

Help is NOT on the Way: How Family Policing Perpetuates State Directed Terror

*An up**END** publication*

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Section One

Carceral Logic

Carceral Logic | Executive Summary

“The way that requirements are heaped onto parents is consistent with the current punitive model for social services, in which everything comes down to personal responsibility. Instead of addressing parents’ lack of resources, for example, it’s assumed that the problem lies with some ‘pathology’ of the parent.” – Maya Schenwar and Victoria Law in [Prison by Any Other Name](#)

Carceral logic is the system of thinking that makes punitive systems possible. Built on the fear that there are [a “terrible few” who have the pathology to cause harm to others](#), carceral logic draws absolutes: these “terrible few” are inherently “dangerous,” all others are “innocents,” and the innocents must be protected from the dangerous. Carceral logic responds to the presumed inevitability of danger in the same way – to keep “the innocent” safe, an authority must intervene to prevent the “terrible few” from enacting harm. Instead of thinking critically about what it means to co-create safety, carceral logic tells us that the only way we can be safe is by entrusting the state to punish those who have caused harm.

From their first contact with the family policing system, parents are constructed as a safety threat. When a family is reported to a family policing agency, both a child’s safety and a parent’s fitness are assessed. Whether a situation is deemed unsafe or a parent is deemed unfit, it’s assumed that the problem lies with some ‘pathology’ of the parent. The standards of assessment and the overall history of pathologizing parents are rife with bias and racism. Additionally, the standards for what constitutes abuse or neglect are vague, leaving much room for biases to creep into the subjective process of deeming a child unsafe.

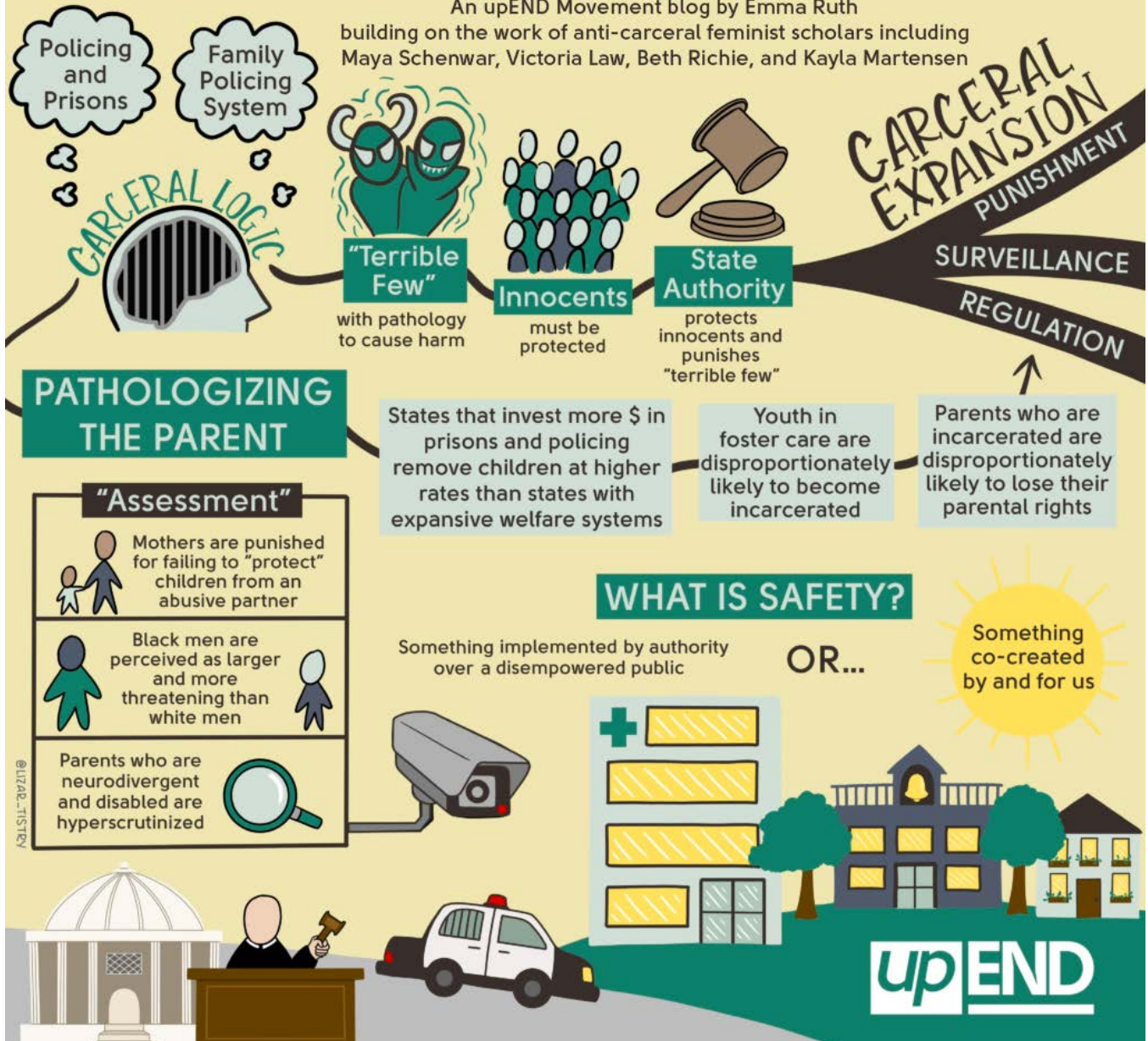
When parents are deemed unfit or children are deemed unsafe, the family policing system’s interventions rely on the threat of removal of children and focus on altering the parent’s approach to childrearing through various treatment options, as opposed to providing supports that ameliorate the material realities that may have led to their contact with the system. The harmful outcome of this “personal responsibility” component of carceral logic is manifold – it overemphasizes parents’ responsibility, ensnares families in an ongoing period of surveillance and scrutiny, and does little to create safety.

