-time mothers with coaching and physical and mental health services from pregnancy to the child’s second birthday (Peterson et al., 2017, p. 3). Peterson focused on some of the most supportive preventative services like CPC and NFP because they are evidence-based programs that allow low-income families to avert risk factors that lead to child abuse. These programs are attributed to giving lower-income families time to work and obtain enough money to overcome financial hardship, allowing them to avoid poverty-related chronic stress and access to substances.

State	Child-Parent Centers: preschool only			Child-Parent Centers: preschool + school age			Nurse-Family Partnership		
	Victims averted	Payer perspective	Societal perspective	Victims averted	Payer perspective	Societal perspective	Victims averted	Payer perspective	Societal perspective
US total	110,409	\$55,593	-\$94,335	171,134	\$51,082	-\$98,956	85,149	-\$27,801	-\$187,820

Figure 6: Estimated Number of Children that Could Avoid Child Abuse per Annual Cohort and Net Present Value per Child Abuse Victim Averted from Payer and Societal Perspectives by Program. Benefits of the programs CPC for preschool ages only, CPC for preschool and school ages, and NFP were investigated based on their offset of estimated costs of a single child abused through sexual, physical, emotional abuse and neglect. Costs included fatal and non-fatal impacts of child abuse that led to lower or lost worker productivity for victims of child abuse, averaged across all states.

Figure 6 exhibits that the average costs spent by US taxpayers on each program – CPC for preschool ages only, CPC for preschool and school ages, and NFP programs – had a negative net cost from the societal perspective, which means there was a positive financial return on investing in these preventive programs. These returns were measured by researchers as the “cost of parents’ time to attend program sessions and lifetime work productivity gains from reduced [child abuse] among participating children” (Peterson et al., 2017, p. 2). A negative net cost meant that preventative programs that reduce risks of abuse have a great ability to offset investment costs by the generated profits from child abuse victims averted through prevention. Not only do NFP and CPC programs have immense positive benefits for the already minimal cost of about 1% of child welfare spending invested into preventative programs, but more funding for preventative services is needed, at least more than what is currently available, for preventative programs more successfully prevent against the majority of the cases related with child abuse, which are largely caused by circumstances related to poverty. Amendments to financial programs like the Title IV-E of the Social Security Act—one of, if not the most important acts that provides the major 80% of federal compensation for child welfare—are necessary to improve access to preventative services as well. In 2018, funding was successfully diverted to some preventative programs from an amendment to Title IV-E, the Family First Prevention Services Act (FFPSA). The FFPSA was the first time Title IV-E supported implementation of preventative services such as “approved evidence-based programs for substance abuse, mental health, and parenting skills” (Fellmeth, 2018, p. 17), including the high return on investment programs like CPC and NFP. Many lower-income communities were unable to see the benefits of these programs however. The main issue that impeded the FFPSA from successfully creating preventative services was that it lacked the appropriate funding from Congress for the FFPSA to fulfill its agenda. The child welfare system is largely underfunded, and though influential laws like the

FFPSA that focus on increasing prevention programs are extremely beneficial for their costs, the historically underfunded child welfare system currently does not have enough funding as a whole to implement more preventative measures. As a result, cost-benefit analysis demonstrates that there is a greater need for new legislation to receive more funding for preventative programs to bolster the FFPSA. Although funding preventative programs might be considered costly, they also have a high return on investment.

