

Christine Bruno, Esq.:

Smith versus Smith versus Organization of Foster families talks about the reciprocal right between parents and children and how children also have this the right of daily the intimacy of daily association. Right knowing who's caring for you. It's not just the parents, right. And that the source of that right is a human right. It's not a right that the law gives us. It's a human right. And this is human rights law that we're all doing here. They couldn't be more important, right? The sanctity of the family, the cherished values. This is clear in the law. It's not new. We don't hear nearly enough talk about the Constitution in family court every day. I urge you to read and reread all of those cases you know, going back to peer space Society of Sisters. Umm. And reminding yourself, if you're a worker, if you're a judge or lawyer, anyone who works in the family regulation system of how important family is and how much a state should have to show before they interfere. Umm. And the rights that are described in all of those cases are not just for white families, right? It's not just white families who instill values and who guide their children's destiny and have those right to privacy, right. It's not just parents who have means. It doesn't say that it's just for parents, you know, who don't have intellectual disabilities or don't have physical disabilities like it's all families. And that isn't what we see in practice. And the legislature is, even though the authors of our law of Article 10. I knew that there was a risk that there would be an unwarranted intervention into private family life and if you read Nicholson, Nicholson describes the legislative intent behind the law and it's. It's a risk, but it has to be only the most egregious behavior of a you know of most egregious incident that should warrant any kind of intrusion, not the kinds of allegations that we see all the time in family court, untreated mental illness, addiction, things that could a family could use help with without a removal. Umm. And the other thing that the law very succinctly summarizes in different places is that mistakes are human and they are allowed. So the very definition of neglect. Nicholson says right that the test is the minimum degree of care. It's not the best care. It's not Ideal Care. It's not that somebody could maybe do something differently. Santoscoy versus Kramer says that even if parents have not been model parents, they still shouldn't lose custody of their children to the state. Umm Troxel versus Granville? I'm going through these tasks, but I actually I did put up. I made a PowerPoint and I attached it just so you would have the sites, but I didn't want to put it up on the screen because I want to be able to see you. Ohm see my panelists, but tracks will versus. Granville says that a state can't interfere in a family simply because a better decision could be made. Umm. And none of this is. Personal for people who work in the child welfare for in the family regulation system as caseworkers. But there's a lot, you know, when a case worker comes into a home, they're not, miss. So and so or they're not Mr. so. And so they're not to our clients, to parents, they're the state. Like, that's the state coming in, looking in your fridge and looking in the bedrooms and closing the door to talk to your child. So somebody's personal. Umm. Feelings or personal motivations might be well-intentioned, but you're still the state. There's, you know, when you're coming into somebody's home. And there's a lot of law also that talks about what the role of a foster care agency really should be and what the role of the state is. So I urge everyone to reread the case. Sheila G again, it's not new. It's from 1984. But it describes in really important detail what it is that foster care agency should be doing, right. They should be able to motivate parents, support parents, how they have all this power and resource and. Manpower, capital, prestige at their disposal and that they have to make efforts correlative to their superiority that they can't. And the state can't. And this happens in family court and I urge you to look for it in your own cases. Finger pointing at parents must think you know this parent was late. This parent, you know, didn't come to the visit last Tuesday or they left early or they didn't go to this

referral that I sent or they didn't do this thing like that. Is the culture that we're in. And it's not the how the law anticipates the behavior of agencies to be. And there's a list of regulations, some of them I call I think of them as the benefit of the doubt regulations cause there's regulations that say. Agencies should make immediate, you know, referrals for immediate services. If a parent doesn't keep the referral, the agency doesn't just go to court and complain that the parent missed the appointment. The regulation goes on to, say, find out why they missed it, make a new referral. It's the same for visiting. If they missed a visit, find out why. Make a new, you know, visitation arrangement, arrange visits that offer privacy, safety and comfort. Congregate visiting doesn't meet that requirement. You know, placing siblings together. From keeping kids in the same schools, like all of these things are. The required by law and they're in the regulations as things that agencies do because people are we're human and we have relationships that will continue after foster care and that they shouldn't be made worse as to the professor's point earlier, this should be better Or we should get out, you know, get out of their lives. So I'm, I know I'm running out of time. There's a lot of regulations. There's so much more I could say about the law, but I hope just in terms of the goal for being a transformational lawyer is to really look at constitutional law again and look at regulations and demand more of agencies and hopefully not be fighting for reunification, but fighting for preservation of families. Thank you very much.

Miriam Mack, Esq.

Thanks, Christine. I think I just jump in here. So hi everyone really happy to be here with the incredible panelists and grateful that this space is created so we can have this discussion. What I'm gonna do is really sort of talk about what are some of the things that we can do and think about broadly to shrink the family regulation system and to mitigate some of the unnecessary and harmful interventions. Because I think the goal of many of us here today is not just to think about family preservation and to think about how do we sort of address or shift when families are in family court. And in fact, how can we ever prevent families from coming to family court? Right. I think that that is one of the most important questions that we should be asking. And in order to really sort of dig into that question, I think we have to think about how does the system function, how do we as a community and as members and actors and players in this system think about and understand the history of the system and also how do we conceptualize harm. And child safety. And so I think I want to start there because I think one thing that sort of always comes up when we're talking about shrinking the system and moving families out of entanglement in the family regulation system, whether it's the cords or it's out of court monitoring or it's quote UN quote voluntary services and one thing that folks always sort of point to is OK, well, we have to think about child safety and harm to children. And I think that we as a society are very good and sort of clear eyed when we are asked to think about What is called interpersonal harm? But when we are asked to think about the ways that we have all really been complicit in children experiencing structural harm. And you know, I think we need to focus on that, right. We need to focus on, we know the data shows that one of the sort of overarching characteristics of families who are meshed in the family policing family regulation system is poverty, right. There's mountains of studies. I mean, from the folks who have lived through and survived the family regulation system, we know that access to material resources could have meant the difference between ever having interaction with the court. Ever being at risk of family separation ever being at risk of termination of parental rights and having of children adopted out to other families. We know from studies there's tons of studies that are published each and every year that show that when we make interventions to address the sort of material conditions that lead to adversity for families. And what I'm talking about are lack of access to affordable

housing, lack of childcare, lack of health care, lack of jobs that pay a living wage. Environmental injustice, food insecurity, mass incarceration, right when we invest in interventions that shift those. Forms of oppression. Then we see what the system calls child maltreatment reduce. And just to give some specific examples, and I'm happy to send sites out afterwards. A 2016 study found that increases in the minimum wage corresponded with a reduction in what the family regulation system called neglect and in particular in reports concerning children from zero to five and school age children from 6 to 12. And we know that a huge bulk of the cases that are moving into the family regulation system into the courts. Or that zero to 5 range right? There was a 2021 study that looked at the relationships between states, earned income tax credits and rates of child maltreatment reports. And the study found that the availability of the earned income tax credit, but it corresponded with lower rates of reported child neglect. And unsurprisingly, the researchers found that the more generous the states earned income tax credit policy, the greater and greater decline in the rates of reported child neglect. So we know from data we know from experience, and indeed, we know from seeing communities where there is less adversity where there are where communities that have safe and healthy food safe and healthy. Environments, communities that have robust investment in their public education communities, where families have access to living wages. We know that those supports are the supports that any family needs to be able to raise their children with dignity. And so one of the things that I want us to sort of consider today and that I do think that we all have a role in is that when we are conceptualizing and we're thinking about harm, let's think about the structural harm. Let's think about the structural harm that an individual family. Case never deals with it does not deal with the solutions or the quote UN quote solutions that are handed out to parents in these individual cases are always solutions that are focused on shifting that parents behavior right are always solutions that are focused on, you know, from the federal government all the way down to our state governments. And I think it's important for us to think about and consider federal government policy because federal government family regulation policy is what in part shapes. Our state family regulation systems and especially those dollars that funnel through to the states. And. You know, I think that. And sort of one of the things that we see is that there is an investment in building the resilience of parents, building out resiliency of parents and families. And there's an investment in services and therapeutic services that will modify the behaviors of parents. But there is no investment, there's no investment in shifting the circumstances and the deep poverty in which so many children and families live. I think the other thing and cause I see that my time is running and I want to make sure that I don't cut into our next panelist. The other thing that I will say and that I think all of the panelists here have lifted up and is really sort of important for immediate interventions that we can all make in our different roles and family court cases that exist right now is really being clear eyed about how racism and classism is deeply rooted in all of the ways that the family regulation system. Functions. There's no neutrality or objectivity, no matter who you are as a player in the family regulation system. How we view and determine and make judgments on apparent the narrative that we create about that parent is not walled off from anti. Black racism from classism, ableism, heteronormativity that's pervasive in this country, and they really shape our beliefs about who is normative and who is who's the normative and the good parent and what is acceptable. And what's not and who's the deviant parent? and I can really give two concrete examples that we've seen during the COVID period. We know that some of the, you know, some of the largest allegations or there's a bulk of allegations of neglect around substance use and substance misuse and. Through during COVID, there was a really interesting article that two parents wrote and it was in the New York Times and the two