Increasingly, social services are adopting the logics of the Prison Nation and progressively building a relationship with the carceral state...and thus, punitive and social services can become indistinguishable. – Beth E. Ritchie and Kayla Martensen in [“Resisting Carcerality, Embracing Abolition: Implications for Feminist Social Work Practice”](#)

By understanding carceral logic as the bedrock of family policing, we tie our work to broader movements to abolish carcerality in all its forms. We support movements to dismantle the structures that create harm, including racial capitalism, imperialism, colonialism, White supremacy, patriarchy, ageism, adultism, and anti-Blackness; movements to divest from surveillance and policing (including family policing and border militarism); and movements to invest in families and communities through reparations, social services, and wealth redistribution. We fight to live in a world where we have reclaimed our definitions of safety and understand that safety for children and families is a state of being that we, as united communities, co-create.

Carceral Logic in Family Policing

An upEND Movement blog by Emma Ruth
building on the work of anti-carceral feminist scholars including
Maya Schenwar, Victoria Law, Beth Richie, and Kayla Martensen



The Carceral Logic of the Family Policing System

*An up**END** publication by*
Emma Ruth

“The way that requirements are heaped onto parents is consistent with the current punitive model for social services, in which everything comes down to personal responsibility. Instead of addressing parents’ lack of resources, for example, it’s assumed that the problem lies with some ‘pathology’ of the parent. Parents who are sucked into the child welfare system are almost always mandated to attend classes, even when the problem that led to their involvement was entirely driven by poverty. It is useful to consider how this relates to both psychiatric diagnoses – which can lead to punitively mandated treatment – and criminal charges, which can lead to incarceration. Instead of providing actual support, each of these systems enacts new forms of control and calls them support.”

– Maya Schenwar and Victoria Law in Prison by Any Other Name: The Harmful Consequences of Popular Reforms

By including the [family policing system](#) in their book [Prison by Any Other Name](#), Maya Schenwar and Victoria Law link the punitive nature of the prison system to “the current punitive model for social services.” The similarities that Schenwar and Law note, such as each system’s focus on coercing compliance as opposed to changing material realities and the disproportionate impact of each system on people of color, particularly Black people, evidence the systems’ similarities. But these systems do not merely do similar things – they are different manifestations of the same idea. Both the family policing system and the criminal punishment system are carceral logic incarnate.

At its simplest, carceral logic is the system of thinking that makes punitive systems possible. Built on the fear that there are [a “terrible few” who have the pathology to cause harm to others](#), carceral logic draws absolutes: these “terrible few” are inherently and unwaveringly “dangerous,” all others are “innocents,” and the innocents must be protected from the dangerous. Carceral logic has responded to the presumed inevitability of danger in the same way – to keep “the innocent” safe, an authority must intervene and forcibly prevent the “terrible few” from enacting harm. Instead of thinking critically about what it means to co-create safety, carceral logic tells us that the only way we can be safe is by entrusting the state to punish those who have caused (or who are presumed to have the pathology to cause) harm. As a result, we see the proliferation of systems of surveillance, regulation, and punishment, a trend that anti-carceral feminist scholars Beth Richie and Kayla Martensen call [“carceral expansion.”](#) Richie and Martensen point to the link between the criminal punishment system and social services as evidence that social workers must be part of the movement to resist carceral expansion. This resistance starts with understanding the role that the family policing system plays within the broader carceral state.

From their very first contact with the family policing system, parents are constructed as a safety threat. When a family is reported to a family policing agency, both a child’s safety and a parent’s parental fitness are assessed. As Schenwar and Law remark, whether a situation is deemed unsafe or a parent is deemed unfit, “it’s assumed that the problem lies with some ‘pathology’ of the parent.” The process of assessment, the standards of assessment, and the overall history of pathologizing parents are rife with bias and racism. They’re also problematic and victim-blaming, as they often [punish mothers for “failing to protect” their children from their abusive partners](#).

The standards for what constitutes abuse or neglect are vague, leaving much room for caseworkers’ biases to creep into the subjective process of deeming a child unsafe. For example, in the state of Illinois, one of the “safety threat” criteria used by caseworkers is whether or not a household member’s “behavior is violent and out of control.” Research demonstrates that [Black men are perceived as larger and more threatening than White men](#), making them potentially more likely to be deemed violent or out of control. Further, there is a

long history of pathologizing poor parents and parents of color, especially Black parents, a practice that was reflected by the infamous [1965 Moynihan Report](#).

[Data tell us that Black, Indigenous, and increasingly Latinx families are overrepresented in the foster system](#). So are [LGBTQ+ youth](#) and [poor and working-class families](#). [A parent's mental and physical health are assessed as factors in the determination of parental fitness](#), so neurodivergent and disabled parents are hyper-scrutinized throughout the risk assessment process. The abundance of disproportionality data indicates that the process to determine who is deemed an unfit parent or an unsafe child is steeped in racism, cis-heterosexism, classism, and ableism.

The overemphasis on the “pathology” of the parent carries on beyond the assessment into the actual safety plan. When parents are deemed unfit or children are deemed unsafe, the family policing system’s interventions rely on the threat of or the actual removal of children from the home and focus most heavily on altering the parent’s approach to childrearing through various treatment options, as opposed to providing fundamental supports that ameliorate the material realities that cause families stress and may have led to their initial contact with the system.

[Schenwar and Law write](#), “Parents who are sucked into the child welfare system are almost always mandated to attend classes, even when the problem that led to their involvement was entirely driven by poverty.” They point out that a mandated anger management course about developing healthy stress coping mechanisms makes a limited impact if the source of the stress (poverty, for example) isn’t addressed. The focus on pathologizing and correcting individual parents’ behavior does not make a family safer and may even exacerbate a family’s isolation and poverty, as the time commitment of attending to a safety plan’s mandates can detract from time spent working and observing important social rituals.