When examining the Child Tax Credit (CTC) plan in 2021, prevention that reduces risks of child abuse have been successful in reducing the amount of low-income children involved in child welfare. It must be noted as well that preventative solutions can only be successful with programs that not only address reduction of abuse but the safety concerns of already abused children. The American Rescue Plan of 2021 expanded the CTC, a tax credit to offset costs of taking care of children, and provided about “\$3,000 per child for children over the age of six and from \$2,000 to \$3,600 for children under the age of six [... for families that] make up to \$150,000 for a couple or \$112,500 for a family with a single parent” (The White House, 2023). Other than in the year of 2021 to the end of 2022, low-income families were commonly unable to receive or receive reduced child tax credit. Without accounting for temporary expansions to CTC like only in 2021, the CTC is available every year but commonly not given to lower-income families in full because a family can “receive up to \$1,500 if the amount of the tax credit due to them exceeds their income tax liability” (Marr et al., 2022 as cited in Konish, 2022), or money owed to the Internal Revenue Service (IRS) or the state government. The families struggling the most from poverty, who struggle with income tax liability the most, are locked out of receiving CTC with the current law. Providing CTC without income tax liability requirements in 2021 allowed the families of about 19 million children to reduce rates of food insecurity, economic insecurity, and child maltreatment reports (Greenstein et al., 2022; Hamilton et al., 2022; Kovski et al., 2022). The CTC plan was effective in reducing child maltreatment because many financial policies and programs such as “expansions of minimum wage laws, the Affordable Care Act, and state paid family leave” reduce economic stressors affecting the most vulnerable families and created “reductions in various indicators of child maltreatment” (Raissian & Bullinger, 2017; Brown et al., 2019; Klevens et al., 2016 as cited in Kovski et al., 2022). The 2021 CTC temporary expansion aimed to reduce child poverty for the year and expired at the end of 2022 despite record inflation throughout 2022, leaving many lower-income families vulnerable to economic stressors. Reimplementation of CTC expansions successfully have reduced child abuse in 2021, so they have high rates of success if reimplemented. The CTC expansion of 2021 is only one of two preventative program types needed to address child abuse though, financial preventative programs that reduce risk factors of abuse must work together with preventative programs that prevent further abuse from happening. Although the CTC expansion in 2021 assisted lower-income families to raise their children with safer circumstances, it did not adequately protect the low-income children who had been abused from experiencing further abuse. In March 2022, President Joe Biden also signed the reauthorization of “Kayden’s Law,” an addition to the Violence Against Women Act, to ensure child safety provisions are in place within courts as many children who cannot afford legal protection are wrongly placed back into abusive environments (Rubio, 2022). “Kayden’s Law” provided states \$25 million in federal funding if they adopt statutes that prioritize child safety within child welfare courts, which are a form of preventative services that prevent repeated abuse through considering safety concerns before placing a child back into an abusive environment. “Kayden’s Law” was necessary after the CTC expansion of 2021 as although the CTC was successful in reducing risk factors of child maltreatment, it did not provide funding for prevention programs that prioritize safety measures for children being mistreated. In response to “Kayden’s Law,” California was the first state for its senate to unanimously adopt child custody and domestic violence statutes in 2022 known as SB-331 or “Piqui’s Law,” which prevents abuse of children by court orders mandating children to return to harmful environments. “Piqui’s Law” was named in honor of the 5-year-old who was murdered by his father after the family court system returned Piqui to his father’s care though there was no evidence that the father had reduced child abuse behaviors (Rubio, 2022). This law was enacted when the CTC was already in effect because in fact, homicide was a leading cause of death for youth in 2022 for which “children 10 or younger were most often killed by neglect or abuse, usually from parents or caregivers”

(Christensen, 2022). Preventative services like financial support of CTC expansion in 2021 can create long-lasting benefits of preventing abuse from occurring within low-income families in the first place. Comparisons of preventative programs solely focused on reducing risk factors shows though that there also must be programs that protect children already abused with measures to keep children safe from further harm. As a result of the comparison of CTC's successes and flaws, there is evidence supporting that all types of preventative solutions—including financial support and child safety programs—must be enacted to reduce the harm of child welfare on children in lower-income communities.

Feasibility analysis shows that although child welfare bills requesting for funding are notoriously difficult to pass, bills that improve preventative services in child welfare currently have extremely strong momentum after the pandemic and economic recession of 2020. The large amount of bipartisan support in American voters of bills that prevent child poverty and abuse allows for funding in preventative programs to potentially be feasible to obtain. In the 2020 federal budget, about \$482 billion, or 7 percent of the federal budget was allocated to children although rates of child poverty remain much higher than poverty rates in adults since 1975 (Peter G. Peterson Foundation, 2022). The low percentage of budgeting provided to children compared to 33% of federal outlays spent on adult social security, medicare, and medicaid is a result of children being unable to “vote and provide no campaign contribution benefit [... and even though] a young child can evoke strong public sympathy, [...] general sentiments do not dictate legislation” (Fellmeth, 2018, p. 8). However, in addition to this negative trend, child welfare prevention programs are also against setbacks of extreme deficits in the federal budget for “Social Security, Medicare, and public employee pensions and coverage” (Fellmeth, 2018, p. 7). While funding for children and/or welfare programs are historically difficult to obtain, the bipartisan legislative advocacy group First Focus on Children demonstrated in 2022 that for each party, a majority of the voters polled in each party favored the expanding and improving of the Child Tax Credit (CTC) and programs to reduce child poverty and the Children's Health Insurance Program (CHIP) to improve children's health (First Focus on Children, 2022).