parents were talking about how living under the stress of COVID as a parent really sort of led them to lean on and lean into alcohol use and marijuana use. And their kids were sleeping happily and safely next door. Right. And I think the really sort of telling piece of this when I was reading the article. In the times is that there there is a level of complexity that we accord to parents with privilege to say that you can both be experiencing stress and sometimes respond to stress and respond to the difficulties in your life that maybe using alcohol that maybe using drugs, whatever. However, different ways that people respond. But when you are a person of privilege, you were not going to be policed, you were not going to be targeted. Your kids are not going to be removed, we know. That the folks who are meshed in the family regulation system and I'll just talk coming from the Bronx, the vast majority of whom are black. And latina low income and immigrant folks, there is absolutely no way, no way that they could say, yeah, I'm stressed out and sometimes I smoke weed. Sometimes I drink and also I'm a good parent. That complexity we do not accord to the folks who are coming through the family court doors in New York State. Another example is how the system responded to folks during COVID around access to remote education. There were numerous articles written by privileged parents talking about how they pulled their kids out of school. Remote education wasn't right for them. They're going to go a different course, whatever that course may be. They didn't have CPS knocking at their door, but countless articles were written about low-income parents when their kids didn't show up to remote learning. Whether it was because they, you know, whatever reason, they didn't have access to the remote services, they didn't think the remote learning was appropriate for their children. They were met with policing surveillance. And control. So the idea that we can talk about and move towards family preservation and minimizing the unnecessary and harmful interventions without really reckoning with the way that racism antiblack racism and classism and other forms of oppression shape our approaches to this system. And I think would be a misstep for all of us. Thank you.

Josh, I think you're muted.

Josh Corbo

Well, sorry about that. I'll try to make sure I Get the computer running properly. I had issues in the past but I wanted just thank everybody for having me involved in this. It's been a lot of fun last few months and the people that just spoke some of the messages were very powerful and It came across very all equally. I want to touch on a couple things. One second here. The first thing I want to hit on was. You know the status quo will no longer be tolerated, and that was from Ms. Monteban, I believe, and I couldn't agree with that more. I think that's why we're here. Everybody from every aspect of the child welfare system is coming together and trying to hit on problems and trying to improve, you know, So what can we do to improve? In family court I see, you know, certain situations and certain things that we can change and improve on, expediting things. You know when when you're dealing with everybody in family court like people said, you know. This is a super low point in their life, their anxieties, their issues, everything is being put on blast in front of people. They're embarrassed. So yeah, you're going to have. Different reactions from different from people you know. And then how we deal with the cases after the fact? Sometimes it's dictated on how they're behaving just at that point in time, which is kind of crazy. We deal with most cases and almost like 1 size fits all approach and that. To change some things that that must no longer be the concept, you know, between cultural differences between just area location where you're living in the state, there's so many different aspects to change things to for the better that you can't look at that one-size-fits-all approach. The main adversity issues that Ms. Mack

talked about. Mental health, poverty, drug issues, right? Speaking from experience, all three of those touched me as a child, and if we're looking at. You know, one of my favorite quotes of saying and a lot of things is, you know, an ounce of prevention is worth a pound of cure, right. So if we start trying to address, I think #1 is poverty, 100% is what I see most of the people that are in and out. They can't maintain jobs. They can't do all. So if you're going through the family court system and you have your kids removed and you're doing this for one year, two year, 356 years. And then you have all these meetings and times to come to court and services that you need to complete before you can get your children back. Umm, that always leads to from what I've heard in the past, people losing jobs, you know? So if we're trying to maintain the family and we're trying to, you know, ensure the safety and the rearing of these children, you know? Economically speaking. Poverty is probably the number one thing that really throws Families in a little you know. So it's like if you address the poverty issue. Do we see a reduction in the case is coming to family court? We do, I think and how would we work with some of the things that we do, we still need to have mental health providers, right? We still need to have drug treatment. And countless other services, you know, better helping families. With equipping them with tools of how to. 2nd of how to Deal with situations and then we're requiring them to be. Monday at 2:00 o'clock Wednesday at three. All these times and then they end up losing their jobs, and it's counterintuitive to what we're trying to do with keeping the family intact. So, you know, when you're talking about. The valuable time that the court system has and then the valuable time that these individuals have to deal with all these issues, you know you lose a lot of that. So it becomes more valuable time wise. So how could we as a court system, maybe operate a little differently to work around other people schedules, you know it's a big thing. I think if we did a different hour for family court or had service providers that could provide things at different times. I think that's, one of the things that could really help out. The other thing I kind of I thought about and I look at on a local level, how much we rely on local. Our service providers, will there be in our county, it's DSS, you know, Department of Social Services, I'm not sure. What the titles are and other counties, but we rely on them for so many. Things and so much observations on the family as far as the court system goes. I think we should be less reliant on some of those things and the court system should find a way to be maybe a little more involved and then take out some of the. Interruptions from these service providers, you know, going into your house all the time and checking things out and. Whatever else that the families are facing at these times, you know. That's one thing I kind of thought of. Oh. That the court system, you know, maybe you could look into doing. There's a lot to unravel with, you know, the abolition of the system and everything and At this point in time when? we continue to see data and studies showing about you know. Were kids better. And it all comes back to really love. Right. Where are these kids going to be loved the most? Where are they going to be? Uh provided the best environment to be able to succeed, and that's where we kind of get hung up is. Yeah. Obviously they'll definitely be loved the most by their family units, but When they get on to different parts in life and they're in different developmental stages and they're continuously in and out or they're seeing things that they shouldn't really see, you know. What's that? Due to their future outlook, I think it starts really destroying kids eventually. So there is a fine line between making sure you get them to where they need to be to where the family needs to be, and then also. Protecting their future outlook and their perspective on life and that's one of the hardest things that I think we would deal with by less involvement. So you know, that's just. Speaking from experience. As far as. How kids are feeling when they're in a system type setting where they can't go and do numerous things that can't be the normal kid that they're supposed to be, and it's usually through no fault of their own. You know, how can we go about fixing that? And still

making sure they keep the relationships with their siblings with their family. They still have that cultural tie. They understand where they came from. They understand why their parents do certain things or act a certain way, or that might be considered different by the norms. So it's 100% important to keep that. That relationship going period, but at the same time we have to try to. Structure and push them into becoming. Active and contributing members of society without having their outlook and perspective on life just being crushed. And I think if we do that, we start chipping away at the amount of Generational families coming into courts, you know, you see a foster kid that went through the system at 19 or 20. They end up having a child and then they're getting their child removed within a year or the first year or even at birth because of whatever situation is, drugs, mental health. Umm. You know, and just not being able to provide for the kid. So then you get involvement. So. Long story short, of what I'm trying to say here is. Ultimately, kids are definitely better off with their family. Family units need to be together and strengthened, and I think where the court system comes in is. We have So much. More Opportunity and so much more availability of resources that we can ensure and push out to families and that's you know, instead of less involvement from some things I think some things need more involvement and then some areas need less involvement. So restructuring some of the money and stuff like that to make sure there might be more discretion on the case by case basis. Make sure that. Needs are being provided for on the individual basis and not just because. Of some checklist or they didn't qualify for this, so now there's no food stamps coming in or we can't find jobs for these people or anything like that. You know, what can we do to help out and ensure the success of the family unit and? The decrease of the poverty issue and the mental health issue of the drug issue, we figure that out and we see. I don't even know what the percentage would be, but I guarantee it would start just slashing down the amount of cases we got coming in, you know? So that's a journey that's years of work. But I think this is the right forum to start talking about that and putting these amazing heads together to really try to figure out some. Some paths and some strategies going forward. So I think that's it for me. I think we're getting close to the 1:05 break and I really appreciate everybody listening in and and I'm having a blast listening to everybody else's perspective and Their outlook They're working at, so it's really refreshing to see all this effort to help out families. Thank you.

Trista Borra, Esq.

