Preserving Families of African Ancestry©

Background and Significance

The initial policy statement on preserving families of African ancestry was approved at the National Association of Black Social Workers (NABSW) Fourth Annual Conference in 1972. Known for this statement for over three decades, the emphasis has not wavered. Many thought that the organization's position focused exclusively on transracial adoption. Yet, this was one component of the position statement, which instead emphasized the importance of and barriers to preserving families of African ancestry.

In 1994, a more expansive document, *Preserving African American families,* reinforced the 1972 position statement by stressing the following:

(1) "stopping unnecessary out-of-home placements; (2) reunification of children with parents; (3) placing children of African ancestry with relatives or unrelated families of the same race and culture for adoption; (4) addressing the barriers that prevent or discourage persons of African ancestry from adopting; (5) promoting culturally relevant agency practices; and, (6) emphasizing that "transracial adoption of an African American child should only be considered after documented evidence of unsuccessful same race placements has been reviewed and supported by   appropriate representatives of the African American community" (NABSW, 1994, p. 4).

According to the United States Department of Health and Human Services {2002}, as of September 2001 over 556,000 children are in foster care and over 40 percent of these children are of African ancestry. Children are more likely to be removed due to neglect than abuse. This suggests that child removal and class considerations, such as poverty, poor housing, and lack of access to health insurance, are key to understanding why some children are removed from the home and others are not (Lewit, Terman & Behrman, 1997).

While substance abuse is identified as a factor in many removals, race is the most consistent factor contributing to the decision to remove children and place them in foster care (Billingsley & Giovannoni,1972; Brissett-Chapman, 1997; Chand, 2000; Everett, Chipungu & Leashore, 1997). When substance abuse is an authentic factor, the timeline for sobriety and the availability of effective substance abuse programs is generally longer than the time line for reunification.

The Multiethnic Placement Act of 1994 (MEPA), the Interethnic Placement Act of 1996 (IEPA), and the Adoption and Safe Families Act of 1997 (AS FA) each have negative

consequences for children, families, and communities of African ancestry. MEPA/IEPA requires that states recruit families from all communities, especially those that reflect the race and ethnicity of the majority of the children in state foster care. This is a welcomed and important requirement.

Therefore, the state or agency is required to engage in outreach efforts that are directed towards communities of color as long as White families who wish to become foster or adoptive parents are not excluded. The IEPA provision, however, not only condemns considerations of race, color, and national, origin and by extension, culture, in placement decisions; it also imposes financial sanctions for public and voluntary agencies that receive federal funding if they are found guilty of such action. ASFA goes further by requiring the filing of termination of parental rights within 15 of 22 months after a child enters out of home placement. Together, the legislation is contradictory and appears oblivious to the realities of an unwieldy child welfare system.

NABSW's Position on the Preservation of Families

The focus of NABSW's position on family preservation has centered on four basic premises:

- "advocating for the rights of families to keep and raise their children in a loving, safe, and supportive environment;
- advocating for the right of kinship to raise their relative child in a loving, safe, and supportive environment;
- advocating for fair and equitable treatment of families of African ancestry who wish to adopt;
- advocating for families of African ancestry to have equal rights and access to children of African ancestry that are free for adoption" (NABSW, 1994, p. 9).

The Historical Context and Disparate Treatment

Understanding the historical experiences and their impact on a group of people is essential to developing relevant support services. People of African ancestry have distinct traits and characteristics that are important to raising healthy children of African ancestry (Everette, Chipungu, & Leashore, 1997; Hill, 1997; Martin & Martin, 1995). These experiences are typically absent from assessment models and practice decisions that affect the placement of children of African ancestry into foster care (Brissett-Chapman, 1997; McPhatter, 1997; Pinderhughes, 1991).

The disparate treatment of children of African ancestry is clearly demonstrated in the child welfare system. Three separate Department of Health and Human Services (DHHS) reports document that when controlling for income, people of African ancestry are no more likely to abuse or neglect their children than other racial groups. However, people of African ancestry are more likely to be reported for abuse and neglect and are more likely to experience out-of home placements (Green, 2002).

A recent study found that physicians are more likely to report parents of African ancestry for abuse or neglect than White parents even when the injuries are the same. Children of African ancestry are also more likely to receive additional tests and screenings in an effort to detect injury than their White counterparts even when the symptomatology is the same. (Lane, Rubin, Monteith & Christian, 2002).