The harmful outcome of this “personal responsibility” component of carceral logic is manifold: first, this approach overemphasizes parents’ responsibility. Constructing parents as the epicenter of the issue advances the notion that parents whose families become involved with the family policing system are dangerous, casting impacted parents as the “terrible few” who, according to carceral logic, must be feared, isolated, and punished. Carceral logic’s laser focus on individuals’ “personal responsibility” overlooks and even exacerbates the true causes of child maltreatment – by framing child maltreatment as a series of isolated incidents as opposed to a public health issue, the family policing system obscures the reality that child maltreatment cannot be meaningfully ameliorated without overarching system and societal-level change.

Second, the heightened focus on parents’ fitness ensnares families in an ongoing period of surveillance and scrutiny, which creates more pathways toward involvement with other carceral institutions. [Richie and Martensen discuss](#) how carceral logic has become deeply embedded in social services:

Increasingly, social services are adopting the logics of the Prison Nation and progressively building a relationship with the carceral state...and thus, punitive and social services can become indistinguishable. ... Perhaps well intentioned, social services, and social workers who conspire with the punishment system assist the carceral state in the excessive surveillance that fuels mass incarceration.

Data about the reciprocal nature of the prison system and the family policing system show how these systems feed into one another. [States that invest more money in prisons and policing remove children at higher rates than states with expansive welfare systems. Foster youth are disproportionately likely to become incarcerated and incarcerated parents are disproportionately likely to lose their parental rights.](#)

Finally, the overemphasis on personal responsibility does little to nothing to create actual safety. In the decades-long process of integrating carceral logic into the U.S. mainstream, the true meaning of safety has become obscured beyond recognition. Instead of interconnected communities housed in well-resourced neighborhoods, safety today looks like fruitless, pathologizing, and regulatory bureaucratic systems. Data show us that the prevailing carceral logic has not increased public safety, and in fact we know that [carceral systems make communities of color, particularly Black communities, less safe.](#) In addition to [adversely affecting children's life outcomes,](#) the process of investigation, removal/separation, and placement in foster care is [an incredible trauma that impacts children far beyond the duration of their involvement with the system.](#) The child welfare system cannot offer the vision of safety that it is intended to provide.

Carceral logic has shaped the U.S. mainstream understanding of safety, reducing safety to an ideal that we must look to an authority such as the state or law enforcement official to implement. Safety is perpetually the greener pasture, just out of our individual reach. Carceral logic teaches us that safety is something we must call for, not something we can co-create and build together. The result? A massive carceral apparatus that rules over a disempowered public, and the continuation of the very social ills that carceral logics supposedly address. But [Richie and Martensen](#) point toward a different, more hopeful path:

Some feminist social workers have engaged to resist the buildup of the carceral state. A growing cohort has been working to organize community-based intervention services, advocate for community accountability projects, work in coalitions to build a broader systematic justice movement, and provide individual crisis intervention, restorative justice, and harm reduction services in cases where harm has occurred.

At the [upEND Movement](#), we align our work with the efforts that these anti-carceral feminist scholars are making. By understanding carceral logic as the bedrock of not only prisons and policing, but also family policing, we tie our work to broader movements to abolish carcerality in all its manifestations. To this end, we support movements to dismantle the systems and structures that create harm, including racial capitalism, imperialism, colonialism, White supremacy,

patriarchy, ageism, adultism, and anti-Blackness; movements to divest from surveillance and policing systems (including family policing and border militarism); and movements to invest in families and communities through reparations, abundant social services, and overarching wealth redistribution. We fight to live in a world where we have reclaimed our definitions of safety and understand that safety for children and families is a state of being that we, as united communities, co-create.

Section Two

Surveillance

Surveillance | Executive Summary

“The observation and monitoring of Black communities in the United States is not new and has continued to proliferate with the advent of technological innovation and accompanying institutional partnerships that have expedited the automation of the all-seeing eye.”

Surveillance requires both a target that is being monitored and an all-seeing eye – a monitor of the “other.” In the United States, Black communities have continued to be marked as this targeted “other” – a community whose actions have been deemed necessary to track. The monitoring of Black communities in the United States is not new and has continued to proliferate with the advent of technological innovation and institutional partnerships that have expedited the automation of the all-seeing eye. The monitoring and subsequent criminalization of Black communities has expanded from the criminal punishment system to social services, education, medical systems, and the [family policing system](#).

Racializing surveillance does not simply imply the maintenance of a racial order; rather, it suggests that things are ordered racially by way of surveillance. For Black individuals, racialized surveillance is tied to ideologies from the European colonial expansion and transatlantic slavery which sought to “structure social relations and institutions in ways that privilege Whiteness.” Today, the surveilling eye continues to exist as a compounding and insidious White gaze, one that enacts violence and harms Black communities.

