

Understanding the failed change efforts in the US child welfare system

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B.S., Emporia State University, 2013

A REPORT

submitted in partial fulfillment of the requirements for the degree

MASTER OF ARTS

Department of Communication  
College of Arts and Sciences

KANSAS STATE UNIVERSITY  
Manhattan, Kansas

2021

Approved by:

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## **Abstract**

This report discusses key issues prevalent in the child welfare system (CWS): child removal, disproportionately targeted communities (e.g., communities of color and LGBTQ+ children), agency loss, child removal, and systematic complacency. I look toward Giddens's (1984) Structuration Theory (ST) to orient the discussion on the interplay of actor and structure and the relationship to the CWS. Through ST we identify the circumstances that strip actors of their agency and as such, establish how the long history of a firmly held belief within the CWS (e.g., child removal) has led to an intractable, wicked problem. The literature then outlines the history of the CWS, which explains why the issues within the CWS are wicked; it is multiplicities and resistant to change. I end the report with literature that points to one resolution (e.g., family preservation and prevention) and shine light on the impact that this change can have on each of the prevalent issues.

*Keywords:* Child welfare system (CWS), Structuration Theory (ST), Wicked Problems (WP), Intractable Conflict, Removal, Family Preservation and Prevention

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## Preface

As I began writing initial drafts of my report, I struggled to compartmentalize the scholarly research on child welfare systems from my own lived experiences in the Kansas system. After continual reflection, I consider it important to understand both how and why this topic is more than just an interesting context for research, but rather is based on my own story within the child welfare system in Kansas. I begin my report with this narrative preface (noted in *italics*) to highlight the importance and deeply personal reasons for my interest in this subject. To a certain degree, my experience in the child welfare system shows both individual and collective connections that are controlled by the institutions which perpetrate the traumatic circumstances that impact the various agents within the system (Maynes, Pierce, & Laslett, 2008).

My experience of being subjected to the child welfare system put me in too many unpleasant situations. I was taken from my mother twice, moved around to several different families across Kansas, a witness to drug and alcohol abuse, a witness to physical abuse, a victim to sexual, physical and psychological abuse, and treated like my voice did not matter. Personal narratives are "never simply individual" (Maynes, Pierce & Laslett, 2008, p. 3), and, as such, my story is not unique—it is shared by many others within the system. My goal for this report is twofold. First, I aim to use my expertise (and lived experiences) to illuminate the variety of ways that the child welfare system continues to perpetuate inequities, violence against agents within the system, and is resistant to change, producing wicked problems. Second, I seek to understand why the child welfare system is resistant to change and discuss how the alternative to child removal, family preservation and prevention, serves as a steppingstone to addressing the wicked problems and advocates for child safety and supporting communities in need, who are likely to be involved in the system. Specifically, how the system can focus its efforts on keeping families

together using services meant to aid in necessities as well as services meant to prevent abuse and neglect before it begins.

## **My Own Story**

*As I end yet another, of many, phone calls with my mother, thanking her for her selflessness, patience, and unending love, I think back on my story; the story where she, my father, older sister and I would become a family, not by blood but by adoption. My story with them began twenty-one years ago, but before them, life was not so squeaky clean. When I was around the age of three, my birth mother needed a fix, and doing her dutiful job of keeping an eye on my two half-sisters and I, she took us on an adventure that would not end for quite some time. Here, I refer strictly to what my case file stated, I was left in a crack house and “left with the intention of selling me for drugs”. From there it can be gathered that someone took pity on me and called the police. Finding no guardian in sight, I, along with my half-sisters, were placed into protective custody. This is where my nomadic life with my birth mother turned into my nomadic life with the child welfare system, never staying in one place for too long. Separated not only from my mother, but also my half-sisters.*

*I bounced from placement to placement, never staying more than 4 months, for reasons which are unclear or not documented well in my case file. My birth mother, seeing the error of her ways, worked hard to get herself clean and regain custody of her children. For eight months, life was bliss, though inconsistent. I can recall memories of ice cream trucks, feeding the guinea pigs, and having ‘teeth-brush’ parties with my birth mom. Circumstances change though and addiction is a wicked problem in and of itself; she relapsed. I was placed back in foster care and experienced multiple placements, again, lasting no longer than 4 months. This timeline is unclear and largely*

*undocumented, but what I do know is I had lived in six different homes and was around the age of four.*

*My caseworkers found a family looking to foster to adopt, and they accepted me into their family. This would be my seventh foster home. I was now in the care of their adopted teenage boy, a young girl still in the foster system, a mother, and father. I have a half-brother whom I did not have a relationship with because he lived with his birth father, so I was excited to live with a foster brother. Both the mother and brother would become central characters in my life, one for good, and the other not. Having been shuffled between six previous homes and taken from my birth mother twice, I was struggling to cope. I had a difficult time with handling my emotions or being told no and resorted to wild tantrums. I would also internalize my anxious thoughts and pick at my nails until they were bloody. This took a big toll on the mother and though she kept up with my treatment plan to attend therapy and preschool, as well as provide her compassion, she was less than impressed when I started raising concerns of sexual, physical and psychological abuse, by my foster brother.*

*Up until this point, I was a very social being and despite my circumstances, had no reason not to trust anyone. So young, naïve me, played hide-and-seek games with my foster brother, where we hid but there was no seeker. Instead, he used this time to inflict sexual abuse onto me and in order to keep me quiet, left physical scratches on my face. Knowing that I struggled with picking habits, he felt confident that he could pin this behavior on me, concreting further psychological damage that would affect me into my adulthood (e.g., developing Trichotillomania and a fear toward men until my late teens). After confiding in my foster parents several times about this abuse, to no avail, the father saw firsthand what his son was doing. I was hopeful that this meant the abuse would stop, but the father chose not to tell anyone. Instead, he changed his behaviors to*



*include myself, his son, or both of us in everyday activities. The abuse did not stop; my foster brother was just more careful.*

*I, a four-year-old, was frustrated. No one was listening to me, and no one was doing anything to help me. I lost faith. I remember attempting to run away. I packed up my super cool, pink, Barbie duffel bag with whatever my young mind assumed I would need and made it to the front yard gate. If only I had not struggled with the lock, that night may have been different. If only there was not a younger girl living in that home, I would have found a different escape. I turned my efforts toward the little girl and waited to talk with my social workers. Fortunately for me, they listened. Though they did not believe my full side of the story they made efforts to place me in another home. Both they and the foster home were hopeful at the beginning that this foster relationship would result in an adoption and therefore, disappointed when I left for Topeka where I was placed in a psychiatric facility to treat PTSD and obsessive-compulsive behaviors. Behaviors that I already had which escalated because of the abuse.*

*During my time with the seventh foster home, my birth mother made the hard decision to relinquish her rights to me as my mother. Since I did not want to be a permanent part of the last foster home, the adoption process started over. This is where I met my forever family, the Lamberts. After several visits with them at the facility, they asked me if I would like to come live with them and be a part of their family. I suppose life at the facility gave me new insight into life, or I did not fully believe them when they said I would never have to leave them, but I asked my most important question, “Do you have a swing set?” Though surprised by my bizarre question, they said that, yes, they did, and I could play on it anytime I pleased. That sealed the deal and shortly after my fifth birthday, I went to my forever home, where I got to meet my amazing sister and live an*

*abundant life in the country, with all the experience and worries that a regular kid goes through. The adoption became official in June of 2001.*

*My adoption was open, which means that I could have contact with my birth family and vice versa with some limitations. I now keep in touch with my fraternal birth grandma, birth mother, my two half-sisters and one half-brother. Both of my birth sisters went through the Kansas foster care system and both aged out. Each struggle with issues that can limit their ability to contribute to society, but they are nonetheless, resilient. My brother who is 10 years my senior, did not experience life in this system and he along with the rest of my birth family, apart from grandma, moved to Washington state where they each have made a life for themselves. We keep in touch and have individual relationships. Though we did not get to grow up together, we each came out on top and are resilient despite our traumas and history.*

My experience has provided me with the lens to understand this system on a deeper level and explore how I identify within the system some 21 years later. This is not a story that is meant to make one feel sorry for me--far from it. I write and share my story to say that although I have lived it and am burdened by the trauma developed before, during, and after being in the child welfare system, I am resilient. My personal experience is not exhaustive of life in the child welfare system but merely a large scope that indicates where research and change efforts should put their focus. While no child should have to go through the same or similar circumstances, I can at least point to the areas that are producing positive change and seeking a brighter future for children.

This research will explore, in depth, key factors and challenges that are present in both my lived experience as a young child and the current child welfare system by employing current and recent research, to signal that my experience is not unique but systemically embedded in the wicked problem of child welfare. I will use this research to point to current organizations and

advocates who recognize the issues within the system and work to produce positive change. By shedding light on the system as it is and was, I will use the literature to indicate how the wicked problem of the system's structure mutes the voices that are embedded in the system (e.g., child, family, foster programs, social workers, and community advocates) to establish to public leaders how the system can be changed.

## Chapter 2 - Introduction

The child welfare system strips children of their agency through their placement practices (e.g., removing children from their homes) but, at times, places them in even more dangerous and harmful conditions. A 2020 report from the child welfare advocacy group, Children's Rights, found that "on any given day, there are nearly 424,000 children in foster care in the United States" (Children's Rights, 2020, para. 2). These children often experience abuse, neglect, abandonment (or some mixture of these) both before going into the system and once in the system. This report will discuss policies and practices of the child welfare system (CWS), that are wrought with conflict and inequities caused by inconsistencies and exhausted policies. I refer to the child welfare system broadly, but it should be noted that this is a broad term and consists of multiple systems, agencies, and facilitators (e.g., residential treatment facilities, group homes, and adoption, reports, and policies both statewide and nationally, and social workers and courts). Above all, the system seeks to maintain and promote child well-being, the achievement of permanency, and strengthening families (Child Welfare Information Gateway, 2013). I will indicate the areas of the system that the section focuses on and point to the ways that the system does and does not maintain and promote the above three goals.

The concerns for child safety led to practices that go against the goal of permanency which spurs my research and guides my argument for advocating for preservation. Briefly, when children are deemed to be living in an unsafe home, they are taken from their origin homes and placed into care with family members, foster homes, or group homes. The children must then navigate their new circumstances and are often forced to adjust before they recognize the gravity of the situation and grieve the loss of their family (Font, 2014). As these children fight for agency and clarity, they rely on instincts to help them cope and move ahead, which may mean

that they develop unsafe behaviors causing them to become involved in risky situations (e.g., running away, self-harm, and drug use) (McGill, 2016; Hutchison, 2013).

Just as children struggle with their new realities, social workers and placement homes acquaint themselves to the child which may put an additional strain on the child, and themselves (Leber & Lecroy, 2012). These places of care may exhaust themselves with the continued rotation of children in their care which would affect their limited resources and time and ultimately affect new children.<sup>1</sup> Even more, social workers serve as front-line workers who transition youth from place to place, prepare and update documentation, and work hours that suit the needs of the client versus themselves often at their own financial and personal wellbeing (US Bureau of Labor Statistics Report, 2020; Child Welfare Monitor, 2018). Thus, each party (e.g., children, social workers, and placement homes) are impacted by the removal of the child from their home. The continued rotation of social workers and placement homes (1) limits the child's trust in the adults who are meant to serve as safe spaces and confidants, silencing the child and leading to behavioral issues and (2) inadvertently silences the adults because they are not in positions to provide proper attention to the child. This is but one example of the systemic morass that continually plagues the CWS; moreover, these types of dynamics are prevalent of the systems' resistance to much needed change and evolution. More pointedly, the structure of the CWS needs to change if it is to meet the goals and mission of the system—namely, child welfare. This report is interested in illuminating the various intersecting problems and issues that are both dynamic but also deeply entrenched in the system. By focusing on these ongoing

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<sup>1</sup> "Placing a child in out-of-home care (OOHC) is to ensure his or her safety until reunification or another form of permanency can be achieved" (Font, 2014, p. 2074); OOHC consists of nonrelative foster care - a home with Licensed foster adults, Kinship care - Where children are placed with relatives, and group homes - when kinship care is not an option and nonrelative foster care is unavailable.

structural issues, my aim is to provide a reimagining of one facet and process of the CWS (e.g., removal from the home) to ensure that children are safe and the CWS can evolve for the better.