The majority of polled voters support both financial and health-related child abuse prevention programs regardless of party affiliation, and also seen in Figure 7 with the same poll, voters were strongly in favor of protecting the best interests of children safety as both 82% believed in making children well-being the first priority in regards to “best interests of the child” (First Focus on Children, 2022). This high voter commitment to helping children is reflected in strong bipartisan legislation in Congress now more than ever for programs, such as the CHIP, that prevent against child poverty and decrease child abuse associated with financial hardship. In addition, most of the momentum to attain better preventative services in child welfare are attributed to the global pandemic creating higher concerns for child poverty that led to the child poverty rate being higher than adult poverty but still declining about 2% from the Child Tax Credit (CTC) in 2021 (Peter G. Peterson Foundation, 2022). Although the CTC expansion is no longer in place, the feasibility of getting support for passing preventative programs now has increased because of increasing voter confidence into programs that help factors leading to child abuse decrease. Additionally, further CTC expansion to drastically diminish child poverty is estimated to cost about an additional \$2 billion dollars a year (Greenstein et al., 2022), which is feasible as it is proportionately 6% of the child welfare budget. Specifically for some of the most successful preventative programs, Child-Parent Centers (CPC) and Nurse-Family Partnerships (NFP) would cost an estimated \$15 billion a year across the nation to completely and successfully implement (Peterson et al., 2017, p. 3). Interests from voters to support child safety are reflected in the president's legislative priorities that would prioritize programs like CPC and NFP that incorporate a “prevention-first approach to child welfare work” (Stoltzfus, 2023b, p. 17). While CTC is much more financially feasible, CPC and NFPs do generate societal and tax-payer benefits as investment into these programs will create a net return about \$300,000 per child as seen from cost-benefit analysis (Peterson et al., 2017, p. 3). Evidently, considering that it has higher return on investment in the long-term, it is best to try to fight for increased funding for all types of prevention programs. With the momentum of Congressional support for preventative programs at the moment, the expansion and funding of preventative programs have higher feasibility of being implemented by Congress than before the

pandemic. As a result, child welfare bills that advocate for investment into preventative programs that assist parents recover from financial difficulty and address safety concerns of children at risk of being abused are feasible because of high voter support and relatively low cost to implementing various types of preventative programs.