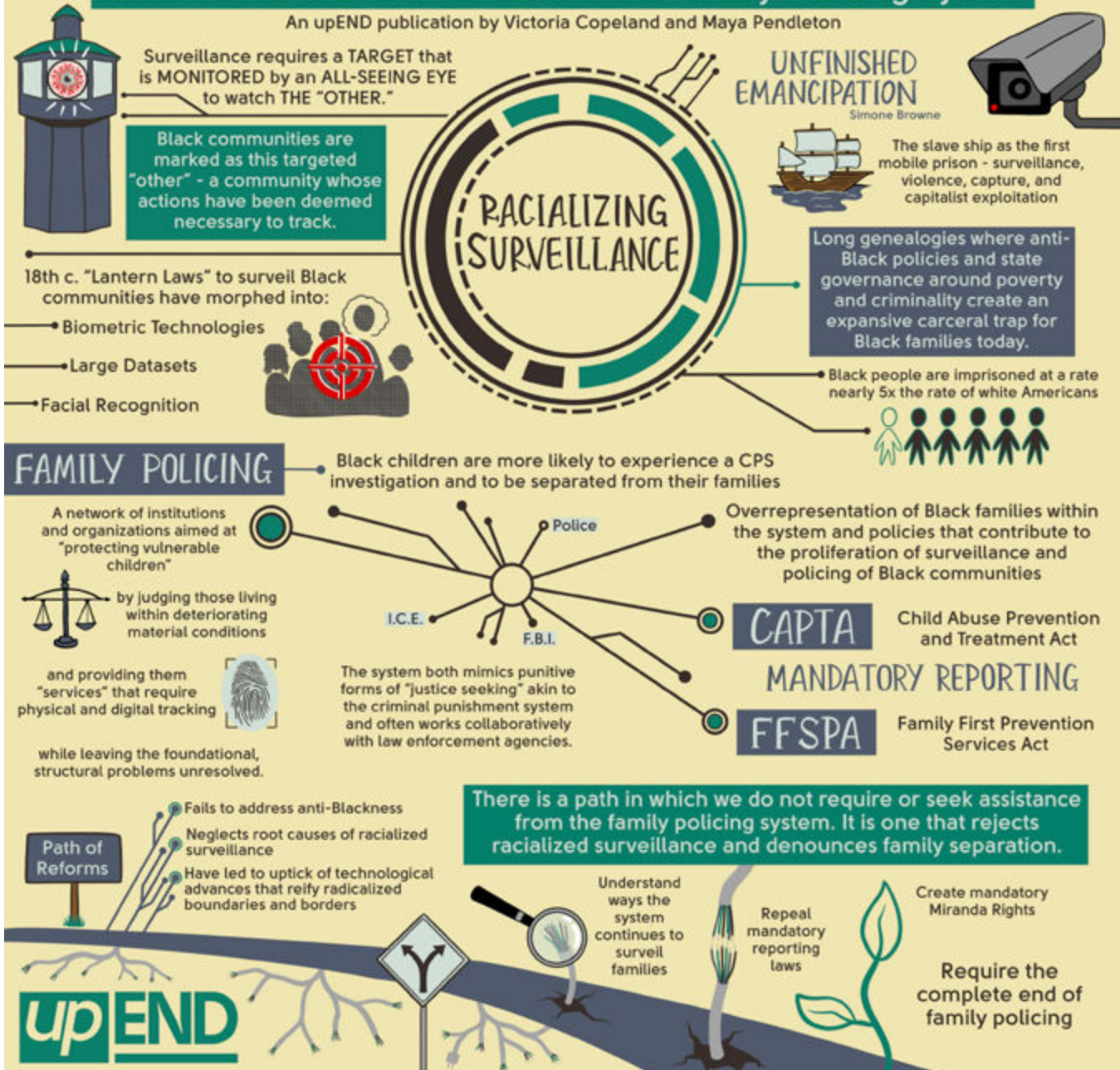
The system not only mimics punitive forms of “justice seeking” akin to the criminal punishment system, it also works collaboratively with law enforcement agencies like the police, FBI, and ICE. However, unlike the often more obvious harms of mass incarceration and prisons, the family policing system has inconspicuously destroyed generations of Black familial and community bonds. [It] does so by investigating calls of suspected maltreatment, referring parents and children to classes and therapies, monitoring family progress, and in the case of many Black families, forcing family separation. Each “service” requires the physical and digital tracking of families to ensure that the child is “protected” to the standards of the system.

“The overrepresentation of Black families within the system is not an accident, but rather a consequence of various policies including the Child Abuse Prevention and Treatment Act (CAPTA) that has contributed to the proliferation of surveillance and policing of Black communities.”

There is a path in which we do not require or seek assistance from the family policing system, one that rejects racialized surveillance and denounces family separation. Abolition is in no way a utopian fix to the issues that underlie our communities – but it is a chance to address conflict in a way that challenges structural harms, prioritizes those who have been harmed, and relies on community for care. Reforms fail to challenge the anti-Blackness that undergirds the system – instead, reforms have led to an uptick of technological advances that reify racialized boundaries and borders. The path forward involves an understanding of the ways the system continues to surveil families. It requires repealing mandatory reporting laws. It requires creative ways of coming together to support rather than report families. It requires the complete end of family policing.

Surveillance of Black Families in the Family Policing System

An upEND publication by Victoria Copeland and Maya Pendleton



Surveillance of Black Families in the Family Policing System

*An up***END** *publication by*
Victoria Copeland *and* **Maya Pendleton**

“Surveillance is nothing new to black folks. It is the fact of antiblackness.”

– Simone Browne, *Dark Matters: On the Surveillance of Blackness*

Surveillance stems from the French prefix “sur” indicating “from above,” and root word “veillance” meaning observing or watching.² In a general sense, surveillance requires both a target that is being monitored and an all-seeing eye – a watcher or monitor of the “other.” In the United States, Black communities have continued to be marked as this targeted “other” – a community whose actions have been deemed necessary to track. The observation and monitoring of Black communities in the United States is not new and has continued to proliferate with the advent of technological innovation and accompanying institutional partnerships that have expedited the automation of the all-seeing eye. Eighteenth century lantern laws have morphed into large datasets, facial recognition, and biometric technologies. The monitoring and subsequent criminalization of Black communities has expanded from the criminal punishment system to social services, education, medical systems, and the [family policing system](#).