As a result of these intersecting and ongoing problems, the CWS represents a challenging and intractable context that is particularly harmful to children within the system but can be understood through communicative analysis. The continued policy of removing the child (i.e., from my time in foster care to now, 21 years later) stems from a disconnect in communication (e.g., the implementation and impact of this type of policy communication; for a review, see Canary, Blevins, & Ghorbani, 2014) on a systemic level.<sup>2</sup> In considering how this specific policy impacts both the structure and process of the CWS, I draw from structuration theory (ST) to better surface the intra-system dynamics within the CWS. ST explains how agents impact social practices (Giddens, 1984) and are a primary constraint on structures; structures which “serve as the ‘medium’ of action” by informing how agents should interact with the system (Stones, 2005, p. 16). ST is a useful theoretical perspective for understanding the CWS as it offers key insights into the disconnect between the system and ongoing policy communication through its two facets, action and structure.

Thus, utilizing ST as a theoretical foundation, the research moves to explain how the structure of the CWS affects the agents within it (e.g., children, social workers, placement homes, court systems, policy makers) as well as how the agents affect the system, and may

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<sup>2</sup> Policies refer to communication mandates that provide a guide for acceptable behavior while also rewarding, normalizing, and sanctioning behaviors; they can also “transfer resources to enable particular types of activities; and define or transfer authority” (Osher & Quinn, 2003, p. 53 quoted in Canary et al., 2014). Policies are considered constitutive in the sense that their communicative enactment “guide myriad behaviors, transactions, and initiatives” that exist within a given bureaucratic system (Canary, et al., 2014, p. 49).

showcases the recursive interactions between stakeholders within the system and CWS. Although there is a positive public perception about the CWS (and many are aware of how the system functions on a system-wide level), they lack the awareness of the specific and everyday significant challenges the youth and workers face (Leber & Lecroy, 2012). Unfortunately, as these children are taken from homes, which have neglected and/or abused them, the system inevitably causes more trauma (Trivedi, 2019); therefore, the unintended consequence of removal from home policies may place them in homes of care that continue the abuse. I consider the persistent problems within the CWS to be wicked problems, which are “complex, unpredictable, open ended, or intractable” (Head & Alford, 2015, p. 712). Moreover, as wicked problems persist, they become entrenched in institutional structures. Although many problems of the CWS start at the decision-making process on whether to remove the child or not, breaking down this process I aim to provide a more nuanced and complex understanding of the inner workings and challenges to change efforts. To that end, I use research on both structuration theory and intractable conflict to explain the precarious and problematic processes that structure the CWS on both macro- and micro-levels. Structuration theory helps to illuminate how (on a macro-level), the CWS perpetuates ongoing conflicts (or intractable conflicts) surrounding youth, the social workers, and placement homes. On a micro-level, structuration theory offers an avenue for individuals to make sense of their identity situated in and around the system; in this case, how those identities do or do not impact the CWS.

The CWS’s reliance on removing the child to ensure safety essentially strips the children of their agency. My experience in the CWS points to a lot of issues that children still experience today. In the short time that I was in the system, I was removed from my birth mother twice and abused under the care of my foster placement, and had I not been adopted, I could have had a

vastly different life growing up in the system. I likely would have continued to bounce between homes and struggled to cope with the situation dealt to me. If the system valued family preservation and prevention and advocated for the wellness of my birth mother, I could have been reunited with my sisters and birth mother. Again, my story is not unique (Stern, 2015). I use this hypothetical thinking to recognize that there is an interplay of *action* and *structure* present that contributes to how the CWS operates (Waldeck et al., 2002). The action, which considers the actors of the system, involved myself, my birth mother, my foster homes, and social workers, all of which were at the hands of the structure that initiated the rules (vis-à-vis the removal from home policy), which dictated my living situations, my birth mother's care, and overall outcome of my life.

We should want the success of the young generation, and thus need to discuss steps for change and work to implement family preservation. Although the CWS was set in place to protect children, research has shown how it causes more harm and, as such, policy leaders need to work with individuals advocating for family preservation and prevention (Haskins, 2020; Trivedi, 2019). This type of solution will not only help those affected by the traumas before, during, and after being involved in the CWS but could begin to heal the pain that long standing disproportionality of certain bodies (e.g., communities of color and LGBTQ+) have experienced at the hands of this system. Of course, the challenges and the change efforts that this research focuses on is by no means a complete list, but I give attention to research on the disproportionately affected communities. In taking this position, I offer explanations for why removal causes more harm is strategic because it focused on the problem. Outlining the problem provides the rationale for family preservation and prevention.



In Chapter 2, I offer a synthetic literature review that references more finite issues of systemic policies by pulling scholarship and research that conceptualizes the CWS issue through the theoretical perspective of ST. That is, through ST, we can understand the (limited) impact of change efforts (focusing specifically on issues of agency, intractable conflicts, and structural divergence). I argue that within the CWS a series of ongoing wicked problems persists (e.g., child removal reduces child safety, certain communities are disproportionately targeted). The research then summarizes the U.S. CWS (e.g., the reasoning and steps of child removal, the stakeholders that interact with the child, and why removal causes more harm) and explaining more finite functions within the state of Kansas (e.g., privatized welfare vs public welfare).

In Chapter 3, I discuss how valuing family preservation and prevention over child removal serves to resolve the wicked problems. This will be an exploration and application of the previous literature to suggest what the system could look like by adopting new strategies. I focus on specific change efforts, informing the audience of the issues impacting the CWS (focusing on systems of conflict) and persuading them to speak to the public leaders who can produce structural change. In doing so, I present the plan, the timeline, and a draft of a public-facing editorial that will be published in the *Kansas Reflector* on April 13<sup>th</sup> (see attachment or appendix of email exchange).

## Chapter 3 - Literature Review

New research on the CWS is reframing how the system should function (Trivedi, 2019; Haskins, 2020). Since its inception, the CWS has maintained that removing children from unsafe homes is the best decision; believing that removal from an unsafe situation saves the child, but as this report will uncover, removal causes more harm to the child and disproportionately targets children of color and/or identifying as LGBTQ+. Children in the CWS may witness traumatic situations and perhaps face poverty, homelessness, and abuse, maybe at their own hands, but likely at the hands of their caregivers (Font & Maguire-Jack, 2020). The traditional strategy for the CWS removed children from their home (i.e., once in the system). Once embedded into the system, they are introduced to many stakeholders and turnover of those stakeholders, new children, new living situations, placement instability, and possibly more abuse or neglect. If the system functions on the basis that in order to save children, they need to be removed from their homes, these issues will continue. In short, scholars are raising important questions how and to what extent is child removal affecting the child (Haskins, 2020; Trivedi, 2019) and refocusing the efforts of the CWS to provide necessary and accessible services (e.g., community and social support, Berger & Slacker, 2020; more structure for state allocated funds, Trivedi, 2019). I, too, take this focus for this report.

In considering this emerging approach to the function of the CWS, I take a communicative approach to unpack and interrogate how and why the CWS has continued to create conditions of danger, trauma, and disruption. The ongoing nature of these problems are wicked and intractable; that is, they are resistant to deep transformations as they are sedimented into the everyday talk and action of the people who comprise the CWS and are integrated into the organizing logics of the CWS. Thus, I view the CWS as a system of structures, policies,

people, and actions that coalesce around a nexus of dysfunction. By taking this approach, I analyze the CWS from the lens of structuration theory to recognize how wicked and intractable issues emerge from the structure and guide and inform everyday actions and norms within the CWS. Although scholars have begun to give attention to a variety of resource strategies, I give specific attention to the CWS' structural background of child removal and how it approaches those steps, the stakeholders within, and the implications that removal has on the child and the system.

### **A Communicative Approach to Understanding the CWS**

The CWS, as it is currently known, has been around for 140 years; as a result of policy communication and the communicative logics within the CWS, issues continue and have turned into ambiguous, complex wicked issues. The presence of these issues offers a glimpse into why there has been little change to improve the system for long term (Trivedi, 2019). Taking a communicative approach, I begin by offering an overview of structuration theory and intractable conflicts (or wicked problems) that emerge through structural dysfunction. By identifying how the CWS, as a structure, constitutes wicked problems through its dysfunctions, we can begin to understand how the structural elements lead to these barriers to change.

#### *Structurational Theory*

Structurational theory is the best way to explore how social practices are implemented in the CWS. To help explain why the system is largely unchanged, this research looks at Anthony Giddens' (1984) structuration theory. The two components of ST, actors and structure, are reliant on the other. Structure is maintained through continual recreation of practices by the actors, and the structure is necessary for the lifespan of actors (Naidoo, 2009). When actors attempt to produce change of the structure (i.e., intervention), then power is intrinsically linked action based

on the capability of the actor and result of the change (Naidoo, 2009). In addition to this interplay of action and power is the rules that guide production and reproduction of social action, aka "the duality of structure" (Naidoo, 2009; Giddens, 1984, p. 15). As actors orient themselves and their practices within the system, they are equally constrained and enabled by the structural properties (Naidoo, 2009).

The CWS is a large structure with many individual systems working together to create the concept as we know it today. Each state functions individually, and within some states are private organizations. Equally, placement types vary (e.g., kinship care, non-relative foster care, group homes, behavioral institutions) and agents produce different tasks (e.g., social workers, therapists, birth families, and foster families). All work individually but rely on their counterparts throughout the process. Within structuration theory, structures are "properties allowing the 'binding' of time-space in social systems, the properties which make it possible for discernibly similar social practices to exist across varying spans of time and space and which lend them 'systemic' form" (Giddens, 1984, p. 17). Structures enact rules that both guide and govern what and how things make sense. Policy communication is one aspect of rules that normalize and guide individuals' behaviors and attitudes within a structure (Canary & Taylor, 2020). With the CWS context, policy change comes from the state legislature first rather than the federal government, because they understand the structure and multiple stakeholders that exist at a state level. As such, these state-level stakeholders are best suited for that state's current circumstance. Multiple stakeholders are at the heart of the CWS's functioning and even as this system makes incremental change, it still falls short in areas that would advocate for a child's well-being and consider the multitude of advocates in its wake (Pryce and Meyer, 2021). As Canary and Taylor (2020) assert,

[M]ultiple stakeholder engagement takes time and resources to be implemented effectively. Structural resources include built-in meeting time to define terms, discussion time specifically devoted to explaining backgrounds and perspectives on the issue, and clear expectations for mutual respect for involved parties. (p. 682).

Absent the conditions outlined by Canary and Taylor, stakeholders' engagement and participation with structural and policy resources may be less than optimal (Giddens, 1984). Thus, when systems are resistant to change, it may be endemic of stakeholder dynamics or poor policy implementation.

Although structuration theory has roots in sociology, I am taking an explicitly communicative approach by examining the connections "between situated interactions and social structures of meaning, norms, and power" (Canary, 2018, p. 2). These connections are an interplay of system to system (e.g., state vs privatization, welfare checks, financial aid), agent to agent (e.g., social workers, children, parents), and system to agent (e.g., policy change to social workers, children, parents). For example, the CWS has relied on a 41-year law reform that, while meant to help families financially, still separated children from family. And though research has found that removal does more harm to the child than the initial abuse or neglect, (Trivedi, 2019; Haskins, 2020) the system argues that removal will ensure child safety despite the evidence that it can lead to greater harm. So, the structure maintains and participates in one agenda, for child safety, remove the child from the unsafe home. However, it fails to consider how the children, or agents rather, are affected. As we have established, ST is both action and structure, incontrovertible pairs, meaning that more explanation is necessary to better understand how it fits with the CWS (Brooks, 2009).