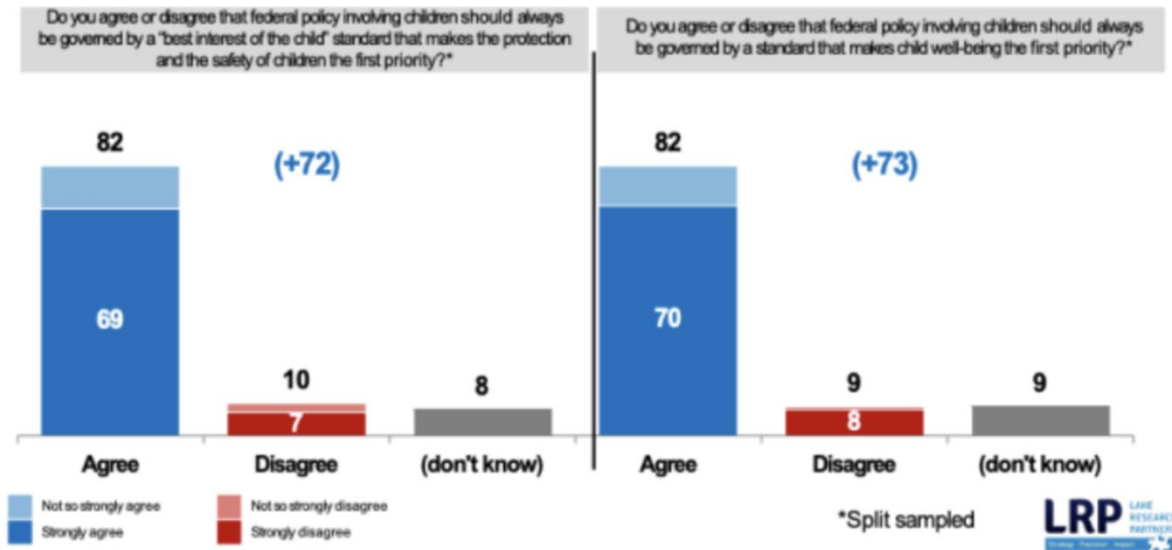


Figure 7: Voters Express Intense and Broad Support for Federal Policy Protecting Children. First Focus on Children worked with Lake Research Partners to conduct nationwide poll of 1,000 voters with "over samples of parents, Black, and Hispanic voters in May 2022, [that showed] voters expressed strong support for making increased investments in children and prioritizing the education and health of children and in alleviating child hunger, child poverty, child homelessness, and child abuse and neglect" (First Focus on Children, 2022).

Bills advocating for child abuse prevention programs before removal of children into foster care has extremely high coverage of individuals helped as preventative services protect most of those involved in the child welfare system, including low-income parents and children and foster children. Effects of prevention programs are measured "over ten to twenty or more years" after implementation (Fellmeth, 2018, p. 10), so since there have only been more implementation of preventative programs starting five years ago from the Family First Prevention and Services Act in 2018, there are not many demographical statistics to show the coverage of causal benefits of preventative programs. However, psychologists weighed in that preventative programs have higher coverage of preventing harm as "intervening after a serious trauma has occurred is much less effective than preventing the initial trauma altogether [... so by] addressing the needs of families before there is a crisis, children can avoid the trauma of abuse or neglect and potential placement into foster care" (Casey Family Programs, 2019). Prevention of child abuse from occurring in the first place allows for the aversion of traumatic CPS investigation processes for low-income children and families, as families being invested of child abuse are more likely to struggle with higher rates of job insecurity after investigation (Naveed, 2022). Parental behavior training corrects abusive behaviors of parents and are used to prevent further abuse from occurring. Commonly, there are lower rates of child maltreatment in areas surrounding child welfare services compared to in lagged areas, which are the areas that are 10 or more miles farther away from the child welfare services (Freisthler, 2013). This discrepancy between areas near child welfare services and lagged areas occurs largely due to low-income parents being unable to commute to child welfare services, where they must often complete mandated training programs, if they are farther away from child welfare services (Freisthler, 2013). Without completion of mandated parental behavior training, biological parents who want to attend but are unable to travel to these sessions are determined to be non-compliant, or lacking cooperation. This assumption discriminates against low-income communities with high interest in attending prevention programs like parental behavior training because there is less geographic accessibility to the services. Geographic accessibility can be increased with greater funding in increasing prevention programs. Through research within Los Angeles County of areas that demonstrated a high demand for social services but did not have enough services to meet

the demand, it was determined that funding for more geographically accessible and affordable welfare services—for parents to attend programs like parental behavior training—would decrease rates of child abuse in low-income communities (Freisthler, 2013). If a biological parent is unable to attend mandated parental training or other mandated services such as substance use disorder treatment deemed to be essential by CPS, it doesn't just harm parents willing to stay with their child, but mainly, it causes a lack of safety preventative measures to be in place for the children of these families. Additionally, prevention services allow for the most improvement of behavior within parents if children are removed into foster care. Successful reunification of foster children with biological families who have undergone prevention programs can often offer the best outcome for foster children as it enables “improved outcomes for safety and stability, better development outcomes for children, positive impact on parents because they received help, and less stress for the children, promoting better mental health, reduced anxiety, and happier lives” (Washington Foster Team, 2022). Since most children in the foster system come from birth parents who unintentionally harm their children while struggling with “addiction, domestic violence, imprisonment, and financial hardship” (Newman, 2021), prevention programs that allow children to safely reunite birth parents would provide many benefits to foster children as well. Preventative measures that allow parents to address their abusive behavior and create a more stable home offer high coverage against harm because reunification with parents only when it is safe has the highest benefits. Additionally, preventative measures against abuse prevents traumatization of children as a whole. As a result, experts believe that funding and implementing more preventative programs that reduce risk factors and protect abused children should be implemented together.