Alright, thank you so much, Josh and Miriam and Christine. I'm going to repeat something that I saw in the chat. Thank you for the gems that you've all shared with us. It's been wonderful. Do we have a couple minutes left? I just want to give you all each an opportunity if you have one last parting thought on family preservation, please share.

Christine Bruno, Esq.

I have a quick thought of something that I actually meant Umm. to say, and then of course I forgot it, you know, I'm going to leave the last thought to Miriam. Is this obligation again, not just on all the services that agencies should be looking for, for families, but that they have an obligation to individually tailor? This is exactly what Josh was saying, like an individual Service plan to tailor needs to families, right? Because everybody's different, everybody has their own set of challenges. Nobody's the same like no human being is the same. So how can we make an approach to a family by the family regulation system the same? So this individual. Best effort? There's also law on that. So anyway, thank you so much.

Trista Borra, Esq.

Perfect. Josh or Miriam, if do you have anything you want to share?

Miriam Mack, Esq.

No, I think that my Co panelists really, really hit on it. I think what I would say and encourage you know, especially you know what I was sort of lifting up and Josh was lifting up about moving resources back directly to families, into communities. And I think that some of us may be sitting here thinking well, how can I do that? Like that's not something that I can do as a family court judge or something that I can do as a law guardian or parent defender. But I do think what we can do. Is, you know, all of us have very incredibly powerful voices. It is really incredibly powerful to hear from folks who are involved in the family regulation system in one way or another, to say, actually, in doing this work for the last 15 years. The thing that I see that families need most is access to resources. So when we're talking about state budgets and when we're talking about city budgets and looking at increasing the budgets of. The different family, you know, DSS or family regulation systems, maybe we should actually be looking at increasing the budgets or increasing housing subsidies for families or increasing access to child care. And so I really do think that there is a role for all of us and it's not just limited to the roles that we play in family court or in different, you know, parts of the family regulation system.

Trista Borra, Esq.

Yes, absolutely. Thank you, Miriam. Josh.

Josh Corbo

The number one thing that Miss Mack just hit was the voice. You know, if you want change use your voice, as everyone has a voice, there's different people that their voice is louder, but it starts with the voice. So we got to get out there and we have our voices heard.

Trista Borra, Esq.

Great. Thanks, Josh. Now, before we go to break, I'm going to give you the Cle code. The first CLE code for today. It starts with the letter E for everyone, the number 4, the number 8 and the letter R for reasonable. That's the code. I'll say it again. E48R is the first CLE code for today, and now we're going to take a 4 minute break and start up again at 1:10. So no need to log out and log in. Just keep your. Keep your uh mics muted and cameras off and we'll get started again in about 4 minutes. Thanks everyone.

Welcome back, everyone. It's now 1:11. We're ready to move on to our next session on history and harms of removals and family separation. With a Miss Dorothy Roberts and Shereen White, is Dorothy with us yet. Cheers. OK. Alright. Before I turn it over to them, I'm just going to give a brief introduction and again I will say you know, please take the time to read their BIOS. So Dorothy Roberts is the 14th Penn integrates knowledge professor and George A Weiss University professor of law and sociology at the University of Pennsylvania with joint appointments in the departments of Africana Studies and Sociology and the law. She is the inaugural Raymond Pace and Sadie Tanner Mossell Alexander Professor of civil rights. She's also founding director of the Penn Program on race, Science and Society and an internationally acclaimed scholar, public intellectual and social justice activist. She's written in, lectured extensively on the interplay of race, gender and class inequities in the United States institutions, and has been a leader in transforming thinking on reproductive justice, child welfare, and bioethics. She's the

author of the award-winning *Killing the Black Body*, race, reproduction and meaning of liberty, shattered bonds, the color of child welfare. And fatal invention, how science, politics and big business recreate race in the 21st century as well as more than 100 articles and book chapters. Miss Shereen White joined the children's rights in 2019 as a senior staff attorney. In 2021, she took on the role as children's Rights First director of advocacy and Policy. Her work focuses on expanding community and organizational partnerships to collectively reimagine systems impacting youth and families. Prior to joining children's rights, she represented the school district of Philadelphia and Special Education Matters as an assistant General counsel, and she also represented children involved in the child welfare system. As a child advocate attorney at the defender of Association of Philadelphia, I'm happy to turn it over to both of you for our next segment.

Dorothy Roberts

OK. Hello, everybody. It's great to join Shereen White here in this session and everybody else who's spoken and those in the audience. And I am going to share my screen because Shereen and I have created a PowerPoint presentation. Uh, let me just get this up properly. And is it though I can't see anybody else now that I have

Shereen White

It's here, Dorothy.

Dorothy Roberts

this up, but it's OK. OK, great. Great. OK, so I'm gonna

Shereen White

It's up. We can see it.

Yep.

Dorothy Roberts

Yeah advance the slides. So we'll start with this one and Shereen will begin and then we're going to go back and forth in this presentation.

Shereen White

That sounds good. Thank you so much, Dorothy. And it's going to be here with you and everyone else as well. Before we get started, I sort of just want to set some tone for our conversation here. And as was mentioned, I was a child advocate attorney in Philadelphia. And I want to share for just a moment because I know we have a lot of people who work in the system, whether you're kids, workers, you might be child advocates, judges, all of those things. And so I want to share a few reflections from my experience. As a child, advocate attorney, one is that I showed up to do that job and to do that work, understanding what my father's experience was growing up in foster care in New Jersey. And it was a story about the harm that he occurred in the system. And a lot of information around the separation from his mom and his siblings. And so I grew up with those stories and understanding how the system impacts uh people generation after generation. And then I started my role as a child advocate and I remember the first thing I said in my interview was, you know, I don't think I could terminate somebody's parental rights and then Fast forward. It became so easy to do that and we would show up



in court with very little evidence, and I couldn't believe it. And I had the privilege of taking two years off after that role and really deeply reflecting on how I contributed to the harms that we're talking about today, how I contributed to what families and children experience to those separations. And you know, everybody doesn't have the privilege to sit and. Think about and reflect on this for two years, but I encourage you to really take in this information and sit and think about your contributions to the harm that is ongoing and how you can shift and change that. So with that, Dorothy and I are going to talk about the history and sort of go a little far back into how we got here, how this system was created, but also to share with you that family separation in the US is not new. It's old, it's centuries old, and it continues and shows up in the way the child welfare system has been designed in this country, and then we'll move in to talk about the impact. I know people love data, so we have some data for you that we will share, but we'll also reiterate the importance of what people are telling us they've experienced and how they've experienced the system. And then we're going to end with a conversation around what's next. And we're going to talk about these scary word of abolition. So back to you, Dorothy.

#### Dorothy Roberts

OK. Thanks, Shereen and maybe I'll just say a little bit as well about how I came to this topic and to my views today about the need to abolish the family policing system. Uh, in the bio, it mentioned that I wrote a book called Shattered Bonds, the color of child welfare, which was published in 2001, and that was a book about racism in the child welfare system, and it called for the abolition of the child welfare system briefly. But the book wasn't really centered on the meaning of abolition and the need for it, and making a case for abolition. And so Fast forward 20 years to 2021 and the 20th anniversary of that book. I in that time I worked on many, many efforts to reform the child welfare system. I worked with foundations like the Annie E Casey Foundation. I wrote an extensive report for them on. What people were then calling racial disproportionality in the child welfare system, I trained many caseworkers and social workers for various child welfare departments. I conducted workshops. I gave lectures. I wrote a number of articles, and I also serve for 9 years as a national expert on a panel of five people who were charged with. Reforming the foster care system in Washington state after a judge found that the state was violating the constitutional rights of children in Washington state, and we spent 9 long years creating an implementation plan, action steps, benchmarks, all sorts of goals and actions that the state should take, and in my opinion, we gave up after 9 years. There was some progress, but fundamentally. That way, in which the child welfare system worked continue to be the same, it continued to accuse parents of maltreating their children, putting them under severe investigation, giving them commands that they have to fulfill as opposed to providing for the needs or supporting the families and ultimately either separating children, threatening to separate children or even terminating parental rights. And so that's what led me to the conclusion, among other things, which sharing and I will talk about now that the system needs to be dismantled and we need to create better ways of keeping children safe and supporting families. But we want to start with the history because I think that you can only understand why a system operates the way it does today. If you look at its roots. And understand the fundamental principles upon which it operates. The fundamental ideologies and thinking and approaches and the way in which the family policing system operates today is grounded in a history of slavery and settler colonialism, and the way in which family separation was essential to those institutions in America so. Uh, starting with the enslavement of black people in America, it was essential to the perpetuation of that system that white and slavers had control over black peoples, childbearing

