

Real Cases Project: **Child Welfare Policy and Program Analysis**

Bryan Warde, PhD

Assistant Professor
Lehman College
250 Bedford Park Boulevard West, Bronx, NY 10468-1589
bryanwarde@aol.com

INTRODUCTION

A. Overview of this Course within the Social Work Curriculum

Child Welfare Policy and Program Analysis can be considered a one semester elective course that builds on the policy foundation provided by the social welfare policy sequence 1 and 2 courses.

The course will provide social work students with the assessment tools needed to both recognize and think critically about the following:

- Child welfare policy within the larger milieu of social welfare policy.
- The social conditions and unmet needs that have typically precipitated child welfare policy.
- The ideological debates informing child welfare policy.
- The historical precedents that shape contemporary child welfare policy.
- The impact of child welfare policy on traditionally marginalized groups.
- Similarities and differences between child welfare policies of different eras.
- Strengths and weaknesses of child welfare policy.
- The components needed to formulate effective child welfare policy.

B. Relevance of these Case Studies to this Course

All three case studies appear to have policy themes that have been at the core of much of America's contemporary child welfare policy: placement prevention/family preservation, foster care, and education. These policy themes will provide a frame of reference for an historical and contemporary analysis of child welfare policy and programs in the United States. Special attention will be paid to those child welfare policies and programs that shape and inform contemporary preventive/family preservation services, foster care and public education.

An historical overview and understanding of child welfare policy and programs is necessary for social work students as it alerts them to the following:

- Social conditions and unmet needs that have typically precipitated the need for policy.
- Ideological debates for and against policy.
- Evolution of policy over time.
- Similarities and differences between policies of different eras.
- Past approaches and strategies for policy formulation.
- Strengths and weaknesses of past policy.

This in turn allows social work students to not only bring a broader range of understanding to their analysis of contemporary child welfare policy and programs, but also to the components needed to formulate policy.

C. Specific Learning Objectives Related to Using these Cases in this Course

The specific learning objectives related to using the three case studies in this course are as follows:

- To provide a frame of reference for identifying the various policy themes and programs present in a typical child welfare case.
- To provide a frame of reference for tracking contemporary child welfare policy and programs back to their origins, with specific attention being paid to social conditions and unmet needs that precipitated the policy, ideological debates for and against the policy, constituents served by the policy, evolution of the policy over time, and the strength and weaknesses of the policy.
- To provide a frame of reference for understanding the impact of child welfare policy and programs on traditionally marginalized groups: families of color, immigrants, women, the economically disadvantaged, substance abusers, gays, lesbians, transgendered youth and adults, the chemically addicted, and individuals with mental and physical impairments.
- To provide a frame of reference for critiquing the strengths and weaknesses of child welfare policy and programs, most particularly as they relate to the cases.

To provide a frame of reference from which students can begin to formulate new policy based on the strengths and weaknesses present in contemporary child welfare policies.

D. Overview

The following is a description of what is included in this teaching guide:

- 1) A description of the overall strategy for integrating the three case studies into the course.
- 2) A description of the strategy for analyzing the policy themes germane to the case studies. This description will include the structure of the course, teaching methods to be utilized, materials needed, supporting readings/handouts, and evaluation plan for assessing students' achievement of strategy objectives.

TEACHING STRATEGIES

A. Strategy One: Case Study Integration

1. Area/issue of the case study to be highlighted:

The three case studies will each be integrated throughout the Child Welfare Policy and Programs Analysis course as a framework for identifying and analyzing the policy themes and accompanying programs that comprise an actual child welfare case. For example, the Andrea R. case highlights specific educational concerns, which will provide the framework for exploring the role of education and foster care within the larger milieu of past and current child welfare policy. Similarly, the Andrea R. case highlights mental illness, while the Anne M. case highlights complications related to domestic violence. Both of these cases will provide the framework for exploring child protection and placement prevention/family preservation policy within the context of past and present child welfare policy. Finally, the absence of coordination between the educational, mental health professionals, preventive, and foster care programs involved in the three case studies provide a framework for exploring the weaknesses of current child welfare policy.