**Structuration and agency.** We cannot hope to change the system until we can situate both structure and agency to be truly symbiotic of each other. A structure on its own can work for so long without the interference of agents. Seeing as people are imperfect though, we rely too heavily on the structure and forget to account for “the efficacy of human action-or 'agency'” (Sewell Jr., 1992, p. 2). Alternatively, “structures shape people's practices, but it is also people's practices that constitute (and reproduce) structures” (Sewell Jr., 1992, p. 4). Structures, therefore, enable human agents rather than constrict them. Sewell Jr. (1992) continues to argue that agents have the capacity to exert any degree of control over the systems and constructions they are a part of, providing the opportunity to transform those systems. If “structuration is the process of configuring social relations” (Brooks, 2009, p. 129), and agency is part of our intentional choice (Bandura, 2001), then we have it in our power to coordinate our actions with others to create, continue, or upend a system (Sewell Jr., 1992). Similarly, Nicotera and Mahon (2012) contend that structure and agency grapple with a sort of symbiotic relationship with the others existence, as agency is born from the cognitive recognition of structure and structures are born from human agency. Agents will always be affronted with multiple systems of thought which may conflict with the system in question (e.g., focus finances and attention to child welfare reform, which appeals to our moral compass or focus finances and attention to a global pandemic). If systems are encumbering the degree of control, agency suffers (Nicotera & Mahon, 2012), which is the issue that the CWS is facing.

Given that agency is rooted in being able to change the structure (through production/reproduction), when individuals feel that they lack the ability to make change given contradictory messages from multiple points (e.g., systems to agents' rhetoric is disproportionately represented), they lack the perceived ability to make meaningful change.

When systems shut down to prevent the spread of COVID-19, children were directly affected by the circumstances resulting from the pandemic (e.g., parent job loss, continued unemployment, delay in welfare visits, and neglect). One of many, stories told that an infant died due to neglect when social workers were not able to complete at home checks as they could under normal circumstances (Therolf, Lepres, & Alzhan, 2020). Agents then grappled with whether to maintain their and client's safety and stay socially distant or to put them and their client at risk of exposure in order to ensure the client's safety. Thus, the contradictory messages from these systems result in repeated and failed attempts at progress. Nicotera and Clinkscales (2010) note that a hallmark of these dynamics is immobilization, which "prevents the individual from attaining goals or achieving positive progress, eroding organizational and individual development" (p. 32). The ongoing immobilization causing these ongoing problems and inefficiencies can devolve into intractable conflicts.

### *Wicked problems and intractable conflicts*

Rittel and Webber's (1973) characteristics of wicked problems (WP) define how the nature of WP is not only dynamic, but it has no definitive formulation, is unique to itself, can stem from a vast number of other problems, and has no one cause, instead pulling multiple issues together to create one wicked problem. They are not only "resistant to solution" (Head & Alford, 2015, p. 712), but can turn proposed solutions into worse symptoms (Willis, 2015). In essence, the more complex and diverse the situation, the more wicked the problem, meaning that no root cause lies behind the problem, but rather many (Head & Alford, 2015).

To extend upon the nature of WP, it is also limiting to change or resolutions. Rittel and Webber (1973) outline several characteristics that speak to the solution identifying process. So long as the problem exists, the process for finding solutions never stops. Additionally, the

solutions are not always apparent and as such, there is not an exhaustible set of potential solutions. These solutions rely on if they are good or bad and seek to determine if the solution works or does not. Most damning of all, every solution is a one-shot operation (i.e., if it is bad, it cannot be used again), which means that solution seekers need to provide necessary rationale for implementing the solutions, and as such, take accountability for the success or failure of that solution.

The CWS is a wicked problem because it pulls from multiple areas (e.g., stakeholders, policies, programs, state practices). One area affects the other which equally affect the other areas. WP are boundary-spanning and ill-structures where, especially in the case of the CWS, multiple perspectives hinder potential resolutions (Waddock et al., 2015). More specifically, because of the interconnected dynamics of the CWS, it is the actors and the structures that, if working together, will produce change, whether positive or negative (Waddock et al., 2015). However, there is a lack of consensus between the actors and the system which limits the generation of acceptable solutions (Head & Alford, 2015).

Having willpower and a will to change any system can only provide so much progression. When other entities stand in the way and prevent change, it becomes a vicious cycle. We recognize the faults with the CWS and though it attests to provide the safety of children, the fundamental belief that child removal is safer fails to consider how it will impact the children, who will need time to heal. When we take away the child's agency by making decisions for them and not with them, they become reliant on stakeholders in the CWS, which hinders their development of self-sufficiency (Cancel, 2019).

Why then are policy holders complacent, especially in the conversation of a child's well-being? On the surface, I argue that structuration theory explains what it means to be a part of the



CWS; however, the structural divergence, the ongoing conflict caused by contradictory policies, messages, and experiences within a system, that is caused by the structure's inability to change and better support its primary users, perpetuate an intractable conflict. Intractable conflicts are "persistent and destructive despite repeated attempts at resolution", which can be challenging to surface and address (Gray, Coleman, & Putnam, 2007, p. 1416). Intractable conflicts highlight ongoing policy disputes around the CWS. What we know of the CWS is that stakeholders cannot agree on how involved the state or national government should be (Petr & Johnson, 1999), they cannot agree on whether it is safer to take a child from the home or provide welfare services to the family (Fagan & Rector, 1996; Font, 2014; Trivedi, 2019) and they cannot agree on which placement is best (Garcia-Martin, Salas, Bernedo, Fuentes, 2015). The inability to agree creates a perpetual impasse, which gives rise to logjams, inefficiencies, and lack of agency as various stakeholders feel helpless to make change (Nicotera & Mahon, 2012). At present then, agents (i.e., stakeholders and change advocates) disagree on whether removal or family preservation and prevention is safer. The inability to agree stifles the conversation from moving toward change and thus, no one can take accountability, which in turn strips them of some agency.

**Wicked Problems, Intractable Conflicts, and Lack of Agency in Systems.** Previous communication research has highlighted that as dysfunctional systems augment dependency and reduce the agency of individuals working within the system, a variety of communication-based conflicts arise. Nicotera and Mahon (2012) offer one process, structural divergence (SD), describes when conflict in communication turns into a cycle resulting in "unresolved conflict, immobilization, and erosion of development" (p. 91). These cycles of conflict stem from the stalemate of choosing to fulfill obligations among multiple systems, which oppose each other, in

other words a nexus of SD (Nicotera, Mahon, & Zhao, 2010). As previously described, the CWS is a dynamic system composed of many interdependent elements. Nexuses of SD may occur when elements (e.g., children relying on addicted parents to recover, kids waiting for out-of-home care vs. the available foster homes) of the system rely on the other; however, there may be competing interests, pressures, foci, and conflicts for various actors, which lead to a SD-nexus (Nicotera, 2015). This challenge overwhelms the agent causing the belief that they cannot provide a solution to either system which leads to unresolved conflict, in other words, immobilization. This halts any progress “eroding organizational and individual development” (Nicotera & Clinkscales, 2010, p. 32).

When forced into this position, individuals are stripped of their agency, because while they may be choosing to fulfill opposing obligations, it is on the behalf of the system and thus, outside of their control (Nicotera & Mahon, 2012). The components of ST, actor, and structure, speaks to components of agency, action, and structure, which if "knowing structure enables doing structure", then individuals are the driving force of structure (Nicotera, 2015, p. 495). This is not to say that agents are the creators of conflict in systems, but they sustain the conflict through their actions of maintaining the system. This is what I seek to shed light on with the issues in the CWS. The conflict behind structure of the system is perpetuated by the actors as they contribute to the perseverance of structure. As intractable conflicts emerge over time as agents contribute to the structure through their repetitive patterns of actions without recognizing that SD conceals knowledge regarding the action necessary for producing structure because it turns understood communication patterns, and therefore structure, into incomprehensible action (Nicotera, 2015). This causes SD to strip individuals of agency (Nicotera & Mahon, 2012). When the advocates of this system, or the child of this system, lose their agency, they lose

power. Thus, efforts to change the CWS has created a wicked problem and become conflict that is intractable.

We need to identify all the issues then and come to an agreement that sees a better future in child welfare. I believe that it is possible to overcome intractable conflict and work together as agents capable of creating change to reform a system that had persisted on its foundations for so long. There are a lot of silent agents, those who feel that the problem is too big and therefore remain complacent. There are also agents who are using their voice to advocate for change that will positively affect the children and families in needs (e.g., on a private, state, and national level as well as the upEND movement). We should turn to their leadership in order to collectively find the best reform options available.

### **The CWS in the United States**

The safety of children has been a long-standing issue. Biblical stories tell of many child rearing and rescue stories. The Hebrew infant, Moses, was saved from death by the Egyptian pharaoh's daughter (NIV, Exodus 2). In 1 Kings, King Solomon makes a difficult decision, threatening to cut a living baby in half to determine who the true mother is among two women (NIV, 1 Kings 3:16-28). Stories throughout history tell how in survival situations, women and children are saved first. More recent fiction narratives such as *The Mandalorian* show how families are not bonded by blood, but rather by need, as the Mandalorian culture is known for rescuing children and fostering and even adopting them as one of their own (Newman, 2020). Real or fictional stories, humanity has always valued the safety of children. I begin discussion of the CWS with a brief history of its formal inception and discuss historical inflection points that have spurred the public/private systems to split.

The depth of the CWS not only extends through history, but also the lives of children and stakeholders within it. Due to this, the argument is broken up into three main sections: (1) A brief history of child welfare services, (2) How the CWS process works, and (3) Removal causes harm. Section one will establish the public and private aspects that are contained in the system and identify how legislative programs play a part in the system. Section two and three provide an overview of the major issues involved in the CWS and incorporate ST, WP, and Intractable Conflict into the argument for the systems resistance to change.

### *A Brief History of Child Welfare Services*

**The evolution of the public CWS.** In 1874, the first child maltreatment case was brought to the New York State Supreme Court (Albright, 2020; Markel, 2009). Mary Ellen Wilson had been continuously beaten by her guardian and as her community sought to help her, they became frustrated with the lack of a formal system for reporting child abuse. The community's outrage sparked the first steps toward developing what we know today as the U.S. CWS. In 1903, the Federal Children's Bureau was conceived, founded as a formal system in 1912, and now provides the data necessary for understanding how the CWS operates and the resources for the prevention of abuse and neglect before it happens (Child Welfare Information Gateway, 2021). Seeing a need to make immediate change in childcare, the White House held a conference in 1901, with 200 leaders in children's issues who determined that they needed to establish clear policies for when to leave children in the home and when to provide foster care and adoption agencies for the children needing to be removed (Child Welfare Information Gateway, 2021; Child Welfare Information Gateway, 2020). 1923 saw a shift where the government leaned away from institutions housing children and mandating that foster care agencies be established and begin finding homes for children in private homes (Child Welfare

Information Gateway, 2021). With the impact of the Great Depression children were left with less resources leading to increased child neglect. As such, in 1930, the Federal Children's Bureau began to complete monthly national relief statistics to pinpoint the areas that needed assistance the most (Child Welfare Information Gateway, 2021). In 1952, child welfare workers began to receive professional development to be better equipped to provide help to the children. Finally, in 1974, Congress passed the Child Abuse Prevention and Treatment Act (CAPTA) that provided states with funds to be allocated among the families in the system but also make information more public about the nature of the CWS (Child Welfare Information Gateway, 2013).