and child rearing. Because, of course, black women produced the future and slave children enslaved from the moment of conception that would fill the workforce, the coerced workforce. Of white and slavers and white enslavers also had complete control over or legal control over child rearing. Black parents had no legal authority over their children, and so families were separated at the auction block with children, fathers, mothers, sold to different purchasers. They may never have seen each other again. They could then be sold. During their time on plantations and farms by slavers for any reason to settle debt, to punish them, to coerce their compliance. And even after emancipation, white supremacists made sure that they could retain the forced labor of black people through incarceration, convict leasing, but also. Maintaining the forced labor of black children through the apprenticeship system. This was a court ordered system that alleged that black parents were neglecting their children and that the children would be better off under the supervision of others. And this was a way of returning black children to their very former enslavers. Immediately after the Civil War, 10s of thousands. Of black children put back into forced labor for white former slavers through this court system of child apprenticeship, I think we should think about how that parallels the way in which courts today are able to separate families based on allegations of neglect and put children under state supervision. at the very same time the US government was fighting Indian, so-called Indian Wars to decimate and dispossess native tribes or to so-called civilize them by putting them under the control of white people and the US military used child removal as a deliberate strategy of war, a weapon of war to destroy native tribes. This began in the 1800s, but the policy of declaring Indian or native parents neglectful and removing their children to be adopted by white families or put into white orphanages became an official policy of the US government. In collaboration with the Child Welfare League of America until the 1970s, when the Indian Child Welfare Act was passed. And even if we look at white children and what is usually seen as the formal beginning of the child welfare system, which Shereen will talk about in a moment. Even there. Foster Care was a way of dealing with poverty among white immigrant families in order to make them more acculturated to US norms and not really address their poverty. But to put them into forced work. And so there were thousands upon thousands of white children who were taken from streets in the northeast. Please, like New York City and put on orphan trains, what were called orphan trains. Even though most of these children weren't orphans, they were just taken from their families and sent to work for strangers in the Midwest and the Southwest. And so these are some of the very early roots of the family policing system and slavery, black child apprenticeship, indigenous boarding schools and orphan trains.

#### Shereen White

Thank you, Dorothy. You know that you just were talking about poverty, and I think it was in shattered bonds where you wrote, right, if you walk into any family court in America, you would think that wealthy, white families or wealthy families didn't have any issues with respect to their children and that is by design. That is how the child welfare system was structured. So I just want to pick up where Dorothy left off. Right. And move to the early 1900s with the formal creation of what? What I think about as the child welfare system. And so in 1912, that's when the Children's Bureau was created in the US and of course, that's our federal agency, that oversees child welfare in our country. And it was created with the stated purpose of investigating and reporting upon all matters pertaining to the welfare of children. And child life among all classes of people. And I, I was almost a history major in college and I still laugh because I worked in the system for 4 1/2 years and I had no idea how this system was created or established or where it came from. And it's only in the last few years that I really began

to dig into the historical documents and paperwork and understand how this system was established. And in doing so, I came across a document. That talks all about the formation of the Children's Bureau in 1912 and it sets forth the history of it. And there's a section in some of these documents titled All Children. And it says the final purpose of the Bureau is to serve all children, to try to work out the standards of care and protection. What she'll give to every child. His fair chance in the world. And I had to think about that because this is in 1912 that they're writing this right and what was happening in our country in 1912, while black people were still being lynched. Right. And so when we talk about the standards of care and protection, we have to ask ourselves, well, who's standards of care and protection, certainly not, not ours, as people of African descent. Right. These were white, wealthy standards of care and protection that were being forced upon other people. Forced upon poor people and immigrants in this country. And then if you read a little further in the documents, you'll find a footnote with this second quote that we have on the screen. Children are not safe and happy if their parents are miserable and parents must be miserable if they cannot protect your home against poverty. I had to read that again because I thought, no, they're explicitly, clearly telling us that this system of child protection. Of removal right as a response was created because the people who established it believed that there was no way that if you were experiencing poverty or growing up in a home where poverty was an issue, that you could be happy. And I can tell you from experience that that is the furthest thing from the truth and yet and still we see that ideology persist and play out in family court every single day across this country. In the way that we treat parents and the way that we judge families before they even walk through the door, right, and the lack of respect that's given to parents and families. And as they are dealing with this horrific situation and coming into contact with this this system. And so I really want to just like want us to really think about and reflect on that and understand that that's the roots of the system that's functioning in the US. Today. So I'm going to move on. So as we move through the 1900s, let's be clear that black children were not, as the system was being created, black children were not being serviced by the religious organizations that were established to service children who were removed and from poor families. And it wasn't until the 1940s where more and more black children were being serviced By these agencies and then we move into a time where as more and more black children were being serviced by the agencies, we saw more and more children being removed, right? Not because there were allegations of abuse and not because they were experiencing harm in their homes, but because their parents were unmarried or because they came from what somebody termed broken homes. And this is true for removals that happen for Native American or indigenous children, and the same for black children, and also the same for poor immigrant families in this country. So just this sort of track we go from this period of excluding black children, right, and placing them into the orphanages that Dorothy talked about, the indentured servitude that Dorothy mentioned to then discriminating against black children, not allowing them to take advantage of any types of services that we're being offered. Then to regulating what it means to properly care for a child, right, and we were very clear that unmarried women and poor people could not possibly live up to the standards that were established for protecting and caring for children. And it's with all of that backdrop that we then move into the 60s, right and we start getting federal laws to regulate children and families. That we're experiencing poverty that were black, that were indigenous, right? This is the the backdrop for the federal laws that we have in place today. I think I need the next slide, Dorothy. OK. Not quite there, but first persons mandated reporting, which was on the last slide, that's OK. Umm, which mandated reporting, right, which I probably don't need to say a ton about, because if you're listening, then there's a ton of conversations around the world about mandated reporting and a lot of

those conversations happening in New York. But essentially, states have started this idea of mandated reporting, reporting and states were enacting their own state laws around this concept. And then we get published in 1962. The battered syndrome paper that was written by Henry Kemp. And with that paper, there was this big, big discussion and this era, that sort of developed around children who were being abused. And this idea of battered child syndrome. And I want to be clear that that paper was really narrowly focused on health care professionals and doctors, right? And after it was published, we moved into the early 1970s. You can do the next slide now. Dorothy, please. Yeah. We move into the early 1970s and the federal government said well, let's formalize let's from the federal government this idea of mandated reporting. And when they did that, when they put provisions about mandated reporting into the child abuse prevention and Treatment Act or CAPTA, they also expanded reporting requirements beyond abuse, right. They expanded reporting requirements to also include this vague notion and vague idea of neglect. And they also conditioned the receipt of federal fundings on having. A category of mandated reporters in your state, and so there's a lot of work around the country right now that is naming and highlighting the harm that mandated reporting has caused to families, but also the harm that it's caused to mandated reporters themselves. They're telling us that it is inhibiting their ability to actually help families to actually provide services to families in need. So I think I think we want to just pay attention to the conversations around mandated reporting that are occurring right now. I'm Co facilitating with jmac for families are working group in New York's, specifically on mandated reporting laws in New York State. And then when we move into the 1980s, we get the adoption assistance and Child Welfare Act. And I'll just point out that with that, it's where the idea of reasonable efforts first shows up for us under federal law. And again, it's this vague idea, this vague notion. And I just want to encourage people. That. Too often, as practitioners, we don't even utilize reasonable efforts. We don't demand reasonable efforts from child welfare agencies and as attorneys for children, as attorneys for parents, we have every right to demand that those reasonable efforts are happening and to challenge when we know that they're not. And to make requests that there is a finding of no reasonable efforts. And the reason that's so critical, right. From agencies get money for every finding, and when there's a finding of no reasonable efforts, they don't get funding for those particular children. And so we should be challenging that standard in court every single day. It's one small way to move us toward ensuring that families can get some help to get some services and to maybe stop unnecessary removals that are occurring. We're going to move into the 1990s and Dorothy, you can take it from here with asfa and the other legislation.