In order to create anti-poverty child welfare legislation, efforts to eliminate legal language labelling poverty as child abuse will be the next beneficial solution that can reform the child welfare system. Currently, introduced laws like the H.R. 573, Family Poverty is Not Child Neglect Act, are capable of being solutions that eliminate poverty as neglect with nationwide standardization of child welfare definitions of abuse. The child welfare system consists of lower-income families because of legislation that conflates poverty with the type of child abuse known as neglect, so to solve this problem lawmakers would need to amend definitions of abuse to clarify that poverty cannot be used as the sole reason to remove a child from their biological families. Families who struggle with poverty essentially experience material deprivation, a sociological concept defined as the “inability for individuals or households to afford those consumption goods and activities that are typical in a society at a given point in time, irrespective of people's preferences with respect to these items” (Organisation for Economic Co-operation and Development, 2007). The key distinction between birth parents that neglect their children, which is depriving children of food, clothing, shelter, and medical or mental health treatment, and parents that struggle with material hardship is intentional ability as material deprivation causes low-income families to be unable to provide for their children “irrespective of [their] preferences with respect to these items.” Ever since the Child Abuse Prevention and Treatment Act passed in 1974 (CAPTA; Matthews & Kenny, 2008 as cited in Lytle et al., 2021), reporters have been legally obligated to report suspicions of child abuse with the definition of neglect that require mandatory reporters to pass judgment whether a child is being abused. Dr. Mical Raz (2020), holder of the Charles E. and Dale L. Phelps professorship in Public Policy and Health at the University of Rochester, argues in her book *Abusive Policies: How the American Child Welfare System Lost Its Way* that solutions narrowing definitions of child abuse and neglect to focus “predominately on physical harm, sexual assault, and forms of intentional neglect that may cause imminent injury” (p. 122). Clearly and specifically making definitions of child abuse, including the type known as neglect, would be contrary to the current trend of broadening definitions of abuse that must involve intervention – which results from an American “irrational obsession with eliminating threats to children, both real and imagined” (Riley, 2021). The focus in protecting children with the superfluous amount of mandatory reporting in child welfare is created with the assumption that eliminating any perceived threats to child safety, even if families are not abusive, would have no harm as it can just serve as a precautionary measure. Currently, though it slightly varies in definition from state to state, mandated reporters such as healthcare and educational professionals must report a child's parents to CPS if there are “reasonable causes to suspect” that there is failure from



parents to provide necessary subsistence, medical care, education, or supervision to children (Lytle et al., 2021). A mandatory reporter's interpretations of a child's physical appearance open the possibility for bias to play a role in decisions, which is ethically flawed considering that families can be separated even from false reports. Research discovered that mandated reporters might not have the proper skill set to determine whether the failure to provide children these resources are intentional or caused by material deprivation as about 80% of training of mandated reporting defines neglect through "child indicators (e.g., smelly clothes, begging for food) [... and fewer than] half of the training mentioned the importance of differentiating neglect from poverty" (Baker et. al, 2021, p. 7). Additionally, their reports of neglect most often receive "ineffective responses [by child welfare agencies ...] which may lend credence to the suggestion that mandatory reporting is [most] appropriate for cases of severe abuse and [intentional] neglect" (Matthews, 2015 as cited in McTavish et al., 2017). The H.R. 573, the Family Poverty is Not Child Neglect Act, attempts to eliminate poverty from definitions of neglect so that the implicit bias of mandatory reporters would have no role in interfering in CPS reports. Though, the effort to pass the Family Poverty is Not Child Neglect Act only believes that solutions to the child welfare system not only require separations of poverty from definitions of abuse but preventative programs. Congresswoman Gwen Moore, the introducer of the bill, believes in "provid[ing] struggling families with the resources to thrive" (Moore, 2021). To truly address the root problem causing overrepresentation of low-income communities in child welfare, solutions must work with standardizing narrower neglect laws and increasing preventative programs to holistically reduce abuse.