The distinct ways that surveillance permeates and specifically targets Black communities is highlighted through Simone Browne’s concept of “racializing surveillance.”³ Racializing surveillance is described as “a technology of social control where surveillance practices, policies, and performances concern the production of norms pertaining to race and exercise a power to define what is in or out of place.”⁴ Racializing surveillance does not simply imply the maintenance of a racial order; rather, it suggests that things are ordered racially by way of surveillance. This ordering often relies on techniques that “reify boundaries, borders, and bodies along racial lines.”⁵ As such, racializing surveillance penetrates communities differentially. For Black individuals, racialized surveillance is tied to ideologies from the European colonial expansion and transatlantic slavery which sought to “structure social relations and institutions in ways that privilege Whiteness.”⁶ Today, the surveilling eye continues to exist as a compounding and often insidious White gaze, one that enacts violence and subsequently harms Black communities. This eye, as Donna Haraway explains, is a “conquering gaze from nowhere,” and thus it remains elusive to many who are not directly impacted.⁷ Racializing surveillance is fueled by the abnormalization of behaviors and actions that are attributed to Black communities, especially Black communities experiencing deep poverty. What Browne calls “unfinished emancipation”⁸ indicates long genealogies of slavery and surveillance where anti-Black policies and state governance around poverty and criminality create an expansive carceral trap for Black families today.

Understanding Anti-Blackness, Surveillance, and Family Policing

Black communities are overwhelmingly impacted by policing and the carceral state. Black people are imprisoned at a rate nearly five times the rate of White Americans.⁹ Black neighborhoods experience more policing as forms of surveillance and control but little help when in need of emergency services.¹⁰ In *Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*, Harsha Walia asserts that “Black migrants and refugees experience the brunt of anti-immigrant criminalization” and “face a triple threat of stop-and-frisk policing, conviction, and incarceration.”¹¹ Specific to family policing, Black children are more likely to experience a child protective services investigation and to be separated from their families.¹² Racism informs how Black people and communities experience policing and surveillance, but remains an inefficient analysis to understand the ways in which criminality – and thus the state’s unrelenting desire to police, surveil, and oppress Black subjects – is constructed on anti-Blackness specifically. That is, anti-Blackness as a framework to understand the “uniqueness of Black positionality”¹³ allows us to not only better understand the ways in which Black people experience exploitation, oppression, and subjugation but also allows a deeper understanding of the logics – the anti-Black logics – that carceral systems are built upon, and importantly, what must be (un)done to defeat them in service of Black liberation.

Zoe Samudzi and William C. Anderson succinctly name anti-Blackness as not merely an “ideological or personally held opinion about the inferiority of Black people” but a “structural process through which resources are unevenly distributed, which in turn informs the material realities of Black communities, often those of deprivation.”¹⁴ Samudzi and Anderson elaborate further to argue that the stratification caused by anti-Blackness affects not only health but also physical safety due to the way that Black communities experience policing and surveillance.¹⁵ The logics of anti-Blackness require policing, surveillance, and coercion. Anthony Paul Farley writes that Black people became marked as Black at the original moment of capture or the beginning of the transatlantic slave trade.¹⁶ In other words, slavery created the hierarchy that places White in opposition to and also as superior to Black. Like Saidiya Hartman,¹⁷ Farley argues that even with the end of United States chattel slavery, emancipation never took place.¹⁸ Instead, Black people still exist in the afterlife of slavery and are still “imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago.”¹⁹ Thus, Black people face skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment.²⁰

Slavery and its afterlives also construct criminality in direct relation to Blackness. Dylan Rodriguez writes that “African indigeneity was a focal point for the genesis of modern hemispheric criminal justice and criminological apparatuses.”²¹ Before modern prisons were established in what we now know as the United States, the slave ship can be understood as the first mobile prison.²² A mode of constant surveillance, violence, capture, and a vessel for capitalist exploitation, the slave ship or the mobile prison constructed Black criminality and anti-Black criminalization. Anti-Blackness therefore contrasts Black people and communities as subjects who are inherently violent and in need of control and regulation by the state and for the state’s interest.

An analysis of anti-Blackness explicates the relationship between family policing and anti-Blackness. If anti-Blackness understands Black people to be in need of control and monitoring, unregulated Black reproduction becomes dangerous.²³ If criminality is constructed through anti-Blackness, then Black people are also subjects of “gender-racial deviance (criminal, sexual, and otherwise).”²⁴ Thus, why an entire state apparatus exists to monitor, control, and separate children from their families using anti-Black racial logics is more clearly understood through an analysis of anti-Blackness. If what we understand as basic “freedoms” in the United States are constructed on top of anti-Blackness rendering Black people unable to experience those freedoms, we can also understand why it is possible that the state may decide who and what communities have the “right and claim to life and who is regulated to inhumanity and social death.”²⁵ Orlando Patterson explains natal alienation, an element of social death, as severance from ancestors and children and positionality of powerlessness that Black families experienced on plantations even when together through the institution of slavery.²⁶ Family policing, as anti-Black formulation, keeps Black communities in a perpetual state of capture – of social death.

Surveillance of Black Families in the Family Policing System

The concept of racializing surveillance offers a way to analyze how anti-Black norms are used to rationalize the categorization and differential treatment of Black communities within the family policing system who are “out of place.” The family policing system is a network of institutions and organizations aimed at “protecting vulnerable children.” The system not only mimics punitive forms of “justice seeking” akin to the criminal punishment system, it also often works collaboratively with law enforcement agencies like the police, FBI, and ICE. However, unlike the often more obvious harms of mass incarceration and prisons, the family policing system has inconspicuously destroyed generations of Black familial and community bonds.²⁷ The family policing system’s main objective is to “service” families who have abused or neglected their children. Just as Browne describes the slave pass system as regulating Black mobilities by

control through the media and other servants, the family policing system dispels its powers through narratives of protection, adoption incentives, and expansive mandated reporting laws.²⁸ The system does so by investigating calls of suspected maltreatment, referring parents and children to classes and therapies, monitoring and tracking family progress, and in the case of many Black families, forcing family separation through foster care and the termination of parental rights. Each “service” provided by the family policing system requires the physical and digital tracking of families to ensure that risk is mitigated and that the child is “protected” to the standards of the system.