#### Dorothy Roberts

OK. OK, so one way to think about the context that Shereen has just spoken about the recent history, what some people think of as the beginning of the history of the child welfare system. But again, as we pointed out, the roots are even deeper. But to think about that history in the context of other policies that are also being passed in the United States at the time and so one very. A telling era is the 1990s and the way in which child welfare policy interacted with other carceral policies, and by carceral I mean policies that look to punishment as a way of addressing human needs and solving social problems. And so in the 1990s, under a Democratic Congress and Democratic President, Bill Clinton was president. At the time, there were a number of policy. Initiatives that were made on a bipartisan effort. To radically change, uh, the approach to welfare and punishment, and the United States. The first was the violent crime control and Law Enforcement Act of 1994. This was an act that increased funding for police and eventually sent more police officers into black neighborhoods, helping to skyrocket even more. The

mass incarceration rate in the United States. And at the same time, only two years later was the passage of the personal responsibility and Work Opportunity Reconciliation Act known as Welfare reform or welfare restructuring? This was the law that ended the federal guarantee to families with dependent children. In other words, it ended a decades old guarantee that the federal government may to ensure. That families that were struggling to raise their children at least had some minimal support from the government that was abolished in 1996 and welfare was turned not into an was no longer an entitlement, but turned into what I call a behavior modification program. The purpose of welfare became to push impoverished mothers into low wage work. And. Uh, get them married and having fewer children. This was all under the theory that the reason why people were on welfare was because they weren't willing to work. They had to be forced to work because they weren't getting married, and because they were having too many children. And all of these ideas were based on a total racist myth of the black Welfare Queen who was supposed to have children just to get a welfare check, not care about her children, but spend the money on herself. And that was such a powerful image that it really fueled this idea that we needed to end the guarantee of aid to families, to help them care for their children. Now, a year later was passed the adoption and Safe Families Act. This law is less well known to the general public, perhaps well known to people in this audience. But I encourage you to think about how it's connected to these other laws that were passed virtually at the same time the adoptions Safe Families Act was supposed to deal with the growing foster care population and as Shereen said. Since the 1970s, eighties, and then into the 90s that foster care population was skyrocketing, mainly because of the large numbers of black children who were being taken from their families. And put in foster care in at this time in the 1990s, nineteen 97 black children were the largest group of children in foster care, even though they were a relatively small percentage of the population. Thirteen, 14, 15% at the time, they were over 40% of children in foster care and black children were four times as likely to be taken from their families as white children and placed in foster care. And so there was this idea that the reason why there were so many black children languishing in foster care was because it wasn't easy enough to terminate their mother's rights. Their parents' rights, again fueled by this false myth of neglectful, uncaring black mothers, and at some people who advocated for asfa, explicitly did so in racial terms. Talking about freeing black children from their mothers. Terminating their rights so they could be adopted, preferably by white families. And even if it wasn't that explicit, although it wasn't some cases, there still was this underlying thinking about the reason why there were so many black children in foster care and the way to address it was through incentivizing termination of parental rights and adoption rather than similar incentives for family reunification or prevention. Of removal of children in the 1st place and so ASFA's 2 key features is to speed up termination of parental rights, with the presumption that states should petition for termination of parental rights of children who have been in foster care for 15 of the last 22 months, and the incentives that states are given to increase the numbers of children adopted. So if we put all this together as A joint effort of carceral ality of punishment. What this means is that the state was turning more to criminal law enforcement and incarceration and away from supporting families, and toward that adoption is a solution when families were unable to have the resources they needed because they had now been stripped of this federal guarantee. Of income to help them with their families. And it's the first time in U.S. history where states were required to protect children from a family maltreatment again, at the time, mainly in the form of foster care, but without any guarantee of state support for their families. This is an extremely inhumane and unjust way of thinking about meeting the needs of impoverished

families through punishment and disruption, as opposed to meeting them through structural changes and through providing the income that families need and other resources that they need to take care of their children.

### Shereen White

So this slide is just setting up some of the US data that hopefully you've heard and know about. Umm. And it's focused on, right? The disproportionality that Dorothy was hinting at that black children make up 14% of the general child population in the US but 22% of children in the foster system. Thanks. There we go. Perfect. And then we have this map that is just depicting that in almost every jurisdiction in this country, black children are disproportionately represented in the foster system. And also at every stage of the foster system, there is a disparity or disproportionality number that we can put in so reporting investigation, so speciation's removals and outcomes and I don't need to I think go further on that. I think we can get the next slide on New York, Dorothy, unless you Yeah, want to add to that Oh, go on, because I have one coming up too, so go on Yeah. OK. And then in New York, here's some recent data for New York State and New York City on the disproportionality piece that black children represent, 15% of New York child population and 38% of children in the system. And for New York City, the Disparity index or disproportionality index is also really, really big. That black children represent 23% of New York City's child population. And 52% of children in the foster system. And the reason I'm speeding through sort of that data and this conversation around disproportionality is because I believe that we many of us are far past that and in fact, the conversations that are happening in this country and and even at the international levels are about racism generally, right with this conversation of disproportionality, I mean Professor Roberts was writing about that two decades ago, right? And so, the conversation has, thankfully, in the last few years advanced, because if you think about this idea of disproportionality, we're not asking for a disproportionate number of indigenous children or a disproportionate number of indigenous children and a proportionate number of black children to be in the system. That is not the solution. And so when we frame the conversation around disparity and disproportionality and it makes it seem like the solution is to just bring in an equal number Of those children into the system, and that is indeed not the solution, not the request, and not something that we should be thinking about. So when I say the conversation has advanced, it has advanced to thinking about, uh, discrimination more broadly, anti-black discrimination even. And we have some really big reports and statements that have come out that if folks haven't read or reviewed, I encourage it. The American Bar Association and Resolution 606, they published that I believe August of 2022 and it's focused specifically on anti-black. This is umm, in the child welfare system and we also have the New York State Bar Association. You all probably know better than me when that report came out. I can't. I can't remember the dates, but also recently in 2021 or earlier 2022, the New York State Bar Association report that deals with these issues up front and closely. And then even last year myself along with Angela Burton and Henna Navid from Human Rights Watch and ACLU and Joyce McMillan from Jmac for families, we went to Geneva, Switzerland to raise the issue of discrimination against black children and families in the child welfare system before the Committee on the Elimination of Racial Discrimination. It's called surge ERD. And while the United States has not signed on to very many treaties or ratified very many treaties under human rights law. They have signed the International Convention to eliminate racial discrimination and in all forms and in all places, right. And so they have obligations under that treaty,

and now they will be reviewed with how they're doing to eliminate discrimination and disparities that exist in the US child welfare system. So there are some big reports and big statements made about this. You want to go to the next slide, Dorothy? Yeah. OK.

Dorothy Roberts

OK, this is me. So I'm going to go quickly through this cause Yeah. actually I think Shereen we're running out of time. I think we have 10 more minutes, so. Is that correct? Sue? I think so.

Sue Shafer

Yes, that's correct. 10 more  
Minutes

Dorothy Roberts

OK. So and I think Shereen has already given a great overview of just how extensive the racial disparities are and also the point that this isn't so much about, it's not about disparity, it's about injustice. But I think the numbers show that black families are targeted by this system and that this is the result of the historical roots in white supremacy and racism and also the way in which these false negative disparaging stereotypes about black families help to fuel really harmful policies and practices. And so I want to just point out one recent study that looked at the lifetime cumulative risk of being investigated. So you know, when we look at disparity research, it shows point in time. What are the comparison of the number or rate of white? Children in foster care versus black children in foster care, but that doesn't tell you what are the chances over your entire childhood that you're going to be investigated or removed from your home or your parents. Rights terminated. That's what really tells you more about how this system targets black families. And one of the really disturbing I think we should pay a lot of attention to this statistic. That came out of a 2017 study is that half of black children in America will be subject to a child welfare investigation before they reach age 18. That number means that it has to mean that something is wrong with this system. It is over surveilling over, intruding over policing black families. This is the norm for black children. Is to be subjected to interference in their homes by very traumatic investigations, even before getting to the question of child removal, the investigations themselves are massive when it comes to black children, so I'll move up on we now want to move to the way in which this system is structured to harm children and their families. When the Trump administration increased the separation of migrant children from their families at the border. Many, many experts came out with reports about how traumatic it is and harmful to children to take them from their families. That alone the act of removing children even before we get to what happens to them after they're removed is extremely traumatizing, with long lasting lifelong, a negative effect on children. And effects on their loving caregivers who are shattered by this experience of their children being taken from them and not having the ability to care for their children. As Joyce McMillan and Jmac for families reminds us in this billboard, they separate children at the border of Harlem too, and all of those negative consequences that the experts were saying about children separated from their families at the border hold true. For our children separated at higher rates in neighborhoods around the United States, I also wanted to point to a very telling quote by Athena Garcia gun, who describes the insecurity of foster care in her TEDx talk from 2017, where she says no one really tells you about the mental abuse that the foster care system will put you through. How you become more unstable than you probably were before. How you become a liability and you're bound by all these regulations for your so-called