2. Timing within the semester:

Each of the aforementioned policy themes will be divided into individual units for class analysis. Each unit will be explored over four class room sessions (see strategy two for timing of the units within the course).

3. Teaching methods:

Lecture, interactive and small group discussion, and presentations will be the teaching methods throughout the course (See strategy two for specific description).

3. Materials:

No specific technical materials or supplies will be needed to teach this course.

5. Supporting readings:

See strategy two for specific readings and handouts to be used in the course.

6. Evaluation plan:

See strategy two for evaluation plan for assessing achievement of course objectives.

B. Strategy Two: Analysis of Policy Themes Germane to the Case Studies

1. Areas/issues of the case to be highlighted:

This strategy covers the beginning stage and ongoing development of the course. In classes 1-4, the overview will examine the historical, social, ideological, and political factors that have brought about preventive/family preservation policy as a means of augmenting the functioning of families whose children are at risk for some form of out-of-home placement. In classes 5-8, the overview will examine from an historical, social, ideological, and political perspective, factors that have brought about foster care as the principle out-of-home-placement for children removed from their families. In classes 9-12, the overview will examine the historical, social, ideological, and political factors that have brought about the system of compulsory formal education for America's children. The remaining classes will be devoted to individual presentations.

2. Timing within the semester:

The timing of the units within the course is as follows:

Classes 1- 4 will provide an overview and analysis of the **Preventive services/family preservation policy themes** identified in the three case studies. Special attention will be paid to specific preventive/family preservation policy and accompanying programs that have shaped contemporary preventive service/family preservation programs and practice. These policies are as follows:

1. The **Child Abuse Prevention and Treatment Act of 1974 and its subsequent amendments of 1978, 1988, 1996 & 2003**, which established the National Center for Child Abuse and Neglect within the Department of Health & Human Services and provided a model statute for state child protective programs. The act also established a standard definition of child abuse and neglect, methods for reporting and investigating abuse and neglect, immunity for those reporting suspected injuries inflicted on children, and prevention and public education efforts to reduce incidents of abuse and neglect
2. The **1993-Family Preservation and Family Support (FP/FS) Services**, which is a title IV-B, subpart 2 of the Social Security Act. The FP/FS provides federal funding specifically dedicated to child welfare preventive services.
3. The **1997 Family Preservation and Family Support Services, which was expanded and reauthorized as the Promoting Safe and Stable Families (PSSF) program**. The PSSF program promotes the view that the welfare and safety of children and of all family members should be maintained while strengthening and preserving the family. For this to happen the family as a whole has to

receive services, which identify and enhance its strengths while meeting individual and family needs. Services should be easily accessible, often delivered in the home or in community-based settings, and they should respect cultural and community differences. In addition, they should be flexible, responsive to real family needs, and linked to other supports and services outside the child welfare system. Services should involve community organizations and residents, including parents, in their design and delivery. They should be intensive enough to keep children safe and meet family needs, varying between preventive and crisis services.

Classes 5 - 8 will provide an overview and analysis of the **foster care policy themes** identified in the Mary S. and Andrea R. case studies. Special attention will be paid to the policies, court rulings and accompanying programs that have shaped contemporary foster care services at the national and local level (New York). These policies and court rulings are as follows:

1. The **Indian Child Welfare Act of 1978**, which came into law as a result of Native American children being placed in non tribal home; and as a result not having access to their cultural heritage. The act established tribes, rather than state courts, as the governing bodies responsible for Native American foster children.
2. The **Multiethnic Placement Act of 1994**, which prohibited state agencies and other entities that receive federal funding and were involved in foster care or adoption placements from delaying, denying or otherwise discriminating when making a foster care or adoption placement decision on the basis of the parent or child's race, color or national origin.
3. The **Adoption and Safe Families Act of 1997**, which is the most comprehensive federal legislation pertaining to foster care. It covers an array of foster care services and provides the framework for all foster care and adoption practice in the United States.
4. The **Foster Care Independence Act of 1999**, which allows states to use Medicaid dollars to provide health insurance coverage to former foster children until age 21 and allows youth to have assets worth up to \$10,000 without losing benefits. It also doubles the money for Independent Living programs (from \$70 million to \$140 million) and allows this money to be spent on such activities as life skills training, substance abuse prevention, and preventive health skills.
5. The **Wilder lawsuit of 1973**. The suit was filed by Attorney Marcia Lowry on behalf of Shirley Wilder and five other children who had suffered in the New York City foster care system because of their

ethnicity and religion. After litigating the case for fifteen years, Lowry won a court decree establishing the principle that every child, no matter what their race or creed, should have an equal opportunity to receive the best services the New York City foster care system had to offer.

6. The **Eugene F. vs. Gross lawsuit of 1986**. The suit was filed on behalf of African American foster children in New York City who were placed in either non-African-American homes or left with relatives who had little in the way of resources to care for them. The *Eugene F. v. Gross* ruling established that, in emergencies, children must be placed with relatives immediately, without the usual investigation to assess whether those relatives could provide a suitable home. In 1989, the New York State Legislature made this no-questions-asked “emergency” policy the norm where relatives are concerned. Moreover, it required that child welfare agencies actively search for relatives to care for children who need foster care rather than place them with strangers
7. The **Marisol vs. Giuliani lawsuit of 1995**. The suit was filed on behalf of Marisol, a child who almost starved to death in a closet while she was in the city's child-protection system. The suit sought the takeover of the New York City child-welfare system by a receiver. The rationale for this action was that the Child Welfare Administration as it was then called did not do enough to protect children in foster care. The settlement of the lawsuit opened the city's Administration for Children's Services to intense independent scrutiny by a panel of experts over two years. It also set a moratorium on new class-action lawsuits during that period. In the process, the agreement dissolved the Wilder Settlement, the decree in a lawsuit originally filed in 1973, which was supposed to ensure that all children in need of foster care were placed fairly and according to their needs.
8. The **Joel A. vs. Giuliani lawsuit of 1995**. This lawsuit, which was brought by the Urban Justice Center, a nonprofit advocacy organization for the homeless, and lawyers at Paul, Weiss, Rifkind, Wharton & Garrison, working pro bono, charged that because the plaintiffs are gay, lesbian, bi-sexual or transgendered, they are routinely subjected to physical abuse by peers and child-welfare staff members. The lawsuit was dismissed, however, because the judge ruled that needs of this group would be covered by the Marisol vs. Giuliani settlement. The judge did stipulate, though, that the plaintiffs could bring individual law suits against the city.

Classes 9 - 12 will provide an overview and analysis of the **Public Education policy themes** identified in the Andrea R. case study. Special attention will be

paid to the symbiotic relationship between formal education and child welfare policy. Special attention will also be paid to the **2000 No Child Left Behind Act**, which is the most comprehensive federal legislation pertaining to the public education of America's children.

Classes 13 -15 will be allocated for individual presentations.

3. Teaching methods/activities:

Lecture, interactive and small group discussion will be the teaching methods throughout the course. The lectures, which will be a feature of each class, will provide students with an historical and contemporary overview of the policy themes and accompanying programs germane to the three case studies.

The interactive class discussions, which will be a feature of each class, will provide the students with an opportunity to share their thoughts, ideas, observations and reactions to the course readings and/or the policy theme(s) covered in the lecture. These interactive class discussions will be prompted by questions from the lecturer; whose specific goal is to stimulate the individual and group learning process by having students share with each other their analysis of the course readings and/or the policy theme(s) and accompanying programs that were covered in the lecture.

