

RD CONFERENCE: INTRO SAT SESSIONS 1/29/11

By Elizabeth Bartholet

PLAN FOR THE DAY:

- PACKED – so need stick to PLAN – the Schedule in Agenda
 - Speakers will be summary, see papers on Website for details, documentation
 - EB: views on the RD issues in my AZ Law Review article on Website: contains essentially all I think on the issues... except for what I expect to learn today
 - Q&A & Related Discussion Key: We want opportunity for all Conference Participants to be heard

- The Idea behind the 5 Sessions
 - Facts 1: Entry into Foster Care: What factors explain Racial Rates of Entry – They are Disproportionate to population, but Why?? Is it primarily System Bias (in Randy Kennedy sense of “fresh bias” by CPS) or primarily Other Factors?? Will explore:
 - What Actual as vs Official Maltreatment rates are, by race;
 - Significance of latest NIS-4 – because prior NIS reports’ conclusions have been treated as so important
 - as you know, prior NIS reports said Black and White ACTUAL Maltreatment rates were the same; Many relied on this claim to Conclude Bias by the CPS system
 - NIS-4 came to a very different conclusion
 - Degree to which Foster Care is protective/not
 - Dorothy Roberts called Removal “Punitive” based in significant part on her Claim of systematic OverIntervention by CPS System. Since there was no real answer to this claim last night, I want to offer a few words in response.
 - I think the evidence indicates strongly that the CPS System is more guilty of UnderIntervention
 - I don’t believe that John Mattingly’s case workers are regularly taking kids out their homes and keeping them in

foster care because of mere poverty or mere lack of childcare

- Kids characterized as victims of “Neglect” die at same/higher rates as those characterized as victims of “Abuse”
- Most Studies of ACTUAL incidence of maltreatment show way more serious maltreatment takes place than is reflected in the Removal rate
- Kids reunified DIE and are otherwise maltreated at higher rates than those kept in foster care
- And while I agree with Randy Kennedy on the Drug War – I have devoted lots of my career to fighting irrationally punitive drug laws -- kids are not removed because of mere drug law violations by their parents, but because their parents are involved in serious Substance Abuse which interferes with their capacity to parent – it is these cases that dominate the Neglect category
- Facts 2: Exit from Foster Care: What are the actual racial patterns as look at key Exit issues like Reunification, Guardianship, Adoption? What are the key factors explaining the patterns?? Is there significant evidence of “fresh bias” by CPS or Not?
- Next 2 Sessions are on Policy Options: To date there has been a great deal of emphasis in the RD literature on CPS System Bias as the Problem and thus on Reducing Bias as Solution. BUT IF “fresh” System Bias not the primary explanation for Black Child Representation in foster care, if Black Children are subject to significantly higher rates of ACTUAL maltreatment than white children, then we should think about other Policy Options. These Sessions seek to open up for discussion a Range of Other Policy Options. Not the total range: here at this conference, given the limited time, we can only be suggestive.
- On Policy Options I MAY differ from Duncan Kennedy and Randy Kennedy – at least as they expressed their views last night:
 - I don’t think the choice is between Social Revolution and Hopelessness or the limited policies mentioned last night;
 - I think there are targeted programs that could help reduce ACTUAL maltreatment of both black & white children; some will be explored here

- Policy 1: Policy Options related to Entry into Foster Care: Panel speakers will present information on:
 - Early Prevention through early family support programs like Intensive Home Visitation
 - Drug Programs for Infants Born Affected by Drug Use during Pregnancy
 - This is an area where differential intervention by race does actually exist – not because of “fresh bias” but because of poverty and the fact that poor black women tend to go to poor public hospitals where testing of infants for parental drug use is more likely to occur
 - But here the real problem in my view is UnderIntervention in White families – the “discrimination” if you want to so term it is discrimination against White kids as Lily touched on in her comments last night.
- Policy 2: Policy Options related to Exit from Foster Care: Panel members will present information on Programs that might move kids more promptly to healthy forms of Permanency
- Policy Discussion: This is the Culminating Panel: We have asked Panel members to provide Reactions to all that has come before at this conference, based of course on their own extensive experience, knowledge and views. We are Committed to getting to this panel on time, and to hearing from all of you in the scheduled Q&A that follows.