well-being and your so-called safety. How you are really are treated like you're disposable. You really are given a trash bag. That's not just a story they tell you are made to feel like you are temporary. To not get too comfortable because you're not a family. And this is just one aspect of the harm, the insecurity. The moving from home to home not knowing the context you're in having to get used to a stranger's home, perhaps, or even if it's a relative, a different home having to be uprooted from your friends, your family, your classmates, the impact on your education on your healthcare. This is why there are very high rates of post-traumatic stress disorder in children in foster care. Another aspect of the harm and you know for sake of time, we're skipping over lots of other harms that are inflicted and well documented by foster care. Of course, there are many children who thrive after foster care, but in most of those cases, it's not because of the experience of foster care. It's because of somebody who helped them during their experience in foster care. And many will say I survived and thrived. Despite foster care, despite the kinds of disruptions that it imposes on children but one other harm that it is that the system structurally imposes on children is taking away their assets, their benefits that they are entitled to from the government. And this is a system that is so systematic that many child welfare departments enter into contracts with what are called revenue maximization firms. That help them to identify children who are entitled to Social Security survivor benefits or disability benefits, or SSI benefits to become the financial representative so that they take, I would say, still these benefits from the children don't devote those to the children's welfare, but just use them to pay off whatever debts the state might have, or to balance the budget. And so you have children who are aging out of foster care that should have gotten thousands and thousands of dollars in benefits that they could use but no longer have them because the state has taken these funds from them. Another is the criminalization of black children and the way in which children in foster care, especially teenagers but black children are more likely to have this experience, are put in prison, like congregate care, sometimes what's called residential treatment facilities, very euphemistically. And a study by think of US-led by 6 to cancel who experienced Foster care, aged out of foster care, called away from home. I show how these children describe being in these settings as if they were being treated like prisoners, and this is included the killing of children by staff in centers like these. So really quickly, because we're going to, OK. So really quickly because. Sure. I can't hear Shereen. Are we still there? Yeah, it looks like she's frozen. She seems frozen. Huh. I'm just wondering if we should move to our last area of Maybe people can read what's on the screen. I think that she was Yeah. Shereen was going to reinforce what I was saying about the harms of congregate care and how children placed in these types of settings describe feeling that they're in cages, that they're being treated like animals, like prisoners. But, and I would refer on behalf to Shereen children's people, to children's. Rights report they are you listening report which also describes like the report I mentioned by think of us, the experiences of young adults in these harmful settings. Right, thank you. Is Shereen back? She put in the chat that she's unmuted, I don't know. Now I don't know. We still can't hear her. OK, There she is.

Shereen White

Yeah. So can you hear me?

Dorothy Roberts

Yeah.

Shereen White



OK.

Dorothy Roberts

Yes. Yeah

Shereen White

Sorry, I'm in a hotel at the UN in New York. Yeah. On this one.

Dorothy Roberts

Yeah. OK, Shereen.

Let's just mention that the reason we included all of these slides, they'll be here for you is because this is a more localized New York focus from the voices of young people who were impacted by congregate settings across New York State. And so I encourage you to look at the report, read through the slides to hear how they describe their experience and also for the solutions and recommendations that they made. We can skip through the rest of those slides, SE and still be OK, OK. Yeah, we should get to our our ending, right. there. Our final thought, yeah. OK, I'm even going to skip over the carceral, but our conclusion from everything we've said is that when we hear of a, you know, the egregious cases of children who are wrongfully taken from their families have been a few in the news lately. And it took protest to return the children home. When we hear from people like Angela Monteban who started this program, this isn't because the system is malfunctioning. This is how the family policing system is designed to operate. It's designed to accuse, to supervise, regulate, punish. Uh, separate and threaten it is not designed to provide the resources that families need to keep children safe and to meet their needs. And so we have both come to the conclusion that we need to abolish this system, so I'll let Shereen say a little bit more about what abolition means.

Shereen White

Yes, I think what you have here on the screen are two really solid definitions about abolition, one from Professor Roberts herself in another from Derek, A Purnell who wrote a book on becoming abolitionists. And the important take away here is that when people think about abolition, they only think about or hear this dismantling, this tearing down, and there's a whole other part of it that gives us the ability, the flexibility. To be creative, to think, and to reimagine what we would put in place. Right, we went from the beginning talking about how this system was established and put in place and hand it down to us. And we don't have to accept it the way that it is. We see all the ways in which this system has been harmful and has actually helped anyone. And so with that, we have this idea of abolition, which is about thinking about. Reimagining, creating, and that's something that all of us can do together based on our various experiences with the system and in the system. Did you want to bring us home?

Dorothy Roberts

It just so just to give some examples of what people are doing right now to work on dismantling the system, piece by piece, reimagine how we could better care for children and family, support families, keep children safe in their homes, and create radically different way. We've heard some of it changing policies that actually provide the income and resources that families need. Joyce McMillan. And jmac for families and others who are working on legislation, that's seems like it's going to be successful in the New York State Legislature to require that caseworkers tell parents about their constitutional right to an

attorney and to a warrant. In most cases, they're just search your home, ending involuntary drug testing, which we know is extremely racially discriminatory and harmful. That deters people from getting the help that they need ending mandated reporting, as Shereen talked about, but then also building up community based resources for families, including transformative justice approaches that deal more effectively with preventing violence in homes and in communities. So these are just some of the ideas that people are implementing right now to abolish this system. Which again means dismantling, reimagining, and creating better ways of caring for children and their families. So we'll end there. And thanks everyone, let me stop the presentation so we can see each other again. Let's see. Well, I clicked on it, but.

Shereen White

You did it. Yeah, you did it. It's all good. Yeah. OK.

Dorothy Roberts

I think it's just on my end. I cannot see anybody. OK, let's try again now. OK. Yay. No grades. Well, thank you.

Trista Borra

Thank you both so much for being here. Thank you so much. Alright. here with us today and sharing these perspectives. It's really wonderful. I don't know if you could see the chat while you were going, but there's a lot of comments really positive information being shared. So that's great. Before we take a brief break, I'm going to give the Cle code and the CLP code is C as in careful J, as in justice and the number 5 And the number 2. So again CJ52 and we did go a little bit over. So I'm just going to ask that we take a 2 minute break instead of a 5 minute break and we'll return at 207. Thanks everyone.

Shereen White

Thank you, Trista. I'm just note that Angela needs to be made a presenter again because her Internet was also impacted.

Trista Borra

OK. Thanks for letting me know. Shereen great

So Are you ready? Shall we get started?

Angela Burton

I am ready. Are all of our panelists on and ready to go? Make sure it looks like we have uh, blessings and Josh and let's see. Is Jenny on? If whoever is in the next section, if you could put on your cameras, that would be great. So there you got out still be asking this. We're looking for a Joyce, Jenny. Jenny, are you there?

Jenny Stansfield

I'm here. My camera is on.

Angela Burton

I'm not seeing you, but that doesn't mean that you're not there. That's OK and Blessins? So do we have everyone? Should we get started? I'm not sure. I haven't heard from Blessins though. Can you just? Let us know you're on and ready to go. And she was on earlier.

Trista Borra

Yeah, I see her on. She's muted. I don't know. Blessins? If you're trying to talk, you're you're muted.

Blessins Brown

Yep

Angela Burton

Seeing 2 Josh's

Trista Borra

Alright, well, I'll just do a quick introduction of

Angela Burton

Trista, give me

Blessins Brown

I'm here

Angela Burton

Is that you Blessins?

Trista Borra

Uh, I'll just gonna do a quick introduction for everybody on the panel and hopefully by the time I'm done with that, Jenny and Blessins will be able to be heard our next and final session for this afternoon is a facilitated roundtable discussion on family preservation, moderated by Miss Angela Olivia Burton and she is part of the Office for Justice Initiatives as special counsel for Interdisciplinary matters. And prior to that, she served as the first director for Quality enhancement parent representation at the New York State Office of Indigent Legal Services. Angela has taught courses in lawyering, constitutional law, family law, and children's rights. Angela has taught courses in lawyering, constitutional law, family law and children's rights, with the focus on the child welfare, child protection system, and works with numerous national and local organizations, with a particular emphasis on supporting the leadership of people with lived experience.

Blessins Brown entered foster care at the age of two with two with two other siblings and was adopted and then reentered foster care at the age of 14. And we have Jenny Stansfield, who is the mother of an 11 year old son, Skyler James, and a trained parent advocate through justice for families and she finds joy in helping others overcome similar challenges that she once faced. And we also have Josh Corbo again who's who was introduced earlier. In the program, we also

have Joyce McMillan, who is the founder and Executive director of just making change for families, otherwise known as Jmac for Families, her mission is to remove systemic barriers and communities of color by bringing awareness to the racial disparities in systems where people of color are disproportionately affected and those are our panel members for today, I'm going to turn it over to you, Angela.