The federal government has and continues to allocate funds to each state, but individually, states have been left to decide the structure of their CWS's. Kansas privatized their adoption program 1996 and their foster care program in 1997, sparking a unique shift from a public CWS (Douglass & Nelson, 2015). Since then, Florida has completely privatized their CWS and some states (e.g., Arizona, Colorado, Michigan, Missouri, Ohio, South Dakota, Tennessee, Wisconsin, Washington, D.C., Illinois, and New York) have adopted hybrid systems where individual counties are privatized and the rest of the state is public which saves money and provides more efficient systems (National Conference of State Legislatures, 2018). The last 32 states operate on a statewide level (Berger & Slack, 2020; National Conference of State Legislatures, 2018). Many states hesitated with moving toward privatized system after Kansas' rush to privatize led to an increase in children in foster care and did not save the state money as it originally intended to do (Berger & Slacker, 2020). By moving slowly and adopting hybrid systems, they have been able to see improvement in the privatized counties and follow a budget within an appropriate time frame (Douglass & Nelson, 2015).

**The emergence of the private CWS.** When the states or regions of states hand over control to private organizations (Petr & Johnson, 1999), also referred to as outsourcing (Freundlich & McCullough, 2012), they are adopting privatization to offer ease on welfare programs financially, reduce the rates at which children come into the CWS, and may be able to aid reformation efforts (i.e., family preservation and prevention) (National Conference of State Legislatures, 2018; Douglass & Nelson, 2015). The background of the Kansas privatized system began in 1996 with a focus on adoption programs (i.e., to create more successful adoptions) and extended its efforts to foster care programs in 1997 (National Conference of State Legislatures, 2018). This push for privatization began with a class action lawsuit in 1989 that showed evidence that the Department of Social and Rehabilitation Services (SRS), now known as The Kansas Department for Children and Families (DCF), neglected the children in the CWS (Douglass & Nelson, 2015). Due to this, and failed efforts to meet policy standards, Kansas rushed to privatize their CWS, splitting the state into five sectors with one provider per sector (National Conference of State Legislatures, 2018). This decision led to shorter stays in foster or group homes and initially reduced numbers of children going into care (Petr & Johnson, 1999), but hindered the CWS financially, as more funds were needed to implement immediate change (Freundlich & McCullough, 2012). Thus, the risk of adopting a new system too soon does not leave time to address the various issues that may arise (e.g., set in motion of private monopolies, loss of control for services among policymakers, decreased accountability of government, and compromises the quality of care and staffing because of financial motivators) (Freundlich & McCullough, 2012). The research is not explicit as to why more states do not implement system-wide privatization, but the states that are implementing programs at a regional level, are seeing success in the goals for privatization, and maybe that is enough for now.

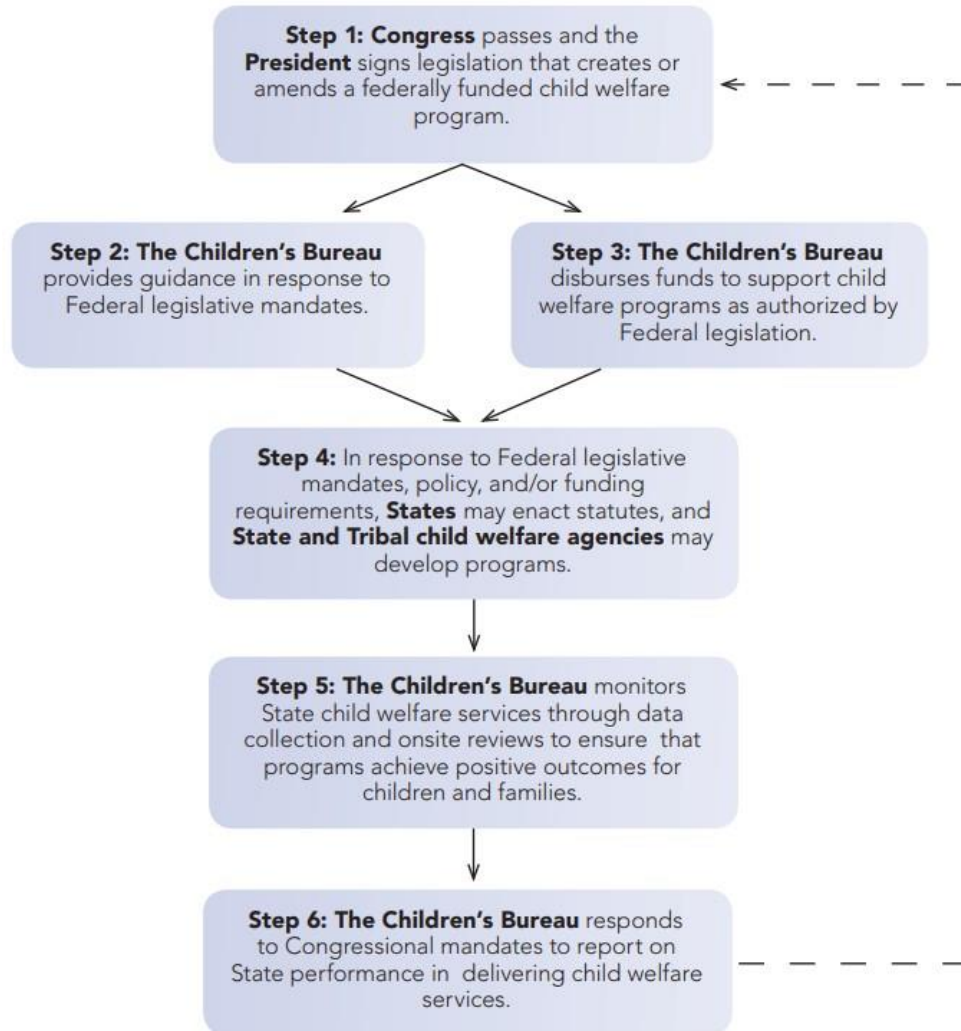
**Legislative Regulated Child Welfare Services.** Seeing as child safety and concerns for neglect and abuse are nationwide, the U.S. government provides funds to each state, who then allocate services (financial aid in unemployment, food assistance, health care assistance, and affordable housing) as they deem appropriate. In order to budget for the correct services, The Adoption and Foster Care Analysis and Reporting System (AFCARS), distributed by the U.S. Department of Health and Human Services, Children's Bureau, is set in place to collect bi-annual reports on how agencies are exercising their funds on a state-by-state level to "identify problems, investigate the causes, and suggest solutions during the review" (Children's Bureau, 2019). Then U.S. government funds for families in need, go directly into these services: CAPTA, Social Services Block Grant Program (SSBG), and Children's Health Insurance Program (CHIP); see Figure 1 for a U.S. Legislative flow of government services to its state counterparts.

SSBG is a social service program that supports the CWS by providing services to families with low income. This program, though meant for family welfare and not necessarily child welfare, is used by states to provide proper support to families who cannot and utilizes a structure that is meant to "reduce dependency and promote self-sufficiency" (ACF, 2021, para. 2). This helps to assuage concerns from the public and community leaders that providing welfare services to low-income families will cause them to depend on the welfare services (i.e., creating a lazy and system abusing individual). For families who need healthcare but are unable to obtain care from their job or cannot afford it, they can participate in Medicaid (USA.gov, 2020). Families who need assistance in affording dental care for their children, below the age of 19, and do not have insurance (i.e., they have an annual income greater than the maximum for Medicaid), turn to CHIP which is a free or low-cost service providing the necessary dental services (USA.gov, 2020). TANF, Temporary Assistance for Needy Families, uses federally

provided funds to support programs that provide monthly financial assistance to low-income families. In addition to the financial assistance, they work to address other concerns that may keep parents from their children (e.g., job search and preparation, budgeting, and relational guidance).

At the heart of it all, legislature and state agencies work tirelessly to provide the necessary resources for families in need and children in unsafe environments. I lay the foundation by discussing the history of the CWS to show one element of ST, structure. The next section will outline how the CWS accomplishes its goals for child safety. In doing so we are introduced to the actors of the CWS, or as I refer to them, the stakeholders. The literature will then raise an important concern about the disconnect in communication between stakeholders and the effect that stems from this issue.





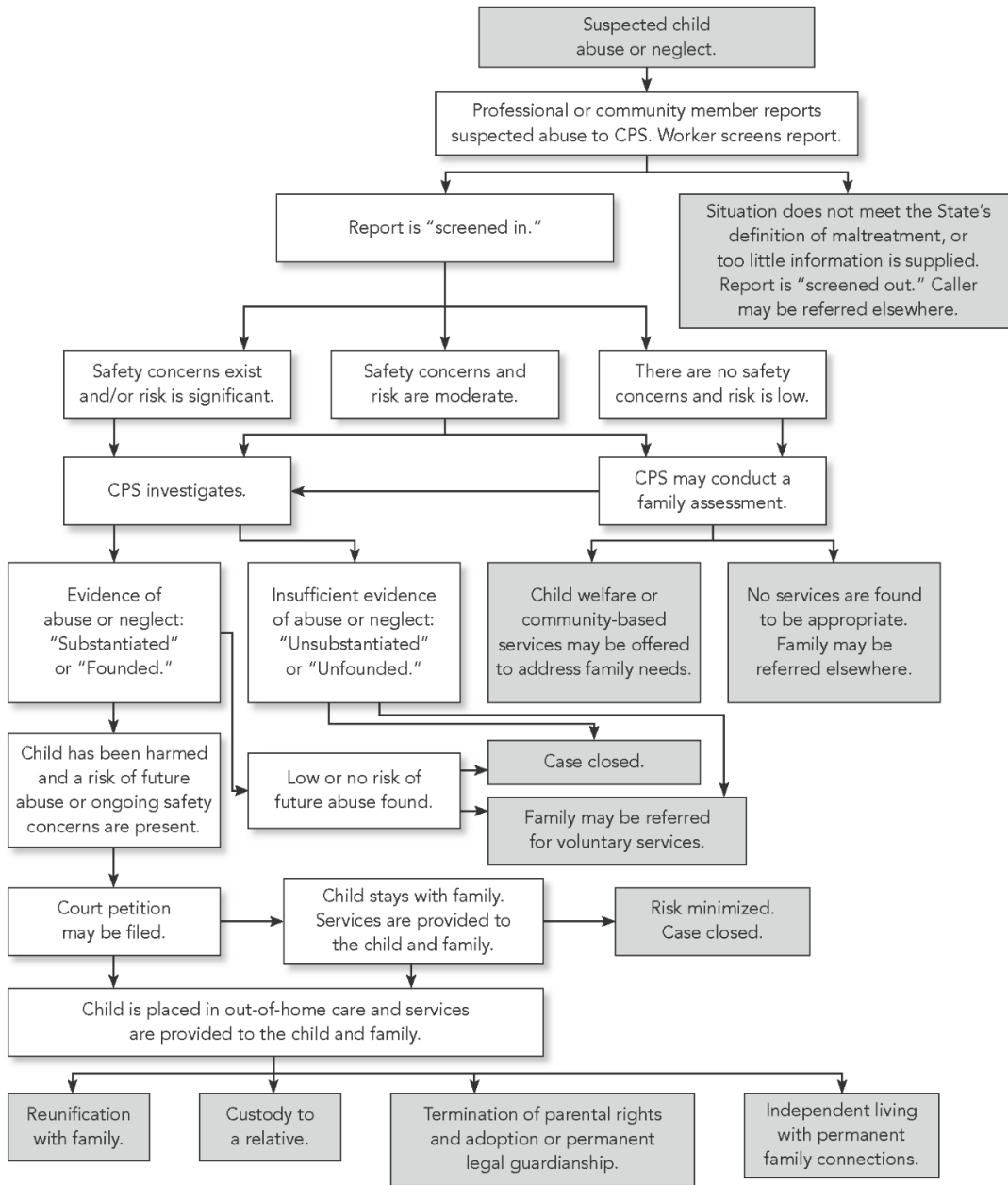
**Figure 1.** Flow Chart: How Federal Legislation Impacts Child Welfare Service Delivery

Reprinted from 'How Federal legislation impacts child welfare service delivery'. Child Welfare Information Gateway. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau, 2015. <https://www.childwelfare.gov/pubs/impacts/>. Copyright 2020 by the Child Welfare Information Gateway. Reprinted with permission.