The small group discussions, which will be scheduled for classes 4, 8 & 12, will have the students split into groups of four (or other configurations as instructor sees fit), with the express purpose of each group critically analyzing individual components of the policies covered in the previous three classes of the respective unit. For example, one group will critically analyze the ideological framework and debates related to the policies. One group will critically analyze the social conditions and unmet needs that precipitated the formulation of the policies. One group will critically analyze the strengths and weaknesses of the policies. One group will critically analyze the impact of the policies on the each of the families. The groups will then reconvene and present their analysis to the whole class.

The goal of the small group discussions and presentation is to enhance the student's ability, both as an individual and as part of a group, to both recognize and critically analyze the individual components that comprise child welfare policy.

3. Materials needed:

Handouts aside, no specific technical materials or supplies are needed to teach this course.

4. Supporting readings:

Unless otherwise specified, related articles will be made available for students to read for discussion in class. See below for a list of the related articles, which are divided by policy theme unit. Please note that the readings have been selected because they provide the student with one or more of the following: an historical overview of policy, an analysis of policy/ program, an analysis of the impact of policy on a marginalized group or groups, ideological debates about policy, on-going debates about policy, implications and unintended consequences of policy.

Preventive services/ Family preservation Unit (Weeks 1-4)

Bagdasaryan, S. (2005). Evaluating family preservation services: Reframing the question of effectiveness. *Children & Youth Services Review*, 27 (6), 615-635.

Carten, A.J. & Dumpson, J.R. (1997). Introduction- The status of American children. Protecting children from substance abuse (p159-179). In *Removing risk from children: Shifting the paradigm*. Beckham House Pub. Silver Spring, MD.

Carten, A.J. & Dumpson, J.R. (2004). Family Preservation and neighborhood-based services: An Africentric Perspective. In Everett, J.E., Chipungu, S.P., & Leashore, B.R. (Eds), *Child welfare revisited: An Africentric perspective* (pp.225-242). New Brunswick, NJ: Rutgers University Press.

Davidson, C. (1993). Dependent children and their families: a historical survey of United States policies, (Chapter 3). In *More than kissing babies: Current child policy in the United States*, Jacobs, F. & Davies, M. (ed), Auburn House, Connecticut.

Downs, S, et al (2004). *Child welfare and family services: Policies and practice* (7th ed): Chapter 3- Services to Prevent Maltreatment and Support Families (pp77-118); Chapter 8 - Family Preservation Services (pp286-315). New York: Pearson Education, Inc.

Hill, R.B. (2004). Institutional racism in child welfare. In Everett, J.E., Chipungu, S.P., & Leashore, B.R. (Eds), *Child welfare revisited: An Africentric perspective* (pp.55-77). New Brunswick, NJ: Rutgers University Press.

Jacobs, F. & Jacobs. F. (2005). *More than kissing babies*: Chapter 1 – Child and Family Policy: Framing the issues, Chapter 10 – Considering race, class and gender in child and family policy, Chapter 11–On the eve of a new millennium. Auburn House, Connecticut.

Lind, A. (2004). Legislating the family: Heterosexists bias in social welfare policy frameworks, *Journal of Sociology and Social Welfare*, 31 (4):21-35.

Smith, E.P. & Merkel-Holguin, L.A. (1996). *A history of child welfare*: Chapter 4- An Outrage to Common Decency: Historical Perspective on Child Neglect (pp61-82). New Brunswick. Transaction

Foster Care Unit (weeks 5- 8)

Ahuja, S., Bowles, J., Courtney, J., Faber, P. & Thrush, G. (2000). *Too fast for families*. Center for an urban future (pp1-26). (Handout)

Barbell, K. & Freundlich, M. (2001). *Foster care today*. Washington, DC: Casey Family Programs. <http://www.casey.org/NR/rdonlyres/89981DE1-D4B8-4136-82DDDD1C8FDEF7CE/79/casey_foster_care_today.pdf>

Davidson-Arad, B. (2005). Fifteen-month follow up of children at risk: Comparison of quality of life of children removed from and children remaining at home. *Children and Youth Services Review*, 27(1), 1-20.