In seeking to fulfill its mission of “saving children,” the family policing system has continued to harm Black communities. Recent reports show that Black families are reported for maltreatment at approximately twice the rate of their White counterparts,²⁹ are more likely to be investigated,³⁰ and are more likely to be separated from their families and placed in foster care.³¹ Social work’s adherence to “child-saving” remains central to the project of “child welfare” and the rationalization of surveillance. The “protection” of Black children within the system requires them to become objects and commodities. Though family policing advocates claim that Black children deserve families who can care for them, Black lives are coincidentally entangled in a money-making scheme between federal agencies, charities, and nonprofits. States have been incentivized to remove children from their homes, expediting family separation with little incentive to reunify families. As Abdurahman states, child welfare agencies have little incentive to classify families as anything other than “at risk” given that it is often a prerequisite for a pipeline of funding.³² While researchers search for statistical explanations for why racism is not a large contributing factor of Black family overrepresentation within the system, the foundational problem within the family policing system consistently remains unquestioned. The problems within “child welfare” are not solely that there is bias or racism that impacts caseworkers in their decision-making – one of the underlying fundamental problems is that the family policing system has been tasked with the power to make these decisions in the first place, and these decisions are based on discretionary standards of risk and well-being.

The family policing system compares families to standardized or “objective” norms of “well-being” to assess their risk level. These measures of well-being include caretaker capacity, school readiness, self-regulation, social competence, and “safe, stable, and nurturing relationships with caregivers.”³³ Many of these child well-being indicators vary in definition and types of reporters, and as such, the field of child welfare has no standard way of measuring well-being.³⁴ These discretionary and widespread norms are nevertheless the backbone of the system’s investigative process that assesses families based on risk. When families or individuals do not meet the standardized norms of the system they are faced with consequences that range from unannounced visits and random searches from caseworkers, to the removal of children from the home. Black families bear the brunt of these consequences, especially Black families who have significantly lower income and are placed under the control of the state and cumulative

White gaze through multiple systems. Rather than associating deteriorating material conditions with a dire need for structural and systemic change, the family policing system chooses to judge those who live within these conditions – leaving the foundational structural problems unresolved. Discussions of racial bias do not sufficiently address these larger issues within the family policing system – that is caseworkers’ ability to define who is “out of place,” and how to assimilate them so that they are “in place.”

Extensions of Surveillance: CAPTA and FFPSA

The overrepresentation of Black families within the system is not an accident, but rather a consequence of various policies including the Child Abuse Prevention and Treatment Act (CAPTA) that has contributed to the proliferation of surveillance and policing of Black communities. CAPTA laws require certain individuals to report “reasonable suspicions” of child maltreatment.³⁵ These suspicions do not have to be based on any proof but rather a hunch that some form of abuse or neglect is happening to a child. This includes anything from children coming to class hungry or with dirty looking clothes, to overhearing a family arguing in the house next door. Mandatory reporting has expanded into various systems that encounter Black life and has turned seemingly innocuous individuals like teachers and grocery store workers into agents of the state. It has shifted our social fabric and convinced our neighbors and families that the family policing system is the sole remedy for harm caused to children. Mandatory reporting standards are based on discretionary standards of abuse and neglect, as are the algorithms that filter these anonymous calls and label them as high risk. New technologies in child protection hotlines continue to build on these discretionary standards by predicting risks from certain words that are stated by anonymous callers and adopting the ability to detect callers’ sentiments when they report.³⁶

In addition to CAPTA, the more recent and highly championed Family First Prevention Services Act of 2018 has also contributed to a preventative mode of surveillance. The Family First Prevention Services Act (FFPSA) was designed to fund prevention and family services to “help keep children safe and supported at home.”³⁷ The passing of the FFPSA led to the creation of a Title IV-E Prevention Services Clearinghouse that is used to determine what services are eligible for federal funds. These services are only eligible to children who are at “imminent risk of entering foster care...but who can remain safely in the child’s home or in a kinship placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided.”³⁸ This clearinghouse relies on biased “evidence-based” services, ones that are claimed to have “favorable effects” but are in fact ineffective or harmful.³⁹ Abdurahman further suggests that the FFPSA has contributed to the creation of “prevented populations” which

largely consist of Black and Latinx communities who are pushed into community surveillance programs by the family policing system.⁴⁰

FFPSA not only pushes certain children into these programs, it also mandates the continued use of risk assessments, the tracking of families, and the creation of new and shared databases. The legislation requires states to discuss how they will monitor and oversee the safety of children who receive their evidence-based services, including the use of periodic risk assessments and reexamination of the prevention plan.⁴¹ In addition, states must also show procedures providing for the use of an “electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across state lines.”⁴² Moreover, the law requires data integration stating that the case-processing system is intended to connect with other data systems including those “operated by state law enforcement and judicial agencies, systems operated by the FBI for the purposes of the Innocence Lost National Initiative, and other systems; improving the ability of states to quickly comply with background check requirements.”⁴³ Although researchers have previously described the pendulum of the family policing system as one that swings between the distinct dichotomy of family preservation and child protection, this line has become less clear. The family policing system is currently in a space where no matter where the pendulum swings, the reliance on tracking and monitoring Black families is necessary. The system surveils and monitors Black families whether they claim to be “preserving family bonds” or aiming to “protect” children.