Once in the system, research documents that children of African ancestry receive less program support services and fewer visits from child welfare workers (Brown & Bailey-Etta, 1997; Pinderhughes, 1991). They are Jess likely to receive the necessary referrals and follow-up services. When they do receive services, they tend to be substandard as compared to their White counterparts.

The disparate treatment of children of African ancestry has been validated in a number of critical studies. Thus, contrary to popular opinion, parents of African ancestry are no more likely to abuse or neglect their children but they are more likely to be investigated, have children removed from their home, and receive fewer services that are often found to be substandard.

Developmental Issues

The developmental context is critical to understanding just how devastating out-of-home placement is to children, in general, and children of African ancestry in particular (Berrick, Needell, Barth & Jonson-Reid, 1998; Chipungu & Bent-Goodley, in press; Hines, Preto, McGoldrick, Almeida & Weitman, 1999). Additional studies have shown that infancy and toddler hood are the two stages where removal from the home and community is most harmful to a child. Yet, the increase in the foster care population has been among infants and toddlers. Infants of African ancestry, in particular, are more likely to be adopted than older children of African ancestry. The impact of being removed from the home at this critical stage delays development, contributes to the child's inability to bond, and promotes persistent fear within the child. Children, *even* infants, who have been separated from their birth families, grieve over the loss throughout their lives.

An additional developmental consideration is tbat of identity development (White & Parham, 1990). Children of African ancestry learn about their identity from within the home and community (Gomes & Mabry, 1991). Identity is critical to being able to negotiate the world, understand one's barriers and realities, and feeling good about self. Identity forms the basis of character development, pride, and belief in achievement.

Cultural Influences

Out-of-home placements generally remove a child from their home, school, and community. They have poorer educational outcomes, such as lower reading and math scores (Yu, Day & Williams, 2002). Children in out-of-home placements can receive upwards of 3 or more placements. On the average, children spend 33 months in foster care placement, with 17 percent spending 5 years or more in placement (DHHS, 2002). Children of African ancestry are more likely to receive multiple placements and are more likely to be placed in care for a longer period of time than other children (Brown &

Bailey-Etta, 1997).

The significance of culture in the life of a person is profound (Hines et aI., 1997). "Culture is the essence of being human Culture is the bridge that links the present with the past and the past with the future. Culture provides a sense of historical continuity. It is a protective device structured to eliminate trial and error in the past and the future. Culture is second nature. It is a person's values, beliefs, learnings, practices, and understandings that are passed on...:' (NABSW, 1994, p. 8). Children removed from their home, school, religious environment, physicians, friends, and families are disengaged from their cultural background. They are denied the opportunity for optimal development and functioning.

Policy Statement and Recommendations

 (1) Repeal lEPA and ASFA.

Both MEPA and IEPA stress that states recruit foster and adoptive families from all communities especially those communities from which the majority of the children in the foster care system originate from. NABSW supports the recruitment provision as it was put there to ensure that people of African ancestry and other people of color would not be excluded. However, IEPA emphasizes that one cannot consider race, ethnicity, or *national* origin in placement decisions. These two statements often create confusion for child welfare workers as they seem contradictory. The *law* does not take into consideration the cultural differences of people of African ancestry and the experiences that they face daily due to the racial divide in America. Therefore, children are far too often cut off from their culture of origin and their African ancestry is deemed unimportant.

The implementation of time limits for termination of parental rights is unrealistic and can be harmful to children and their families. For example, a woman of African ancestry incarcerated in a District of Columbia jail informed her social worker that she found out that her parental rights were terminated when she saw her child being "advertised" for adoption on a local television broadcast. She had particular concerns because the maternal grandmother had never been approached with regards to the child. Children of African ancestry have been "auctioned" in local newspapers, advertised for adoption, while their mothers are unaware that their parental rights have been terminated. Some politicians would argue for tighter reporting mechanisms to ensure that parents have been consulted prior to termination of parental rights. This does not address the oppressive nature of the policy nor does it allow for human error and interpretation. The reality is that these time limits are oppressive, and can be harmful to children.

 (2) Mandate culturally competent services from staffing requirements to revise procedural and policy manuals.

Not considering the cultural influence in selecting an appropriate setting for a child can be extremely harmful. Culturally competent adoption agencies, such as ROOTS, the

Institute on Black Parenting, and the New York Chapter Association of Black Social Workers' Child

Adoption Counseling and Referral Service have over two decades experience of successfully recruiting and retaining foster and adoptive parents for hard to place children (Jackson-White, Dozier, Oliver & Gardner, 1997; McRoy, Oglesby & Grape, 1997). People of African ancestry have been accused of not adopting their children. Yet, despite structural barriers and discrimination, they have adopted at greater rates than any other ethnic group (Hill, 1997). Holding agencies accountable for cultural competence throughout the child welfare process is necessary (McPhatter, 1997; Pinderhughes, 1991). Parents and children should be given adequate services to address their needs. Monies should be made available "to enable agencies to develop or purchase services from community programs.