### *How the CWS Process Works*

**Defining the CWS structure.** At a macro level, the CWS is dynamic. A chart outlining the CWS is synthesized in Figure 2. For a child and their family to be assessed by welfare representatives, the process starts with reporting suspected child abuse or neglect. These reports are either 'screened in' or rejected based on the information provided. Safety is evaluated with

either safe conditions or unsafe conditions and risk is evaluated on a rating of significant, moderate, or low severity. Currently, decisions are broken into two categories: *acts of commission* or *acts of omission*. Berger and Slacker (2020) define acts of commission as intentional abuse to a child, where parents or caregivers are causing or are aware of the abuse whereas acts of omission are the behaviors that parents or caregivers fail to do and result in neglect of the child, which is linked to poverty or economic hardship. Child Protective Services (CPS) will always investigate significant risk but approach moderate or low risk on a case-by-case basis. Further evidence is compiled and if there is a likelihood that harm to a child has and will repeat itself, the case goes to court. "A single report may involve multiple children and a single child may be the subject of multiple reports" (Edwards & Wildeman, 2018, p. 14). Here the court decides one of two things: to keep the child with the family where social services are offered to the family or the child will be placed in out-of-home care. In the instances where risk is low and evidence is minimal, social services are always offered, but not often required (Child Welfare Information Gateway, 2013). This system is still used today.



**Figure 2.** The Child Welfare System. Reprinted from ‘How the Child Welfare System Works’ (p. 8), by Child Welfare Information Gateway, Washington, DC: U.S. Department of Health and Human Services, Children's Bureau, 2013, <https://www.childwelfare.gov/pubPDFs/cpswork.pdf>. Copyright 2020 by the Child Welfare Information Gateway. Reprinted with permission.

When looking inwardly at the system, it is apparent that representatives are advocating for the children. The CWS is “designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to care for their children successfully” (Child

Welfare Information Gateway, 2013, p. 1). Yet we see how maintaining the structural belief reinforces the wicked problem. The agents, policy leaders, are going to advocate for the structure of removal set in place because the costs of removal do not outweigh the benefits. At the same time, the agents, children, cannot advocate for themselves because the structure has stripped their agency.

**Shared processes.** The stakeholders (e.g., social workers, courts, law enforcement, placement homes, and community-based organizations) are designed to keep an eye out for neglect and abuse (Kannam, 2019). Their interactions with abused or neglected children directly affect the child in both good and bad ways. They each serve the child in their own capacity, which I will outline here. Social workers are typically a child's first point of contact with the system. They are also there throughout the process if the child is taken from their home and will provide social support but also transfer the child(ren) between placements. Judges decide between removing the child based on risk or offer state and local programs for the family to utilize to assist in providing the necessities for the child (Dettlaff & Rycraft, 2010). When law enforcement become involved, they are responsible for determining if there has been a violation of criminal law, then apprehending and filing charges against the offender, and finally providing guidance or next steps to both the family and child welfare agencies involved (Holder Jr., Mason, & Listenbee, 2014). If the courts mandate child removal, living relatives will be identified, vetted for their fitness, and contacted to care for the child, known as kinship care (Child Welfare Information Gateway, 2018). If the relative is not able to care for the child because the home and circumstance does not meet policy standard, courts and social workers find a foster home or group home to place the child.

The multiplicity of stakeholders (e.g., social workers, judges, law enforcement) who make an immediate impact on children, each of which uphold policies at various levels, speaks to Canary and Taylor's (2020) discussion of multiplicity of policy communication. Specifically, there is diversity among "related policies and issues, diversity of contexts, diversity of policy makers, and diversity of policy targets" (Canary & Taylor, 2020, p. 686). For example, and briefly, is the issue of placement instability. Children can be subjected to three types of placement instability: (1) the state may decide to move them from the current placement, (2) caregivers or foster parents want to terminate their responsibility for the child, and (3) a child's behavioral issues (Cross et al., 2013). The last of these, a child's behavioral issues, may be a direct symptom of placement instability, feeling agentless, poor mental health, cognitive disabilities, and/or a lack of trust in those set to protect them (Stott, 2012). First then, children do not have the agency or wherewithal to advocate for themselves. Applying Chang and Jacobson's (2010) work on speech communication, the circumstances between the children's inability to speak about how they are affected and the policies which contribute to this limitation point to the ways in which "speech circumstances may impede participants' freedom or willingness to express their opinions" (p. 665).

Second, placement homes, typically licensed foster homes, are trained in some capacity and given guidance to work with each child individually. However, because these trainings are mandated on various levels (i.e., county to state-level) the information may not be inclusive of the whole population of children in the CWS. Canary and colleagues (2015) offer some insight into this dilemma arguing that "policies fall short of intended outcomes due to incompatibilities with, or tensions between, various elements of organizational systems" (p. 56). As such, the children are left to cope with their traumas with minimal support. At the same time, placement

homes are not equally informed across counties and states which may impact the children it seeks to protect. Due to the important disconnect and effect of policies, the next sections begin to weed out more specific areas within the CWS that are relevant to the discussion of policy communication.

**Disconnected communication between stakeholders.** As stakeholders seek to work with each other to maintain the policy structure of the CWS, they balance the “multiple levels of communication and multiple stakeholders who engage in that communication” (Canary & Taylor, 2020, p. 665). Though the stakeholders listed above are all relevant to the system in their own regard, there is a pronounced communication gap among the courts/judges and social workers (Dettlaff & Rycraft, 2010). Social workers engage with the court system in many different scenarios and provide their details about living conditions, how the child is coping in the system, and make updates to reports as necessary throughout the process. Dettlaff and Rycraft (2010) explain that the courts serve as the main source for approving a removal and as such serve as final decision makers for what happens to the child. Using the information provided to the courts about a child’s living conditions and the social workers experience in this field, judges strive for the best interest of the child (Kelly, 2018), and not only initiate removal, but also play a deciding role in where the new placement will take place (Dettlaff & Rycraft, 2010). They will also decide if the child can return to their parents’ care.

There is a push for judges to recognize the power dynamics between the power of their decisions, the information provided, and the effect of those decisions (Kelly, 2018). Courts should allocate time to acknowledge the “breadth of issues, values, perspectives, and people involved in” the CWS and the policies which perpetuate the process between judge and child (Canary & Taylor, 2020, p. 686). It is evident from Dettlaff and Rycraft’s (2010) study that the

courts are aware of the communication differentials. Public leaders and government agencies have recognized the impact of this trifold dynamic and as Kelly (2018) outlines, the goal of these leaders is to involve courts to become involved with more intricate decisions within the CWS by sitting in on meetings and participating in collective committees or groups to shed light on the communication gaps between judge and various stakeholder, child included. If the reliance on one stakeholders' testimony leaves room for information to be skewed, perspectives to not be fully congruent of the circumstance, and too heavy of a reliance on one person's perspective, then these changes need to be made, otherwise, we cannot continue to guarantee the safety of the child. In essence, communication between stakeholders is necessary for appropriate decisions to be made.

**CWS Process Outcomes.** The AFCARS report outlines that abuse and neglect are the leading circumstances for removing the child. Both are not only costly to the children but also to the system. "Recent estimates suggest that the total cost of child abuse and neglect in the United States ranges from \$428 billion to \$2 trillion per year" (Berger & Slacker, 2020, p. 10). When programs, designed to provide support to families in need, cannot do so because the funds are used to balance the networks of cost, exacerbates the continuing issues of impoverished communities. With consideration to intractable conflicts extended release of wicked issues, the unfortunate reality is that it may take time for program issues to become apparent. When issues do present themselves, it expounds upon the current wicked issues, resulting in greater discomfort and limiting of resources. Families that do not have the resources available to them, are unable to provide all that their family needs, which often leaves children hungry, without health care or mental health care, and wardrobes that should have been retired long ago. In the same breath, we also know that there are parents who struggle with addiction and use their

minimal funds to pay for their negative habits. Homes where parents abuse illegal substances and become involved in the CWS, show higher rates of maltreatment, neglect and longer stays in foster care, limiting their chance at reunification (Davidson et al., 2020). My personal experience and the literature agree that drug rehabilitation and recovery are not linear. This can lead to continued separation of parent and child(ren) if addicted parents are not given or required to utilize resources that can get them back on track.

In order to reunify families with their children, the parents must address the concerns (e.g., addiction, poor mental health, and/or unemployment) that originally resulted in their removal, whether it was commission or omission. Usually though, parents are given a timeline to address these concerns. These timelines may not be accommodating of the parents' circumstance and new issues arise when they are not able to overcome their addictions on the timeline set in place (Davidson et al., 2020). This can result in children staying in the welfare system longer. Parents' addiction recovery can be exacerbated when reunification fails (Davidson et al., 2020). If the concerns are not addressed in an appropriate timeline, parents may need to release their rights (i.e., termination of parental rights, TPR) as a parent to the child in question in order to provide their child with a better life (Davidson et al., 2020). There are, unfortunately, families who are not willing to work with the programs given them, but research has found that "families who participate in services may be more likely to reunify" which shows that the welfare services available to families are working and can produce positive change (Davidson et al., 2020, p. 874).

There are various stakeholders, and each have their own impact on the system, but fundamentally, the legal system and social workers play a large role in the system and we have explored both the positive and negative impacts of those roles. Still, with all the services



available to families and the human desire to protect children, the U.S. CWS seeks to uphold those values and to continue to think of ways to provide aid to families struggling to keep a safe and sustaining environment (Haskins, 2020). Drawing from Maslow's hierarchy of needs (1943), people first need safety, sustenance, and belonging before they can seek self-actualization and positive self-esteem (Thornwell, 2018). However, when the number of children needing placement supersedes the available homes (Welfare Info, 2021) and social workers are bogged down with an average of 72 cases per year (Statista, 2018), it becomes increasingly hard to provide the children with stability and guide them to self-actualization.

Knowing which stakeholders make the important decisions for children and families in the CWS helps us to better understand one agent forever embedded in this system. We can see that their reliance on the structure creates gaps in communication, agents who are unable or unwilling to voice opposing views and takes power from the children who are most affected by the decisions of the agents with more power.

### *Removal Causes Harm*

When it comes to the structure and process of child removal, the research has pointed to why children are removed (e.g., neglect and abuse) but is limited on opposing viewpoints, which I discuss later, but show how stakeholders (e.g., policy makers, legislation, state-wide organizations, and advocacy groups) hold "divergent experiences, interests, and assumptions, all of which influence ways they communicate" (Canary et al., 2015). In cases of neglect, the process is to open a case and assess the level of neglect. Based on the severity, children are removed. Once removed from their home, child(ren) experience new placements, new families, new rules, new structures, and the like. Regardless of age, youth essentially, go through a grieving stage after being removed from their home (Cross et al., 2013). "... [T]here is a

fundamental liberty interest in the family unit and the bonds within it, and any state interference causing the traumatic destruction of these bonds requires heightened scrutiny” (Trivedi, 2019, p. 565). Children are resilient though and children in the CWS can find connection and trust within their social worker(s) and therapist(s) as these individuals serve as a constant element in the child’s life, whereas foster placements may be a revolving door. However, turnover of the various stakeholders is inevitable. Thus, when they build connections with the new people in their life, this grief is intensified with the loss of or removal of those individuals. Turnover of those working in the CWS disrupts the trust that the youth had built and may lead to feelings of loss and disruptive behaviors (Curry, 2019).