Expansion of Surveillance Within the Family Policing Ecosystem

The adherence to harm prevention and risk mitigation has expanded to other systems that are connected to the family policing ecosystem. This has been exemplified through new guidance for mandatory reporters during the COVID-19 pandemic, and the adoption of “human decision” supporting technologies that aim to more effectively identify child abuse and neglect. In the education system, teachers are being instructed to pay close attention to certain cues within the virtual environment. This guidance stems from fears that with less capacity to surveil children and families, teachers have been missing a large amount of child maltreatment cases due to the virtual teaching environment. During the pandemic Black and Latinx families have been investigated for not having internet access and not receiving city-issued technologies – two things that have nothing to do with child safety.⁴⁴ In fact, much of the guidance provided to teachers around safety risks or red flags included discretionary standards such as exposed electrical wires, animal feces, holes in the walls, children reporting lack of food and utilities, unfamiliar visitors to the home, hypervigilance of the child and nervousness, student complaints of hunger, and any

parent who was not allowing children to be alone during instruction. These discretionary red flags tell a broader story about how surveillance within schools operates in and out of the classroom. The pressure for educators to report any suspicion arises from the punitive consequences of fines and incarceration for non-compliance with CAPTA laws.⁴⁵

In conjunction with surveillance in the education system, medical systems have additionally begun to adopt technologies that predict harm and mitigate risks. Researchers are attempting to use the casenotes of medical professionals to help judge situations and more efficiently predict child abuse. These casenotes include descriptions about “the social dynamic of the family, the current situation, and wishes of the parents and a number of medical diagnostics”⁴⁶ such as, “Nice child, mother has chronic bronchitis, advised to not start with fruit until age 5.”⁴⁷ Despite acknowledging that indicators of child maltreatment that may be extracted from case notes are “not diagnostic and definitive proof of maltreatment,”⁴⁸ researchers continue to use machine learning, specifically text mining, to deploy child maltreatment predictions. This example shows how the ways in which individuals interact with healthcare professionals may be weaponized against them. This is specifically alarming for Black families who have to encounter a racist and anti-Black medical system (Roberts, 2017 & Taylor, 2020).⁴⁹

Contemporary forms of surveillance are about the “prevention and management of risk through predictive and anticipatory means” which often requires the presumption of guilt to an individual based on their membership within a “particular category.”⁵⁰ Newer forms of surveillance require data collection usually through manipulation and without consent of the targeted “other.” Further, it is often hidden or made to appear as something else.⁵¹ We see these patterns within the family policing system where surveillance has become subsumed under a rhetoric of “public health” and continues to be touted as a beneficial tactic to assist in mitigating harm and protecting vulnerable children. Under this model and its accompanying ideologies, surveillance is marketed as a means of making the detection of child maltreatment more efficient. Improving the surveillance model requires linking case-based data from multiple systems such as the criminal punishment system and hospital data as seen in the FFPSA and many other predictive risk modeling tools. Researchers state that “reliably and accurately capturing population-level trends in child maltreatment can increase public awareness of the issue, maximize the impact of limited resources, and improve practices in child protection.”⁵² Yet by adhering to models of surveillance, the system is making an effort to manage risk through anticipatory means, predicting risk of an issue that has not yet occurred. As David Lyon states, surveillance is often practiced with aims to improvise “productivity, participation, welfare, health and safety,”⁵³ making the most pervasive harms of surveillance innocuous to those who are not directly impacted. We see this occur in the family policing system, where much of the surveillance impacts Black families who are already deemed unworthy to parent their children due to anti-Blackness and historical neglect by the systems that are supposed to offer services and supports.

Moving Beyond Surveillance and Family Policing

There is a path in which we do not require or seek assistance from the family policing system. It is one that rejects racialized surveillance and denounces family separation. Abolition of the family policing system is in no way a utopian fix to the issues that underlie our communities – but it is a chance to address conflict in a way that acknowledges and challenges structural harms, prioritizes those who have been harmed, and relies on community for care. Countless reforms to family policing do not address the underlying issues within the system. Reforms fail to challenge the anti-Blackness that undergirds the system (and the larger society) – they also neglect the root causes of racialized surveillance. Instead, reforms have led to an uptick of technological advances that reify racialized boundaries and borders. That is, reforms have only worked to re-entrench the anti-Blackness and harm the system causes despite claiming to do otherwise. The expansion and reauthorization of CAPTA in addition to new stipulations for data integration signify that the pendulum is not moving between two contrasting dichotomies of family preservation and child protection. Rather, the system relies on utilizing the same tools of policing and regulation no matter the intent. The path forward involves an understanding of the ways the system continues to surveil families. It requires repealing mandatory reporting laws and creating mandatory Miranda rights.⁵⁴ It requires creative ways of coming together to support rather than report our family members. It requires the complete end of family policing.

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Section Three

Regulation

Regulation | Executive Summary

“We are told that the police are the bringers of justice. They are here to help maintain social order so that no one should be subjected to abuse. This understanding of policing, however, is largely mythical. American police function, despite whatever good intentions they have, as a tool for managing deeply entrenched inequalities in a way that systematically produces injustices for the poor, socially marginal, and nonwhite.” – Alex Vitale in *The End of Policing*

At upEND, we examine how policing manifests in the child welfare, or family policing, system. This system “polices” in three main ways: [surveillance](#), [regulation](#), and [punishment](#). These practices predate the founding of the formalized family policing system, or child protective services. The separation of families has historically been used to regulate Black people, Indigenous people, and Latinx migrants’ behavior, upholding the supremacy of the White family by measuring Black, Indigenous, and increasingly Latinx families against a White and wealthy standard of “good parenting” or “healthy families.”

Present-day child removal by the family policing system has much in common with child removal that took place during chattel slavery, at Indian boarding schools, and presently at the U.S.-Mexico border. When child removal originated with chattel slavery, the practice was explicitly justified with anti-Black racial logic. Today, the racism of the family policing system is no longer explicit, it has become more discreet. The way that custody is now policed is much more insidious and framed to blame poor parents for their own poverty and Black, Indigenous, and Latinx parents for their own nonconformity with White parenting norms.