(3) Mandate that county and local governments develop community boards to monitor child welfare agencies and outcomes.

We recommend that each local child welfare agency convene a group of community members, selected by community and faith based groups, to examine disproportionality in the child welfare system. Communities *should* be consulted and assisted with solving issues that impact their families. The problem of disproportionality must be addressed at the *local* level, with supporting federal mandates.

State and local community boards should also be charged with examining the impact of class on removal rates. It is unethical to remove children from their homes due to poor housing or poverty, particularly if the parents are willing to do what is necessary to change the situation. Too many children are removed for neglect. This indicates an over reliance on removing children from the home, as opposed to addressing structural issues, such as poor housing, income inequity, and employment discrimination against people of African ancestry, in particular, and poor people, in general.

(4) Provide fiscal incentives to preserve families through community-based prevention initiatives and incentives for kinship care and reunification with birth families.

Reunification should be the first option for children when removal from the home is justified. Providing families with needed assistance and increasing community-based resources that are culturally competent can assist in preserving families. When reunification is not possible, then the second option should be kinship care. Some advocates say that there is insufficient information to support kinship care as an option. Yet, people of African ancestry have. historically utilized kinship care for over three hundred years in this country (Everett, Chipungu & Leashore, 1997; Hill, 1997). Formal foster care however has been found to produce identity confusion, poor developmental outcomes, poor educational outcomes, poor health outcomes, poor employment outcomes, and connections with the juvenile and criminal justice systems later in life. Kinship care should be financially and structurally supported to meet the cultural paradigm of people of African ancestry. One size does not fit all. NABSW's position on kinship care follows this document. .

(5) Enhance recruitment and retention efforts in communities of African ancestry.

Emphasis should be placed on continuing to hold institutions accountable for recruitment in communities of African ancestry and the places where children originate. Caseworkers should be mandated to obtain the names and addresses of family members. both in state and out of state, who may be placement resources under custody, guardianship or adoption if the children cannot be returned to birth parents. This information should be obtained from birth parents and the children when the case first comes into foster care. Relatives on both the father and mother's side of the family should be explored. The importance of families of African ancestry having equal access to become adoptive and foster parents should also be stressed.

A media plan, including brochures, television and radio public service announcements, should be developed to inform communities of African ancestry about the true condition of the child welfare system, updates on new laws, opportunities for foster care and adoption, and parents should be made aware that their parental rights cannot be terminated if services have not been provided to them by the agency under the current ASFA provision.

(6) Retain the use of Concurrent Planning and Mediation.

Mediation services wherein all of the key players in the child's life (birth parents, extended family members, foster parents, godparents. etc.) come together to decide the best interests of the child should be mandated. The mediator should be a trained person who is NOT employed by the agency. Mediation empowers parents and has been successful in making the best placement plans for children.

Concurrent planning should also be mandated. This will help to focus the parents and the workers to expedite plans for the child. It is important that birth parents understand their rights and timelines established for having children returned. Concurrent planning should include the possibility of returning home, kinship guardianship, kinship adoption, kinship foster care, adoption by foster parents or other non-related persons. Open adoptions in which the birth parents have some connection to the child's life should also be explored.

<u>**Summary and Conclusion**</u>

NAB8W has a long history of promoting the preservation of families of African ancestry, 8ingled out for its position on transracial adoption nearly thirty years ago, the organization has always maintained the importance of finding culturally grounded options for children of African ancestry before giving consideration to placing our children outside of the community. The Indian Child Welfare Act has emphasized, for close to thirty years, that Native American children be placed within their tribe or the Native American community before being considered for placement in other communities. The cornerstone of this legislation supports the notion of the importance of culture in the lives of Native American children. IEPA, and ASFA seem to deny the

importance of culture in the lives of children of African ancestry.

We believe that children must be kept safe and protected. In addition, we support the rights of families to raise their children. It is our belief that until the inequity and discriminatory treatment of people of African ancestry is resolved, than the child welfare system will continue to treat our children and families with disparately. Ultimately, this should be a social justice issue for all people. It is in our collective best interest to commit ourselves to ensuring the well being of our children and families.

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