**Societal Beliefs that Cause Further Harm to the System.** Society holds a negative stigma toward children in the CWS (Rogers, 2017). Youth who are faced with societal stigma grapple with how much they want to reveal about their circumstances. Often, when they share, they are met with negative stereotypes such as “delinquent, orphaned, troubled, aggressive, and neglected” (The Imprint, 2016, para 1). Rogers (2017) turns to Goffman’s (1963) explanations of stigma; that stigma is viewed through elements of *difference* and a sense of *devaluation*. Difference describes when people label individuals as either normal or abnormal which causes the labeled individual to feel devalued and socially excluded (Rogers, 2017; Goffman, 1963).

Poppi O’Donnell, a foster youth herself, worked with *California Youth Connection and Fostering Media Connections* in their 2016 Media for Advocacy Training in order to use her voice to shed light on these stereotypes and explain the affect that stigma has on herself and youth in the system. She uses her agency to describe how members in her community hold false narratives about children in the CWS. “Growing up in the system can be difficult for a number of reasons but being embarrassed about your own identity as a foster youth because of others lack

exposure to the term is absolutely ridiculous” (The Imprint, 2016, para. 3). O’Donnell’s testimony provides valuable evidence to the stigma that many children in the CWS face nearly daily. It shows the impact that structures play on the various actors involved in wicked issues (i.e., external stakeholders beliefs affect internal stakeholders by believing false stereotypes). Unfortunately, society holds these beliefs that affect the children and forget to recognize that the circumstance is outside of the child’s control.

There is public perception, typically conservative, that families in need, abuse welfare services provided to them while not making attempts to redirect their circumstances (Thompson, 2018). This speaks to the racial ideologies that society maintains and minimizes the problem at hand; children are being taken from their home because their family did not have the funds or means of providing the child with basic living resources (e.g., food, healthcare, clothing). Thompson (2018) defends welfare services further and points to the impact that poverty has on society, which can be crippling and prevent families from redirecting their circumstances if they have no resources to help them. In essence, welfare services are one way to build families up and provide children with the ground to become healthy and contributing citizens of society. If we are truly seeking to save children in need, we need to help their families in the process, and not discriminate on race, age, gender, or circumstance.

Not only is this report structured to outline the deficiencies within the system but is meant to provide ground for reformatting the system entirely. Thus, if we want to see change in how we approach what happens to children, we also need to encourage our legal system to be aware of and rebuke false information from social workers’ perception of living conditions. This points to a significant problem prevalent in the CWS: racial disproportionality and excluded groups of youth. Broadly, various stakeholders experience frustration with the CWS process;

however, minoritized individuals (e.g., children in communities of color and LGBTQ+ children) are especially impacted and harmed by the dysfunctional process.

**Racial Disproportionality.** Minoritized communities (e.g., African American, Hispanic, and Asian communities) are disproportionately represented within the CWS. Moreover, African Americans are significantly more “likely to be involved in the [CWS] at all levels” (Berger & Slacker, 2020, p. 15; Dettlaff & Rycraft, 2010). The mindset of stakeholders (e.g., social workers and court systems; Dettlaff & Rycraft, 2010) is that the poorer the community the higher cases of maltreatment. This is because the U.S. has a long-standing history of racially segregated communities, which result in limited professional growth opportunities, resulting in poverty (National Equity Atlas, 2021). Thus, Dettlaff and Rycraft's (2010) study was able to determine five factors that greatly contribute to this disproportional behavior: cultural bias, fearful agency climate, communication barriers, ineffective service delivery, and workforce issues. Most noteworthy are *cultural bias* and *fearful agency climate*. Cultural bias presents itself when caseworkers make bold and incorrect assumptions about how the living conditions of the home impacted the children and family. In these cases, children are reported as *at risk* for maltreatment which leads into the fearful agency climate. Agencies fear potential liability risks and as such rely too heavily on caseworker reports, of which are usually an exaggerated account of living conditions. If they did nothing and the child did indeed suffer from or die from maltreatment, then they are the target of blame (See "Foster kids starved, beaten and molested, reports show. Few caregivers are punished.", Hirt, Braga, & Beall, 2021; "Abuse, cruelty and a system that failed a child it was supposed to protect", Blass, 2020; "New details reveal how two social workers fought, but failed, to save 4-year-old Noah Cuatro", Heimpel, 2019). Decisions can be made that impact both the family and the stakeholders of the CWS. These factors provide two

takeaways. First, families have an obligation to provide safe environments for their children and utilize the resources available to them, but just as there are multiple sides to a story, there are factors which prevent families from utilizing community resources (e.g., lack of social support, lack of awareness, embarrassment). Second, the bias and lack of experience in the CWS needs to be addressed and, hopefully, specific reformation (i.e., family preservation and prevention) can begin to warrant change.

**Excluded Youth in LGBTQ+.** As we know, 400,000 plus youth are in foster care annually, and of those, 20.4 percent identify within the LGBTQ+ community (Krebs & Cook, 2020). This raises several concerns: Is there a reason for this percentage of LGBTQ+ youth in the system? How are they affected by the CWS countered to their non-LGBTQ+ peers? What policies are in place to protect these youth? The literature speaks to each of these concerns and sheds light on the structural impact that the CWS has on LGBTQ+ youth.

LGBTQ+ youth are at a higher risk of "suicidal ideation, suicide attempts, depression, and gender identity related problems" once in the foster care system. (Scannapieco et al., 2018, p. 44). This is due to the increased discrimination that LGBTQ+ youth, specifically, experience (e.g., bullying, harassment, victimization, blame, abuse, and maltreatment) (Scannapieco et al., 2018; McCormick et al., 2017; McCormick, Scheyd, & Terrazas, 2017). This discrimination can begin before a child is placed in the CWS and is also indicative of nearly half of LGBTQ+ children finding themselves in the system because of the sexual orientation or gender identity (McCormick, Scheyd, & Terrazas, 2017). Worse still, youth report that this discrimination can stem from the care takers and stakeholders within the CWS, further limiting the youth's safe space and assurance of help resulting in the risk for self-harm and other unsafe behaviors (McCormick et al., 2017). In fact, as this issue becomes more aggravated, youth feel a sense of

helplessness and turn toward homelessness to gain some sense of control of their surroundings, which puts them at new risks (e.g., human trafficking, public attacks, and food scarcity) (McCormick et al., 2017). For the youth that do not runaway, they are less likely to be reunification with their family and more likely to be placed in group homes, rather than foster homes (McCormick et al., 2017), as well as experience multiple placements (Robinson, 2018) which just exacerbates their concerns of loneliness.

Due to the likelihood of increased mental health issues among LGBTQ+ youth specifically, the Children's Mental Health Initiative (CMHI) was established to provide these youth with serious emotional disturbances with the services and supports they need to improve their behavioral health outcomes (Scannapieco et al., 2018). This initiative found that efforts made to help LGBTQ+ youth mentally and behaviorally produced a decrease in "mental health symptoms, suicide ideation and attempts, contacts with law enforcement, and use of inpatient services, along with improvements in school attendance and grades" (Scannapieco et al., 2018).

Since 2019, new legislature sparked concern for the inclusivity and protection of children in this orientation. Federally, "religion, sexual orientation, and gender identity are not protected classes in ... child welfare statutes" meaning that children in this system could be directly impacted if organizations are unwilling to house them or provide basic living services because the sexual orientation of the child (Krebs & Cook, 2020, para. 2). Currently, only California, New York, and Colorado have protection laws in place for these LGBTQ+ youth which guarantees their safety in placement homes but does not guarantee a lack of discrimination (McCormick et al., 2017). With pending court decisions to remove discrimination protections, these children may be left vulnerable if agencies choose to drop their case because they may not agree with the child's identity. Additionally, families may be impacted in these decisions, either

to be discriminated against because of their religious beliefs and sexual orientations or, and because of the reasons listed, can discriminate against children who identify within the LGBTQ+ community. To take away non-discrimination policies and allow agencies to make decisions to not place LGBTQ+ children in foster homes because of the child's sexual and gender identity is incomprehensible.

These concerns for youth's mental, behavioral, and possible extermination of protection laws creates a need for better awareness to gain control of the issue. It starts by improving cultural competence of the public, understanding the strengths and challenges of the youth, and providing inclusive training for social workers and placements homes (Scannapieco et al., 2018; McCormick et al., 2017; McCormick, Scheyd, & Terrazas, 2017). When foster parent(s) are not prepared or trained on how to engage with youth who identify as LGBTQ+, the relationship is likely to struggle, thus efforts to educate families about acceptance and inclusion have been able to bridge the gap and create a profound impact on the relationship and the youth (McCormick, Scheyd, & Terrazas, 2017). According to Robinson (2018), children of color who also identify as LGBTQ+, experience further complications when interacting with others and may hinder their ability to find placement. Next steps from policy leaders and child welfare agencies should begin to develop programs for education on inclusivity, caring, and respect. Special efforts need to be made to produce this in order to provide LGBTQ+ youth with a sense of safety, belonging, and acceptance from their counterparts, families, placement homes, and stakeholders in the system.

The long-held belief that removing the child from their home helps them is unequivocally untrue. It is not only harmful to all children with the system, but especially so toward children of color and children who are LGBTQ+. Additionally, because the structure has maintained this system and belief, we see how society falls easily into shaming, blaming, and continuing the

pattern of harm. Nicotera and Clinkscales (2010) critical work on nexus (i.e., agents aggregate multiple social structures to fulfill obligations; when social structures oppose other social structures, it strips the agent of their credibility) provides explanation for the nexus between external stakeholders and the goals of child safety. In essence, society needs to assess their how their moral ideologies that oppose LGBTQ+ youth fit into wanting the safety of children both in and out of the system.

### *Alternatives to Family Preservation*

"Child maltreatment is a leading cause of childhood serious injuries and fatalities", neglect being the leading cause of maltreatment (Dedel, 2010, "General Description of the Problem" para. 1). The Children's Bureau, Administration for Children and Families (ACF) reported that 75 percent of child victims were neglected (ACF, 2019). The 2020 report showed a decrease in neglect cases with only 60 percent of children victims (ACF, 2020, Dedel, 2010). Of noteworthy concern is the recent increase of sexual abuse (Font & Maguire-Jack, 2020). In circumstances that there is sexual abuse, removal is the safest way to protect the child. For this reason, and more that I will outline, this solution is certainly not a one size fits all solution; families are dynamic and as such the system should be able to adjust to dynamic circumstances. As agencies strive for family preservation, they should also account for policies that outline when it is necessary to take the child from their home.

A brief look at the history behind the practice of removal begins to explain why this policy is still maintained, because not every case of child abuse and neglect will mean that preservation is the best route. Child abuse and neglect have always occurred, but it was not until the 1960's that medical professionals started to recognize the rampant abuse rates which led to the understanding of "The Battered-Child Syndrome" by pediatrician Henry Kempe and his



colleagues which inspired other medical professionals to get involved in this sudden epidemic as well as the media and the public (Myers, 2008). During the 1960s, public understanding and awareness of child abuse became more mainstream (United States, Department of Health and Human Resources, ASPE, 2001). As such, reports of maltreatment increased resulting in the hire of more social workers and larger budgets to keep up with the growing caseload. Many child welfare systems operated heavily on child removal because they were trying to save children from abuse and neglect. By the 1970's, specifically, post-World War II, the ratio of children in out-of-home care was disproportionate to the cases where children could stay home because single mothers were bearing children and could not keep them (Riley, 2018). Due to this increase in awareness and concern for addressing neglect and abuse, efforts to lay out how people reported cases became clearer in 1974 (Myers, 2008). These initial steps led to the practices we know today as removal.