Downs, S, et al (2004). *Child welfare and family services: Policies and practice* (7th ed): Chapter 9: Foster Care for Children and Their Families (pp319-356). New York: Pearson Education, Inc.

The future of Children (2005). *The cost of child protection in the context of welfare reform*. (Class Handout)

McGowan, B.G. (2005). Historical evolution of child welfare services. In *Child welfare for the Twenty-First Century: A handbook of practices, policies, and programs*. G. Mallon and P. Hess, eds. New York: Columbia University Press, 2005.

National Clearinghouse on Child Abuse and Neglect Information (2003). *Major Federal Legislation Concerned with Child Protection, Child Welfare & Adoption*.

Smith, E.P. & Merkel-Holguin, L.A. (1996). *A history of child welfare*: Chapter 8 - From Indenture to Family Foster Care: A brief History of Child placing (pp155-174); Chapter 9 - A History of Placing out: The Orphan Trains (pp175-192). New Brunswick. Transaction.

Wexler, R. (2006). *Foster care vs. Family Preservation* (Class Handout).

Education Unit (Weeks 9-12)

Katz, M.B. (1986). Child saving, *History of education quarterly*. 26: 413-24

United States Department of Education (2005) *No Child Left Behind Policy Report*. (Class Handout).

Smith, E.P. & Merkel-Holguin, L.A. (1996). *A history of child welfare*: Chapter 2 - The Dilemma in Saving Children From Child Labor: Reform and Casework At Odds With Families' Needs (1900-1938) (pp21-44); Chapter 7: Janie Porter Barrett and the Virginia Industrial School for Colored Girls: Community Response to the needs of African-American Children (pp135-154). New Brunswick. Transaction

5. Evaluation plan:

To evaluate whether or not the Child Welfare Policy and Programs Analysis course objectives are met, students will be required to complete a mid-term and final assignment, as well as an oral, class presentation. The mid-term assignment (see Appendix A for actual assignment outline) will require students to complete an 8-10 page paper that identifies an existing child welfare problem that is not currently addressed by policy. In writing the paper, the student will have to provide the following information: a description of the problem; a description of how long the problem has existed; statistical evidence of the problem; current knowledge about the problem (e.g. scientific, theoretical, sociological, psychological etc.); current ideological debates about the problem; and a concluding statement making an argument for a policy to be formulated to address the identified problem.

To successfully complete their mid-term assignment, students will demonstrate the ability to think about, and integrate, key concepts learned in the course into their paper. That is, they will have to be able to think critically about the social conditions that have led to their identified problem, they will have to be able to evaluate the ideological debates about the identified problem, and they will have to be able to assess the current knowledge about the identified problem, all of which are prerequisites to analyzing and formulating policy.

The final assignment (see Appendix B for actual assignment outline) will build on the mid-term assignment by having students devise a policy based on the problem identified in their mid-term paper. This paper, which will be 8-10 pages in length, will require the students to provide following information: the name of the policy; the area of children welfare the policy addresses; a summary of the unmet need(s) that precipitated policy; constituents to be served by policy; ideological framework of the policy; an overview of the policy; how the policy will be funded; organization(s) that will be responsible for administering the policy; potential strengths and weaknesses of policy; and potential unintended consequences of the policy.

To successfully complete their final paper, students will demonstrate the ability to think critically about, and integrate, the course's key concepts into their policy formulation. That is, they will be able to recognize and understand the importance of assessing concepts such as social conditions and unmet needs, ideological framework/debates, strengths, weaknesses, unintended consequences, and funding when analyzing or formulating child welfare policy.