Angela Burton

Thank you, Trista. Thank you everyone for joining us today for this second annual court system, Child Welfare Court improvement project reunification month. Umm event I want to give a shout out to my boss Judge Edwina Richardson Mendelson, who started the first reunification month program through the court system last year. And the ethos that she established at that point in time was to ensure that the people who have been most impacted by this system should be highlighted, uplifted and centered. In any discussion that we have around these issues and so as you can see from this program today, we've integrated and included the voices of those impacted as part of integral to the entire presentation. And so I want to really appreciate the efforts that are being made by Trista Borra and her team on the Court Improvement project as well as the leadership of Judge Edwina Richardson Mendelson in the Office for Justice of Initiative. And so I know that we're getting started a little bit late. So if we go a little beyond 2:30, I hope that some of you will stay on and give us some grace so that we can ensure that the voices of our panel list are heard today. We wanted to in this session with some reflections and reactions from our panelists, and we did come up with a couple of guiding questions which will serve to open up the conversation. And of course, you guys can take it wherever you need to take it. But like I said, I will throw out these questions. You each, you'll have, you know. Let's take two or three minutes, you know, to, to dive in as much as you can in the short period of time. But I'll start with the first question. So the first question is, what's something you know as you went through this whole process through the system? What is something, if there was anything that was done to help you preserve the relationships that you had with your siblings or family members as you were going through this, this process of child welfare and the court system? And anyone can jump right in, Jenny.

You'll have to unmute yourself.

Jenny Stansfield

There we go. So when my son was removed from my care, my visits were piecemealed infrequently and sporadically. For the first six months, my visit slowly increased to supervised visitations every other weekend close to 2 1/2 years of separation, I was coerced to give up my constitutional right to a trial to essentially restore my constitutional right to parent my child, and to be a part of his life. After I agreed to plead guilty to neglecting my child without admission of neglect. My visits were no longer needed to be supervised. I was given a court order with regular visitation, including a holiday visitation schedule, summer parenting time, nightly communication and decision making in my child's medical treatment and education, and this year still, this order took about a year to be signed.

Angela Burton

Thank you, Jenny. Josh or Blessins or Joyce? Joyce, you're muted.

Blessins Brown

Can everybody hear me now?

Angela Burton

Oh Blessins. Yes. OK.

Blessins Brown

Alright.

Angela Burton

We can hear you now.

Blessins Brown

Alright, that's good

Angela Burton

So did you want me to repeat the question?

Blessins Brown

Yes, yes, definitely repeat the question for me please.

Angela Burton

OK, alright. So we're just starting off with the first question, which is, is there something or was there something that was done to help you preserve your family relationships as you were going through the foster system?

Blessins Brown

Yeah, it was definitely a lot that was done. They kept me and my siblings together. Uh, so that was a very great thing that they did that I'm really proud of, cause where me and my siblings still talk to each other. We still see each other. And yeah, while we were all in the system, we all got to live with each other and didn't separate us. So that was a great thing that they did.

Angela Burton

Beautiful. Thank you so much. Joyce.

Joyce McMillan

Nothing. I don't have anything positive to offer on this question

Angela Burton

OK, Josh.

Josh Corbo

Yes I kinda Had a similar experience to Blessins with that, like where the court system was the. Forcing factor that ensured, at least if I once me and my sisters weren't living in the same home, they ensured that visits were happening on the regular basis and keeping that connection with my sisters, which at the time wasn't, you know, maybe a major priority to me now. But I look back at it and the relationships that I have with them now. The better, OK. I am very grateful that they pushed and they didn't just let us kind of disappear. So that's the one thing I appreciate about.

Angela Burton

Thank you. Thank you all for that. You know, especially focusing on maintaining those relationships, which is something that we often see doesn't happen as soon as and as regularly as it should. So thank you for highlighting that. So we have three other questions. The second question is what again, if anything specifically, has the Court system done that you found helpful or useful in any respect as you were involved in the child welfare and court system? Jenny.

Jenny Stansfield

OK, hold on. I have to get to it because I wrote everything because it's too much to remember. Umm, when I read this question, my first response would have been nothing. However, today I'm able to view my experience with both the family court system and CPS from entirely different perspective. My answer is CPS and the family court system has done the imaginable unimaginable not only to me and my child, but countless others and this arena. We had little to no constitutional rights, civil rights, human rights, no protection, no answers, and most importantly. No solution. My experience destroyed me by stripping me of my most important identity. A loving mother to my son Skylar. When I found the strength to get back up and fight, I had No Fear. I learned without fear, I became unstoppable. I'm parked at a journey of self discovery and healing. In this process, I became my own hero. I found a strength. That I never knew existed when I was ready for the next stage of my development, I met my people, other women who had similar experiences. They lifted me up and made me one of them. It became apparent out of the gate through justice for families. I become a powerful example to my community and how to never stop fighting for what you believe in, how to stand in your truth, and how to take back your life. Most recently I've seen that the core system has done that I believe is helpful, is having referees assisting the judges. And holding educational conferences to raise a wet awareness such as this one.

Angela Burton

Thank you, Jenny. Anyone else want to jump in on that question? What specifically has the court system done that you found helpful or useful?

Josh Corbo

So I'll say something that I I kind of thought of it was a program. I'm not sure if it was the necessarily the court system at the time it was called an independent living program. So when teenagers hit a certain age and they were in foster care, they had these group meetings and they had different grants to help enable us get getting like community jobs and helping us with some life Standard Life skills now. The

idea is what I appreciated. I don't believe it was delivered in the right method when I was in the independent living program. But the whole idea and empowering you to take the initiative and learn how to do certain things and work. Get some of your own money. All that stuff was I was trying to get jobs. Everything as a kid and I couldn't do anything. And then the course system stepped in and helped me out with that program. So I appreciated that.

Angela Burton

Thank you, Josh. Blessins or Joyce?

Joyce McMillan

This is a panel. This is a panel where I'm not going to have much to say if we're asking for me to give positive affirmations to CPS for anything they did with my family because everything they did with my family was horrific and I'm very happy that Blessins, Joshua and Jenny got to experience some good things. But I don't see that as the norm. And so if they could do it for you, it would be great. If a family had to be separated for some reason. That these things was consistently provided to everyone across the board in each category, offering job skills, keeping the siblings together, so forth and so on. That's not what normally happens. So congratulations to you lucky winners.

Angela Burton

So we have two final questions and again these questions are also meant to raise awareness as Joyce, you know, helpfully summarize some of the points that were made by other panelists of things that they found helpful, things that help them to, you know, get through this process. The last two questions are focused on specific recommendations and also things that the panel wish they had either. Known or someone had told them, or someone did for them. So I'm going to start with the question of what do you wish looking back on the experience, what do you wish someone had told you or as Doctor Trisha Stevens said at the beginning in her video. Do you wish someone had asked you or had done when you were going through the system? What is something that you would have found helpful during that point in time?

Joyce McMillan

I'll start. I would have found helpful if someone would have explained to me what my rights were. Because had I know my rights, I would have never submitted to a urinalysis. It is a constitutional right. We have a Senate bill right now, State Bill number 901 and our elected officials and ACS. Are all proactively. Blocking families from being told what their rights are at the onset of a case, and it is my belief that if we intentionally prevent people from knowing their rights, then we are intentionally violating those rights. And I don't believe that the Constitution should be redlined. And I'm asking our elected officials to protect everyone in America. Under those rights that so many soldiers died to protect, not to exclude black, Brown and lower resource community from having those rights of be available to them. So I wish I was told my rights and I wish that someone would step up right now and do what's right for families. So moving forward, families can know their rights.

Angela Burton

Thank you. Jenny.

### Jenny Stansfield

So mine is kind of along with Joyce. I wish someone told me the truth. The system does not help everyone. It chooses who is worthy. If you are not deemed worthy to receive services, you'll be entering the unlawful arena of the family court system. If you thought it was difficult surviving not being able to keep your child safe, that was only preparation. Here you will be stripped of everything you thought you had, such as your constitutional rights, your identity, your future employment. You're right to be a part of your child's life, and most importantly, your right for your child to be raised and loved and nurtured by the person who gave them life. These battles are long and arduous, and in my case it started long before I called CPS for help. I needed someone to talk to. I needed someone to listen to me. I needed someone to teach me how to set boundaries within my family dynamic to ensure my child's voice and needs were kept above the needs and desires of others. I needed someone who went through this as a mentor, as a guide, and as a light holder with the way out of the dark tunnel. In essence, I'm just saying that we need parent advocates to help parents through this process. OK. Lessons.