Thus far, I have focused on family preservation and prevention, but learning from our history and acknowledging that each case is dynamic in its own nature we can determine that preservation is not always the right approach to child safety. The United States Department of Health and Human Resources, (2001) discusses child removal. They outline how when a child must be removed due to severe abuse or neglect, that the hope is to keep out-of-home care as short as possible and strive to reunify the family and child. They provide the family assistance to get back on track, but the parents may be unable or unwilling to make changes. Though harm of removal is considered in these cases, instances like these have the distinct understanding that if the child remains in the home, they are worse off than the removal (Dedel, 2010). Additionally, Font & Maguire-Jack's (2020) research showed that some factors of abuse and neglect (i.e., "parental experiences of childhood maltreatment, parental experiences of intimate partner

violence, and parental behavioral health characteristics such as anger, depression, alcohol and drug abuse, and psychopathology, ... [as well] parental and family socioeconomic status" p. 40-41) raise concerns that parents' experience may lead to continued abuse, which may not be able to be addressed or fixed. Lastly, is the knowledge that abuse, and neglect can have a devastating effect on children's physical, psychological, cognitive, and behavioral problems (Dedel, 2010). In cases of severe abuse and neglect, removing the child is saving the child because there are alternatives to care, and positive outcomes of those alternatives.

Areas that are producing good outcomes to removal are adoption and kinship care. These both provide ways to keep children connected to their family. Horstman and colleagues (2018) focus on open adoptions, where the adoptive family has contact with the birth family, if applicable. In their study, they sought to see how communication strategies helped or hurt the relationship. They were able to establish that when adoptive families normalized communication (i.e., integrating the birth family into their communicative routine through social media, mediated communication, and informal practices) created a sense of familiarity. This idea of open adoption is important to show that children who must be removed, can still maintain a relationship with their birth family. Kinship care is also beneficial because it places children with family members they likely already know, which decreases the trauma of removal (Epstein, 2017). As described by Epstein (2017), kinship care can also increase permanency which resolves the issue of multiple placements, improves the behavioral and mental health outcomes of children, promotes sibling ties, and preserves the child's cultural identity and connections to the community.

Looking at all sides of the argument is vital to understanding the effects it can play on the system. What I have described in this section points to ways in which the system policies can

give agency back to the actors within the system, including the children, as it shows that the overall goal is to protect children. I have discussed how removal causes harm, but also shown why removal may be necessary in extreme cases. Children are going to experience trauma in some capacity, and if actors of the system can produce positive change, then policies should be maintained which advocate for child safety. That looks like removal, adoption, foster care, kinship care, or preservation.

**Services that Advocate for Children.** I recognize that family preservation is not always possible and, in these cases, so long as consideration of harm of removal is accounted for, it will still be recognized that the children are going to struggle regardless. This leads me to acknowledge the services put in place that are meant to advocate or speak for the child and work with them to understand their circumstance and the emotions they are having. First are Court Appointed Special Advocates (CASA) and guardian ad litem (GAL) workers. The specific goal for these workers is to advocate for the children by ensuring their safety in the home or in out-of-home care. These are trained positions but rely on volunteers from the community to be able to work with the child until the child's case is closed. CASA and GAL workers communicate with professionals in the CWS, educators and service providers and speak on behalf of the child. The National Court Appointed Special Advocate Association (2021) lists five goals for CASA and GAL workers which are to learn and engage with the child and their family and to recommend, collaborate, and report to the court. The National CASA Association publishes a newsletter discussing the building blocks for success and seeks to make the CASA and GAL's work more widespread. They strived to make the CASA program applicable to rural, suburban, tribal, urban, and state leadership councils to engage its members and experts in the field in conversations that

would influence a deeper knowledge on child welfare and identify resources to promote best practices (National Court Appointed Special Advocate Association, 2015).

In addition to this more professional role, there are also not-for-profit charities that provide resources such as food, clothes, and safety: No Kid Hungry, Save the Children, Toys for Tots, Family Promise, Children's Defense Fund, Ronald McDonald House Charities, The International Rescue Committee, and Feeding America (Jena, 2020). No Kid Hungry not only serves to make sure children are provided with the nutrition they need but also with food education, which makes me think of the proverb "If you give a man a fish, you feed him for a day. If you teach a man to fish, you feed him for a lifetime." Toys for Tots seeks to provide new and unused, but donated, toys to children at Christmas, which eases the burdens of families, including out-of-care homes. The Children's Defense Fund helps children to move past just surviving into thriving by focusing on quality care, quality education, safe living environments and disability services. These to name a few, but still advocate for children both in and out of care, and without realizing, help impact prevention of harm, because the charities are finding ways to address problems before they become problems of abuse and neglect.

## **Summary**

Through communication literature, there is an interplay of the structure and the stakeholders (i.e., agents) where the agents perpetuate the system, resulting in a system that has maintained the practice of removal from abusive and neglectful homes. The literature on the effect that this removal has though is exponential and cannot be ignored. The problems are many: courts not accounting for the harm of removal, racial bias, and negative treatment toward LGBTQ+ youth, to name a few. While removal is sometimes necessary, I use the next chapter to point to areas where we can reform the system and move toward preservation, as I see it

improving the problems within the system. Thus, I aim to shed light on what may seem at first, a radical idea, but can produce the positive change for children and stakeholders and begin to resolve societal racism and heteronormative ideologies that do not serve to protect the children.

The radical idea: family preservation and prevention.

## **Chapter 4 - Envisioning the Future of Family Preservation and Prevention**

### **Reformation of the Child Welfare System: Family Preservation and prevention**

The previous sections outline the history of the CWS and the implications of its core function: to remove the child. This practice is so deeply imbedded in the minds of many stakeholders that despite the research that indicates removal causes more harm, they fundamentally believe that removal is necessary for the child's safety (Trivedi, 2019). Just as problematic, is the nation's racially rooted historical policies and practices which directly limit minority groups, specifically the African American community, from advancing professionally along with their Caucasian counterparts, resulting in poverty and racially disproportionate rates of black children being placed in the CWS (CSSP, 2020). Maher and colleagues (2015) found that children in the welfare system have more developmental challenges than the public, which offers up the question, "Is trauma from being a child in the welfare system inherent, and unavoidable?" In essence, the abuse and neglect are going to place a mental burden on the child already and this is exacerbated by the structure of the welfare system (i.e., court dates, social workers in and out of child's life, family stressors, meeting new families). System reformation is necessary to keep families together and restructure policies to be more inclusive and less discriminatory. Thus, this section will discuss the change efforts being made and discuss the future of reforming the CWS.

Only since 1980 have specific policies and programs to strengthen families and family life become widespread. It was the Adoption Assistance and Child Welfare Act of 1980 [P.L. 96-272] that heavily pushed for "family-based models of in-home crisis intervention services" in turn, advocating for family preservation (Kelly & Blythe, 2000, p. 30). "Family preservation

services are aimed at families in crisis and at serious risk of child abuse and neglect and who are already known to child protective services" (O'Reilly et al., 2010, p. 83). Developed as an alternative to out-of-home placement in situations where children can remain safely in their homes or communities while services are provided family preservation services typically comprised of the following characteristics, to name a few: targets families with children at risk of out of home placement, services have time limits to encourage families to work with the services to maintain the family, services are flexible and work around professional obligations of parents and as such tailored to each family circumstance, and are available 24 hours a day, seven days a week (Fraser et al., 1997). These services can produce empowerment, skill building, and even marital intervention that benefit the family, and therefore the children at risk. These services also seek to unnecessary placements and shorten the time away from family, recognizing that families are afflicted by stress and poverty (Kelly & Blythe, 2000).

Kelly and Blythe (2000) describe how the early 1990's started to see deterioration of the family preservation movement because it lacked a clear philosophical base, well-defined program parameters, outcome trackers, and adequate training. This resulted in agencies and state programs implementing the Family Preservation and Family Support program in 1993 to assist in preserving families and prevent the unnecessary separation of children, whether that be for birth families or adoptive families (Administration for Children & Families, 2021). The services provide aid to state child welfare agencies and work directly with the current family preservation goals as well as community-based family support services (Administration for Children & Families, 2021).

### *Change Efforts*

One way in which to move toward change, is to look at what theory suggests. Canary and Taylor (2020) discuss multiplicity, which is the involvement of multiple stakeholders, and as such, requires more foresight in getting these stakeholders to engage with each other. Especially with the concern of judges relying on social workers' account of a child's living situation, which may be biased due to racial incompetence. Having more discussions between these two stakeholders is vital to understand the full picture of what the child is experiencing. As well, CASA's and GALs could facilitate these discussions and speak in place of the child. If the system were to adopt new policy, family preservation, then it would be wise to get the multiple stakeholders involved and communicating each parties' concerns. Canary and colleagues (2014) found that organizations attempting to change policies found more success when there was dialogue between stakeholders. Communication strategies that worked were "workshops, open discussions, and brainstorming sessions" (p. 57). Through discussion, organizations were able to clarify goals and objectives of each participant, regardless of their professional role, which helped minimize the gap between relevant groups (Canary et al., 2014). These discussions would allow all or various stakeholders (i.e., courts, social workers, families, state and local leaders, and police force) to meet in one location with the purpose of discussing preservation policy. Any ability to facilitate discussion of stakeholders would allow them to understand other roles involved in the system but importantly, it would allow them to determine how the system is upholding its three goals for the system (promote child well-being, achieve permanency, and strengthen families). An organizations safety climate is balanced between "the perceptions held by employees regarding the organization's values and commitment toward safety" (Ford et al., 2021, p. 1-2). This not only applies to the stakeholders of the system but also the children.



As I have outlined, the practice of removal is causing harm, and I point to how preservation can begin to improve some of the harm. By shifting the system toward preservation, we change the outcomes of abuse and neglect cases. Rather than being at odds (i.e., agents vs structure) stakeholders can work with each other to establish areas in the system to focus on reform first. By using their expertise in their field and discussing with other experts, they can find gaps in safety, change policy, and promote change, which provides them with the newfound agency that they may have lacked before. For example, if we provide aid to families in need and set expectations for social workers to work with the whole family, then the mental burden on both parties could decrease, as the support encourages positive outcomes. This would spur empowered agents who feel that they have a sense of control of the circumstances (Ford et al., 2021).

There are two substantial change implementations nationally (e.g., Family First Prevention Services Act (FFPSA) and upEND movement), and one significant step toward change in the state of Kansas (DCF Special Response Team).

The Family First Prevention Services Act (FFPSA) was implemented in 2018 and enables,

... States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services (NCSL, 2020).

This act draws from Title IV-E which helps with directing expenses to foster care and adoption programs as well as providing funds to administrations in the system to maintain their programs

and provide staff and foster parent trainings (NCSL, 2020). Therefore, the FFPSA allocates funds to promote family preservation and prevention and supplement services to help with addiction recovery and trauma guidance (NCSL, 2020). It is up to individual states to adopt the policies outlined in the act and use the funds to prevent entry into foster care and promote continued services for the child and their family. The hope with allowing states the autonomy of deciding where funds go, was to provide the freedom to use the funds for services that could support families in need before abuse and neglect occur (Haskins, 2020). Speaking toward the nature of wicked problems, structural change is one that takes time and good solutions. It would be important to establish the specific stakeholders making change in the system and provide the training and tools to make change possible; specifically, how to distribute funds. Some advocates working toward change believe that while FFPSA is a good start, more should be done, even if that means dismantling the system and restructuring it completely (Brewsaugh, McDaniel, & Richardson, 2020).