The last assignment for the students is to give an oral presentation of their policy to the class. This assignment allows the students to share their policy with the class, as well as receive comments and feedback.

CONCLUSION

A. Recap

This teaching guide provides instructors with tools that will allow them to provide students with a frame of reference for identifying the various policy themes and programs that are present in a typical child welfare case. In addition, students will be guided in their efforts to track contemporary child welfare policy and programs back to their origins. Specific attention is paid to social conditions and unmet needs that precipitate policies, the ideological debates for and against the policies, the constituents served by the policies, the evolution of policies over time, and the strengths and weaknesses of those policies.

Students will understand the impact of child welfare policy and programs on traditionally marginalized groups including: families of color, immigrants, women, the economically disadvantaged, substance abusers, gays, lesbians, transgendered youth and adults, the chemically addicted, and individuals with mental and physical impairments. Finally, students will learn to critique the strengths and weaknesses of child welfare policy and programs, most particularly as they relate to the three case studies and begin to formulate new policy based on the strengths and weaknesses present in contemporary child welfare policies.

B. Suggestions for Future Courses

The three case studies are rich in themes related to child welfare. As a result, it can be viewed through a variety of conceptual lenses: policy, practice, program, etc. Given the multidimensionality of the case studies, it is strongly recommended that future courses utilize a multidisciplinary lens - a combination of policy, programs and practice – to analyze the myriad of child welfare themes embedded in the case studies. This allows students to have a greater understanding of the interaction between child welfare policy, programs and practice.

APPENDIX FOR GUIDE FOR CHILD WELFARE POLICY AND PROGRAM ANALYSIS

Appendix A

MID-TERM ASSIGNMENT

Policy Paper 1 - The Identification of a Social Problem

Formulating policy starts with the identification of a problem. For your mid-term assignment you will be required to identify an existing problem in the child welfare field. The identified problem cannot be one that is currently addressed by policy.

Policy Paper Guide

Section 1: Description of problem

Give a concise, but specific description of the problem. In your description be sure to identify those groups or individuals most affected by the problem. Also make some mention of the groups' or individuals' social standing in society, i.e. marginalized, privileged, etc.

Section 2: How long has problem existed

Describe how long the problem has been present in society. Also make mention of how and when the problem first came to the public's attention.

Section 3: Statistical evidence of the problem

Give statistical evidence of a problem, i.e., its prevalence in terms of percentage of people affected by problem.

Section 4: Current knowledge about problem

Identify the currently accepted knowledge about the problem, i.e., theories related to the problem. These theories can come from the field of psychology, medicine, social work, sociology, education, science or other related areas.

Section 5: Current ideological debates about problem

Identify the current debates about the problem? These debates can be between politicians, social scientists, or social activists.

Section 6: Conclusion

In your conclusion, make an argument for the formulation of a policy that will address your identified problem. In support of your argument, be sure to utilize information from the body of your paper.

FORMAT. Paper should be 8-10 pages, double-spaced, plus reference page.

REFERENCES. All sources of information should be appropriately cited in your paper and reference page following the APA format.

Appendix B

FINAL PAPER ASSIGNMENT

Policy Paper II - Creating a Policy

For your final paper assignment you will be required to devise a policy based on the problem identified in your mid-term assignment.

Policy Paper Guide

Section 1: Name of the Policy.

Section 2: Area of children & family practice that policy addresses.

Section 3: Summary of the unmet need(s) that precipitated policy.

Section 4: Constituents to be served by policy.

Section 5: Ideological framework of the policy.

Section 6: Overview of the policy.

Section 7: How the policy will be funded.

Section 8: Organization(s) that will be responsible for administering the policy.

Section 9: Identify potential strengths and weaknesses of policy.

Section 10: Potential unintended consequences of the policy.

Format: Paper should be 8-10 pages, double spaced, plus reference sheet. Please include the aforementioned section headings in your paper.

References: all sources of information and reference sheet should be appropriately cited following the APA format.