### Angela Burton

Want to jump in? Was there something that you wish someone had told you or done for you or asked you for your input as you were going through the system? What would have been helpful that you did not get?

### Blessins Brown

In my opinion, I feel like they they should have told me and asked me a lot of things, but I wasn't looking when I was in the system. I wasn't looking for the help, I was more nonchalant about everything and I didn't want to help. I want to do everything on my own. I didn't want to know your answer. I wanted to learn it on my own, so I'm not really more in for it with this question.

### Angela Burton

OK. Thank you. You wanted to be your own person. I hear you. Josh, you want to jump in?

### Josh Corbo

Uh, yeah, so. I think that you know, one of the things that I couldn't stand and the number one thing that I hated about being in the system as a kid growing up was the fact that you were on the present. I'm not sure who brought it up, but it was on the slide show in the last presentation part, but. The fact that as a kid. You become a liability. You know you can't do so many things that other kids can do. You need to get permissions. When I was there, parents had to if I was going to a House, parents had to be told of my situation. And that's kind of putting me on blast and not letting me be private about, you know, situations that I was in and then again, not letting the experience things that other my peers were experiencing all because of legality issues or, you know, potential harm to the body of whether you're playing sports or whatever it is. Oh so that that was I somewhat harmful to me at the time, you know. And if I could just change that or told them or you know hey why do we have to look at these kids as liabilities? For legal reasons, obviously you know as far as lawsuits and things like that go. But it's almost like you're penalizing the kids. So can we. Can we implement something that we're not? Kind of raising kids that are going into the system, you know, that's what I would ask for.

### Angela Burton



Yeah, it sounds like you just wanted to be a kid

Joyce McMillan

Angela, may I add one more thing please.

Angela Burton

Yes

Joyce McMillan

I would just like to say there's going to be people who are going to call me after they see this webinar, whether they're on Live Today or not. And they're going to say that it's unfair to accuse ACS of blocking the legislation. ACS has not supported the legislation. They have not openly supported it. And if you are not part of the solution, then you are part of the problem and they are big enough and powerful enough to make this legislation go through, if that's what they choose to do. But it's not just them. There are other leaders in the Senate that is also blocking and I will point out, Andrea Stewart Cousins. I will call her name out. I will call out Jeffrey Dinowitz and I will say Any threat of injustice to anyone is a threat of injustice to everyone, and we need to all stand up. We need to be calling these offices. We need to make sure that this legislation passes this session. And again, if you're not helping, then you're hurting and so don't call me and tell me. I shouldn't say that to each and every one of you who don't believe that parents should know their rights. Know that you are part of the problem and I'm not taking it back.

Angela Burton

Thank you, Joyce. And you know, just as a reminder, you know in this in this space, again, as I mentioned, when we open up this panel and we have one more question and we do have a just a couple more minutes that we are steadfastly interested in ensuring that we bring the voices of the people who are impacted into this into this space that will help us to understand and a broader perspective what is going on and what they say. Right. They want and they need to happen. And so with that, I will ask the last question which is do you have any specific recommendations for caseworkers, judges or lawyers or any other actor in the system that you think should be implemented in the in the in the short term, the long term or whatever? I know Joyce, you already made your recommendation to the extent of, you know, making sure that legislation passes. Anything else that anyone else would want to add, specifically to actors and players in this system as we are getting ready to log off.

Jenny Stansfield

I just have some advice.

Angela Burton

Please

Jenny Stansfield

Can you hear me OK for the lawyers. Do not take the position of the other side. You're the only thing in that arena that represents this person. Chance at the judge making the right decision. Fight for your clients rights file for the proper hearing. Bring the evidence to the table. Do not be defeated so easily. Battles are lost daily. Learn the lessons from them and focus on winning the war. If your client is

traumatized, be resourceful and get them a parent advocate who has been through these difficult experiences. And help them find a support system. I can't stress this enough. Set boundaries when you are all a person has when they are going through the system boundaries will prove beneficial to you both. This will enable you to focus on your main task, preparing them for each and every hearing and not being their counselor. Stay the course to the very end and if they decide to take a plea deal, make sure the order states this measure. The orders are signed. And help your client to file with the higher court if they choose to do so to the law, guardians and caseworkers in a family court battle, you are the 1, the narcissistic parent or grandparent is going to latch on to and do everything in their power to persuade you. So tread lightly and taking sides and making judgments. Law guardians. You represent the child, not the person you think the child belongs with. Meet with the child. Meet with both parents. Speak to both parents separately and away from the child. Speak to the child away from the parents. Speak to the child's teachers and therapists. Most importantly, develop a report with the young child you are representing. Caseworkers read people their Miranda rights gain experience through real life education and above all else, get families help before tearing them apart. Judges please uphold the Constitution. Wait to hear all evidence before making a decision and hold all people, including the law guardians, attorney and county attorneys, accountable when they are practicing unlawfully.

#### Angela Burton

Thank you, Jenny. Those are some extremely concrete, specific and helpful recommendations. We appreciate you, Josh.

#### Josh Corbo

I have this little thing that I've been working on with Sue Shafer with the CIP, and it's a mentoring program and it's a mentoring program for foster kids and juveniles, and I can't think of a better thing that would have helped me as a teenager. That having somebody in my corner, that's understanding where I wanted to go in life and they were. More advanced. And how about you would go to do and get certain things accomplished or just a voice that is there to listen to you? You know, you know, caseworkers can do that to some extent. You know, you're the AFC could do that to some extent, but a specific person that looks at what your goals are, what you want out of life and the future and really pushes that and helps you complete those things when you're taking people away from their families. And the people that are out there, out looking out for them, they're looking for the future. You need to replace that with somebody. And you're not always getting that with the foster parents. You're not always getting out with the caseworkers. If we had some mentors around to really help kids get to where they want to be, I think that would just be huge and in the future of, you know reversing some of the things that the system has done and then starting to backtrack and reduce caseloads, and then we won't get so much repeat generational things if we have these kids that have, you know, see some more structure and have more guidance. So mentoring would be the thing.

#### Angela Burton

Thank you so much, Josh. I'm going to turn it back over to Trista to close us out. I think that is the plan. Is that correct, Trista? And before I do, I just want to again thank our, I know we lost Blessins along the way, I believe, but I appreciate

#### Trista Borra

Blessins is here

Angela Burton

I'm sorry. Blessins?

Blessins Brown

I'm here. I was always here.

Angela Burton

Oh my goodness, I'm so sorry. Somebody should've pulled my coattail. Did you want to take a few minutes to give some recommendations?

Blessins Brown

Good. What they had to do in my opinion, I feel like it was my fault because I didn't want the help. I didn't want any opinions. I didn't want and I was very nonchalant. And honestly, I regret that. So one thing I could say if when I was in the system, if I could have moved along the way less nonchalant then I moved, then maybe I could have got more help than I would maybe I would've knew more than I know now. Maybe I wouldn't have to do so much. On my home, maybe I wouldn't have to be so independent the way I am.

Angela Burton

Thank you. Blessings. And these are lessons for all of us, even though we've heard from blessings and, you know, talking about the fact that. They are taking on the responsibility for the lack of support that they got onto themselves, right? That is something that is not a success story. That is something that we should look at in terms of how do we make sure that those sorts of outcomes are not the outcomes of what we do in the system. I want to thank Joshua Joyce and Jenny for their concrete. Suggestions for showing up and providing real insight into the perspectives of family members who have been through both the CPS and family court system. And with that, I will turn it back over to you, Trista.

Trista Borra

Right. Thank you, Angela. Thank you for your facilitation and thank you, Jenny. Joshua, Blessins and Joyce for sharing your perspectives, all very valuable. Before I let you all go the last CLE code for today is 37D is in Diversity H as in humility again 37 DH are is your last DLC code and just a reminder to please fill out. Your affirmation form and submit it by close of Business Today and to just quick reminder that our next and final program is on June 15th from 12:00 to 2:30. And I know there was a lot of discussion in the chat about reasonable efforts. We're going to be talking about that on the 15th. So please come back and hopefully we'll get all your questions answered. Then we're also going to be talking about it. Reunification as well as best practices for successful reunification. So thank you all for your participation and joining us today and look forward to seeing you in two weeks. Take care.