The upEND movement started within the University of Houston's Center for the Study of Social Policy department. They recognized the racial disproportionality within the CWS and were concerned that efforts to produce change were ignoring racist ideologies that continued to prevent families from moving away from the system. Thus, using anti-racist frameworks they "work to create a society in which the forcible separation of children from their parents is no longer an acceptable intervention for families in need" (CSSP, 2020, para 2). The issue I see with this approach is the SD-nexus which is keeping the structure and this change effort as opposite ends. Just as Sewell Jr. (1992) argues that structures enable agents to produce action, these agents may be constricted by not finding areas of the system to work with. As of right now, they

are still deliberating about next steps and reaching out to schools and welfare networks with proposals for next steps (A Second Chance, Inc, 2020).

The Kansas Department for Children and Families (DCF) developed a special response team in the spring of 2019, to reduce the rates at which children enter care and address the increasing rates of runaway youth (DCF, 2020). Just as Canary and colleague (2014) encourage engagement and discussions, this initiative is employing some of that practice by using a team comprised of ten members and utilizing the data available to them to determine why youth run away from their foster homes. This includes interviewing the youth and implementing new policies from there. They have seen a decrease in runaway youth since the inception of the team, however there is no new data from the impact that COVID-19 had on families (DCF, 2020). They have also implemented a new child protection framework resulting in 7 percent reduction of children being placed in foster care (DCF, 2020). These are good steps in the right direction, but it ignores serious issues of disproportionality, which is why, I and movements like upEND, continue to advocate for radical systematic change.

### *Future of Reformation*

Reformation will begin in many ways that this research cannot begin to detail fully, but two avenues for producing change start at legislation and in individual communities. First, policies, both nationally and state-wide, should include detailed information that address the harm of removal in their statutes and define reasonable efforts involved in resolving potential neglect or abuse (Trivedi, 2019). Judges could then base their decisions for the child's future on the conditions of the living environment provided by social workers, steps that the parents or caregivers are taking to utilize services as well as who is helping in this process and considering the effect that unnecessary removal will have on the child (Trivedi, 2019). States should also

allocate funds toward impoverished communities and work with advocates to develop plans that will maintain upward trends in participation and a decrease in poverty (Fagan & Rector, 1996). Providing programs that produce positive impacts before child removal will allow families the basic right to improve their circumstances before courts attempt to remove the family (Haskins, 2020). Impoverished communities are likely to be communities consisting of minorities, and as such, policies must concern themselves with transforming the goals of the CWS to produce a direct positive impact of racial equity as it will move society toward more inclusivity (CSSP, 2020). Lastly, and in order to produce resolution to the wicked issue of the CWS, public officials must utilize strategic thinking, make time to hear the voices of the communities that are affected, and deliberate with the leaders, managers, and organizations to fully grasp the complexity of the issues at hand, recognizing that solution can be accomplished with the voice of many (Head & Alford, 2015).

Second, we can begin to focus on how communities and agencies of the CWS can provide valuable social support to the families in need face, specifically LGBTQ+ children and families of underprivileged communities. Families in poor communities require assistance to provide for their family however, due to many factors, they may not utilize these resources. Therefore, if we are to produce change, social support systems need to take the steps to ensure that community members can benefit from the resources that are offered. Society has leaned too long on law and policy to provide safety to children, but the reality is that they have an obligation to provide safe environments, engage with families in need, and communicate concerns for child safety to authorities (Berger & Slacker, 2020). Social support systems can be led by ordinary citizens to involve “community leaders, participating in community events, and presenting an image of helpfulness” to encourage participation in welfare services and produce

long-term engagement of the families in need (Dettlaff & Rycraft, 2010, p. 222). Instead of relying on those in need to come to them, they recognized the benefit of being the first to reach out. They found that offering help encouraged engagement with the services provided and served to "bolster family stability and reduce stress, allowing better compliance with and progress toward goals" (p. 26). To expedite some processes for providing relief, Mildon and Shlonsky (2011) outline essential activities to make implementation successful: planning, engaging, executing, reflecting and evaluating. These processes work within the system and provide stakeholders and foster families the resources and understanding necessary for more successful stories. Thus, we are not only providing social support to those affected by the CWS but also to those who make the decisions that affect the families and children.

Knowing the dynamic nature of wicked problems, and understanding intractable conflicts' role in resolution, it is easy to recognize why the CWS has been resistant to change for so long. It is not just the structure, but the agents within, specifically the agents who make decisions. Being such a large issue, and what I am asking (i.e., family preservation and prevention) is what Waddock and colleagues (2015) coin as large system change (LSC) which incorporates a large span of the structure and a large span of the reformation. In essence it is both a geographically large scope (e.g., national, regional, and global) but also structurally large (e.g., multiple institutions, people and resources) (Waddock et al., 2015). Additionally, striving for total system reformation means that there will be fundamental reframing of human systems (Waddock et. al., 2015). Therefore, stakeholders and policy leaders need to be open to changing their mindset and behavior as this will produce resolution toward the many problems at hand (Willis, 2015).

Family preservation and prevention is not necessarily radical; however, we have been conditioned by the structure and the wickedness of the issues within the CWS to believe that such change could never work. Perhaps, policy makers hesitate because they do not want to take accountability if this change fails. Maybe, they are silenced, because they have been conditioned to believe that it is too big of an issue. Nevertheless, I urge them to be radical and to heed not just my testimony but the hundreds of children's stories of trauma, violation, loss, and abuse. The future of the nation's next generation can be bright. We just need to make it clear to the policy makers what matters and demand action. Until then, the wicked issue that is the CWS, will continue to stifle the voices of many. Family preservation is possible if these focuses can be addressed and adopted: "targeting family preservation services, working with the courts, implementing a range of evaluation and quality assurance efforts, fostering collaboration across systems, providing leadership to reinvigorate the family preservation movement, expanding technical assistance, implementing fiscal reforms, and involving families themselves as advocates for family preservation services" (Kelly & Blythe, 2000, p. 36). The systems are already set in place, we just need to push our policy leaders to move toward system reformation.

The final section of this report is a 750-word contribution of the literature geared for the general public. Like the structure of my report, I briefly start with my story. I then provide a condensed review of literature with a focus on the problem at hand (i.e., removal causes harm) and then point to the disproportionality affected communities. I end with a sense of urgency for the public to reach out to local legislature and demand a complete restructuring of the system.

### **Public Facing Article**

With the direction from CJ Janovi of the *Kansas Reflector*, I will publish this excerpt or a version of this to the *Kansas Reflector's* Opinion section. I have corresponded with CJ and seek

to publish the article in mid-April (See Appendix A). My hope with the publication is to add my voice to those that seek change for the CWS and see a positive future if the system makes those changes. It is a small step, but I believe that using my voice to advocate for those who feel a loss of agency at the hands of this wicked issue will spark hope and persuade others to push for systematic change.

### *Article*

My birth mother struggled with addiction and at the age of three, I was removed from my home due to neglect, placed in foster care and moved between seven different homes in the span of two years.

Removal from my birth family placed me in situations that could have been avoided. I became a victim of sexual, psychological and physical abuse.

After her attempts toward sobriety failed, my birth mother terminated her rights as a guardian to my sisters and myself. Fortunately I was adopted, but my sisters aged out of foster care. Had the system's goal been family preservation, my sisters and I could have avoided a level of unnecessary trauma that affects us to this day.

With nearly [424,000](#) children in foster care in the United States, about [7,000](#) of which are in the Kansas foster care system, we need to change the system and focus on family preservation efforts. A refocus on family preservation will lessen the trauma children experience, decrease racial bias and allow for the redirection of resources to aid and support families in need.

The child welfare system in the United States has three long-standing [goals](#): to promote child well-being, achieve permanency and strengthen families. One way to meet these goals is to remove the child from abuse and neglect. However, [multiple studies show](#) that the removal process is traumatic for children.

While the current system may be well intentioned, we must not ignore the issues that removal produces.

In addition to avoidable trauma, the practice of removal unjustly targets children on the margins, including African Americans, Latinx, and American Indians. As one example, African American children, who make up only [14% of the U.S. population](#), [comprise 23%](#) of the U.S. foster care population. This represents the largest racial and ethnic group in foster care.

So, why, given evidence that removal causes harm, do child welfare agencies continue to rely on such policies? In short, too many decision-makers in the child welfare system still don't seem to understand the impact removal has on the children they are trying to protect.

This lack of understanding, combined with established policies and practices, makes it hard to untangle instances of legitimate abuse from cases of negligence, racism, or poverty. Many children, rather than being saved from abusive situations, are taken from homes because their families do not have the funds or means of providing the child with basic living resources (i.e., food, healthcare, clothing). If we maintain this policy and belief that removal equals safety, we will continue to subject children to unnecessary and traumatic circumstances, particularly children from less privileged communities.

It should be noted that preservation is not always the right approach to child safety and is not a one-size-fits-all solution. [The U.S. Department of Health and Human Services](#) stipulates that when a child must be removed due to severe abuse or neglect, the hope is to keep out-of-home care as short as possible and strive to reunify the family and child.

Nevertheless, the majority of evidence points to the harm of removal and I see many benefits to preservation. Congress has already implemented [several](#) programs to provide services to families in need.



In Kansas, Gov. Laura Kelly has increased [benefit assistance](#) in the COVID-19 pandemic, discussed an increase of [funding](#) for social workers and preservation, and created a [special response team](#) to investigate runaway foster youth and work toward decreasing youth who enter foster care. In addition, Kelly would consolidate all state departments into [one agency](#) which she says will allow the state to focus on preservation. This push for preservation would eliminate the areas where there is [corruption](#), decrease [missing children](#), and phase out the racial bias toward less privileged communities.

These are good steps in the right direction, but these children should not, and we must not, accept “good enough.”

My experience in foster care gives me the advantage of seeing both sides of the system and is why I want to see fundamental system reform. We should be aware of the pros and cons to preservation and remember that adjustments can be made as we go. But the system we have right now is broken. If we do nothing, then nothing changes. To discontinue the harm that the child welfare system produces, we need to start championing our local welfare programs, supporting our neighbors in need and advocating to keep families together.

## **Conclusion**

This report discussed key issues prevalent in the child welfare system (CWS): child removal, disproportionately targeted communities (e.g., communities of color and LGBTQ+ children), agency loss, child removal, and systematic complacency. Structuration theory (ST) guided the discussion of the CWS with a communicative focus. The research established through ST's interplay of actor and structure indicated that just as the structure is dynamic in nature, so too are the actors prevalent in the CWS. This multiplicity was explored in depth to explain how the CWS is a wicked problem. The hope of this research is to orient the reader on the wickedness present, but also provide a solution that has sound ground for reshaping what society knows as the CWS. In essence, we need to put efforts, policies, programs, and investment toward family preservation (i.e., to keep families together) and prevention (i.e., to address issues of neglect and abuse before it becomes an issue).

## **Limitations**

While I do give an in-depth view of the CWS, there are elements which are not present and should be noted. My focus of the CWS is children going into care but there are also concerns raised about aging-out of care and homelessness after care. The research is extensive, but this is an area that few scholars consider when discussing the harm of removal. The unrelenting truth is that children will age out of care and the concerns for having the resources to provide for themselves are valid. I also focus heavily on the African American community and LGBTQ+ community, but in addition to these minority groups, Native Americans, Hispanic, Latinx, and Asian Americans suffer from being racially biased and marginalized in the CWS at a higher rate than their white counterparts. They still belong in the argument but are not targeted as disproportionately as African Americans and LGBTQ youth. Lastly, I neglect to go in depth

about the mental and behavioral issues that children may develop once in the system. While I allude to it, there is much more to be said on the causes, concerns, and what is being done to provide solutions. Above all, there are so many aspects that surround the CWS. It is a large entity and should not be treated lightly. However, I hope that the research I provided can provide insight into the areas I do focus on and change efforts have a starting point.

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