Creating a national law to add these specifications to the legislative definitions of child abuse additionally provides greater coverage of care across all states. Without national standardization of the definition, each state's CPS has its own agency in handling cases of child abuse on their own terms. Wide discrepancies in reasons of foster placement were observed in states as nationally in 2019, "34% of neglect cases involved parental substance abuse [and] 10% involved inadequate housing, [... but in Illinois] only 12% involved substance abuse [and] less than 1% involved inadequate housing" (Riley, 2021). Such high levels of variation in the reasons for children being placed into foster care reflected in varying levels of care because there is no national quality standard for reporting. Child welfare intervention methods varied across all states because each state had its own criteria for placing children into foster care. Although one can argue that each state has its own set of unique problems, the amount of cases that were unnecessarily reported demonstrated that inconsistencies did not match up with greater demands in specific states. In fact, nationally in 2018, 44% of reports were immediately determined as requiring no further action and 35% of reports having no to minimal evidence of abuse (Casey Family Programs, 2020), which further illustrates that solutions of standardizing and eliminating broad interpretation of definitions of abuse and neglect across the nation can improve the quality of child abuse reports. Too many reports are of parents struggling with conditions related to poverty instead of severe abuse. A national law standardizing specific abuse and neglect definitions that related to poverty would allow about 3.4 million children being able to avoid investigation by CPS for suspicions that actually have no risk of harm (Casey Family Programs, 2020). Overall, unifying child welfare definitions of neglect will create evidence-based intervention frameworks for state child welfare agencies that can ensure the prevention of the most amount of children of lower-income families who just struggle with material hardship can avoid the traumatic experience of CPS investigation possible. Addressing issues of families struggling with material hardship related with poverty can best be done in prevention programs introduced with the first solution, which can treat poverty with measures to eliminate it rather than investigations that stigmatize it as seen with current abuse definitions.

Introducing a law that would separate poverty from definitions of child abuse appears to be moderately feasible of passing as it has been already incorporated in about half of the states' child welfare legislations. However, it also has garnered much support through the introduction of bills also like the Stronger Child Abuse Prevention and Treatment Act (Stronger CAPTA). First, bipartisan action taken place within the states that addressed child abuse and neglect, which states are not required to define in depth, caused some states to eliminate poverty from definitions of neglect; however, still "almost half of all states do not specifically exempt financial inability to

provide for a child from their definitions of child maltreatment” (Williams et al., 2022). Although not all states have passed the legislation, even states with extensive partisan lines drawn against social supports like Medicaid and monetary aid for parents struggling with material hardship like Texas there were unprecedentedly successful bipartisan reforms “geared toward allowing children to remain with parents in situations where poverty is confused for neglect” (Asgarian, 2021). Though only half of the states have laws that prevent poverty for being confused for neglect, the amount of states that passed an amendment to definitions of neglect do not necessarily reflect the feasibility for a national law being passed that introduces child abuse as separate from poverty. In particular, the focus on reforming legal definitions in which poverty was being misconstrued with child abuse only occurred from legislative momentum in the 2018 Family First Prevention and Services Act that focused on preventative efforts for low-income families. In 2021, the success of these prevention programs strengthened support to strengthen the Child Abuse Protection and Treatment Act (CAPTA) in the Stronger CAPTA or H.R. 485, which not only focuses on preventing removal from the “family because of economic situation without judicial order” but preventative measures that keep children safe within homes (Comer, 2022). The Stronger CAPTA is a bipartisan effort that can excel especially as there is already political support from organizations that pushed for the reform of definitions of child abuse within their states (Stronger CAPTA, 2022). Though there are no estimates of how much amending these definitions would cost, other amendments within child welfare have varied from about \$5 billion to \$32 billion (Barghaw, 2023). Though, the Stronger CAPTA still is not necessarily easy to pass considering that child welfare is often not as focused on by legislators as children have no voting power. Nonetheless, it appears that bills that reform definitions of child abuse to make it more specific and nationalized has moderate feasibility of being passed into law.

Cost-benefit analysis of changing definitions of child abuse to remove economic hardship from being equated neglect shows that it would theoretically reduce the amount of false positive reports being made from parents who are simply struggling financially. Previous trends broaden definitions of child abuse increased investigations, but a reduction of reports would result from specification of neglect definitions. Less reports in favor of more coverage of the most dangerous abuses would provide more financial benefits with less costs. Current legislative trends in broadening types of behavior considered abusive try to make sure that all suspicions child abuse and neglect cases are reported. These efforts have higher costs associated with many families who are accused of being abusive when they have not injured or maliciously deprived a child of resources, which in this case is considered a false positive report. The costs associated with state penalties with false positive reports vary so much. The costs of investigating into child abuse and only addressing the cases requiring the most help in 5% of investigations means that there are high rates of children who are abused that would be more capable of being addressed with more narrow definitions of child abuse. The lifetime cost of victims of child maltreatment, even if addressed and treated by CPS, was \$210,012 per person which is costly compared to health conditions like “stroke with a lifetime cost per person estimated at \$159,846 or type 2 diabetes which is estimated between \$181,000 and \$253,000” (Center of Disease Control [CDC], 2014). Benefits that would be observed would be addition of childhood healthcare, adult medical, loss of productivity, child welfare, criminal justice, and special education costs of about \$428 billion in a year that are associated with decreased rates of child maltreatment (Gelles & Perlman, 2012). As a result, there is high benefits to reducing the connection between child maltreatment with poverty through preventative measures as well as the solution of defining poverty as separate from child abuse.

As a former foster youth, Diana remembered when child welfare authorities decided to remove her sister and her. Her mother was incarcerated and father was hurting Diana’s family while trying to drink away “money problems” (American Bar Association, 2022). She was luckily able to meet kind foster parents Teresa and Mark after many difficult foster homes. However, before she was nearly adopted by Teresa and Mark, she was she wrote a note to a judge in March 2007 before the court case in which CPS would rule whether or not to terminate her biological parents’ rights:

*Dear Judge,*

*I want to write to you about my feelings with my mom and dad. I love them both but I feel safer with my mom. I don't feel safe with my dad when he drinks. So I would rather stay with Mark and Teresa until my mom gets out of jail. I hope you can do that. (American Bar Association, 2022)*

Although foster homes can save the lives of some children, former-foster youth Diana appreciates that she was ultimately able to safely reunify back with her biological parents. Regarding the judgment social workers had to remove Diana from her parents, Diana reflected after eventually reunifying with her biological family that her father “obviously needed help, [and] he was not a bad father. My dad called the child welfare agency for help because we were struggling with housing and finances. But instead of getting help, we were removed. I was taken away from my family because we were struggling with housing and finances” (American Bar Association, 2022). Though there are exceptions with some finding loving homes in foster care like Diana, placing children into foster homes before addressing financial concerns through child welfare exposes the children to the instability of the foster system not as a last resort as more prevention could have been done. Most children struggling with abuse could receive better preventative services and might not have been needed to be investigated in the first place. Just as Diana experienced in her case, parents struggling with financial instability are wrongly discriminated against for being neglectful although they are more capable of raising their children. As a result, solutions that help parents struggling with low-income and lack of access to abuse preventative care should be available to create an anti-poverty child welfare system.

It is important to remember when navigating the child welfare system that the issues dealt with by child protective agencies are greatly nuanced in each family. One-size-fit-all solutions cannot apply to child protective investigations especially as children can carry the long term effects of trauma associated with the child welfare system for decades. In particular, child welfare services are tasked with the near impossible responsibility of protecting the child while also not harming and dismantling families that are capable of reuniting. Child protective services have hurt many families but they also have the great ability to improve the lives and wellbeing of children who will be at the forefront of the next generation. Rather than treating each child as a statistic part of millions of investigations, efforts to humanize all parties involved in the child welfare system are necessary for the best solutions to be found for child abuse and its effects on low-income.

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