Today, regulation is the practice of altering Black, Indigenous, and Latinx parents’ behavior, cultural norms, and parenting practices to mimic those of White and wealthy parents. This is a practice of social control, grounded in the idea that Black and Latinx parents are unintelligent, dangerous, unclean, deviant, and criminal, and that Indigenous parents are ill-equipped, culturally backwards, substance-dependent, and poor.

“Families that come in contact with the family policing system experience a new iteration of the trauma that previous generations experienced: the stability of their family is uprooted, and family members are forced to fight for their family’s unity.” – Emma Ruth in [“Regulating Families: How the Family Policing System Devastates Black, Indigenous and Latinx Families and Upholds White Family Supremacy”](#)

At upEND, we imagine a future in which we all take on a societal responsibility to bolster healthy family development. We do not blame individual parents’ shortcomings (or racialized groups’ supposed inadequacies) for children’s struggles, instead faulting the cultural and political failures that have fostered an environment that does not nurture families’ health. We fight to see the end of the family policing system and to invest in ongoing efforts to shift towards a model of community child rearing and expanding the social safety net for families (without expanding the network of surveillance and regulation). By expanding the resources available to families and shifting the responsibility of supporting familial health to a communal level as opposed to an individual one, we can support families’ efforts to thrive on their own terms.

Regulation of Families by the Family Policing System

By Emma Ruth

Family Separation

Used to regulate Black and Indigenous people, and Latinx migrants' behavior, by measuring them against a White and wealthy standard of "good parenting" or "healthy families"



Personal Responsibility

Social Control

Grounded in idea that Black and increasingly Latinx parents are unintelligent, dangerous, unclean, deviant, and criminal, and that Indigenous parents are ill-equipped, culturally backwards, substance-dependent, and poor



Neoliberal Policy Regime

Altering Black, Indigenous, and Latinx parents' behaviors, cultural norms, and parenting practices to mimic those of White and wealthy parents

Constructing struggles of low-income parents of color as their own individual fault instead of White supremacist systemic injustices



Uses the family policing system to regulate individual behavior as opposed to promoting a wide-reaching social safety net

400+ years lineage of trauma by family policing

Neoliberal Regime and Surveillance State



1619-1865
Chattel Slavery

1880's-1950's
Indian boarding schools



2017-Present
Family separations at the U.S.-Mexico border

Dismantling of the Welfare State

1970's-Present
Neoliberal Policy Regime

Shift from help to punishment and removal

1980
Adoption Assistance and Child Welfare Act

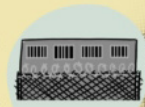
A decline in welfare services correlated to an increase in child removal, justified by framing poor parents' inability to access services as neglect

1997
Adoption and Safe Families Act

Creation of a Prison Nation

Incarceration Epidemic

Child welfare in a neoliberal state is intrinsically related to a prison nation that treats Black families as though they are disposable and valorizes the White family



Family regulation today is more insidious

Regulatory Safety Plans

Require parents go through lengthy and convoluted process to attempt to regain custody

Imply that parents who do not meet these burdens are deserving of losing their parental rights

Parents race to prove their efficacy and worthiness of their rights to their children

The dismantling of their families is thus naturalized through the criminalization of their own "deficiencies"

Compliance*

- ☐ New home goods and child care products
- ☐ Parenting class
- ☐ Anger management class
- ☐ Mandated counseling
- ☐ Substance abuse programming
- ☐ Removal of "problematic" partners from home
- ☐ Supervised visits



Not included:

- Adequately informed rights
- Consistent access to legal counsel
- Full agency to refuse plan or insist the plan does not adequately address needs

Emotional Harms

Create distrustful rupture between agency and family



Teach families of color they are being watched

Discourage parents from transparently asking for help when needed

"Safe Families" Misnomer

2018
Families First Prevention Services Act

Funds compliance based on subjective standard rather than transforming circumstances

While completing safety plans, system-involved parents are held to a superhuman standard that enforces and champions White cultural values and practices of child rearing.

We dare to imagine a future in which we all take on a societal responsibility to bolster health family development.

upEND

Universal healthcare

Free, high-quality, and culturally competent mental health services

Paid parental leave

Guaranteed, no-strings-attached income

Safe and comfortable public housing

By expanding the resources available to families, and shifting the responsibility of supporting familial health to a communal level as opposed to an individual one, we can support families' efforts to thrive on their own terms.

Regulating Families: How the Family Policing System Devastates Black, Indigenous and Latinx Families and Upholds White Family Supremacy

*An up***END** *publication by*
Emma Ruth

“We are told that the police are the bringers of justice. They are here to help maintain social order so that no one should be subjected to abuse. The neutral enforcement of the law sets us all free. This understanding of policing, however, is largely mythical. American police function, despite whatever good intentions they have, as a tool for managing deeply entrenched inequalities in a way that systematically produces injustices for the poor, socially marginal, and nonwhite.”

– Alex Vitale in *[The End of Policing](#)*

At the upEND Movement, we examine how policing manifests in the child welfare, or [family policing](#), system. The family policing system “polices” in three main ways: surveillance, regulation, and punishment. These practices predate the founding of the formalized family policing system. In fact, the practice of White elites surveilling Black, Indigenous, and Latinx parents, using the threat of child seizure to incentivize their compliance, and removing their children predates the founding of the United States.¹ The separation of families has historically been used as a way to regulate Black people, Indigenous people, and Latinx migrants’

behavior, upholding the supremacy of the White family by measuring Black, Indigenous, and increasingly Latinx families against a White and wealthy standard of “good parenting” or “healthy families.”

Present-day child seizure by the family policing system has much in common with child seizure that took place during human chattel slavery, at Indian boarding schools, and presently at the United States-Mexico border. When child seizure originated with chattel slavery, the practice was explicitly justified with anti-Black racial logic (e.g., Black people were deemed subhuman and treated as property, and thus they did not have human rights like custody of their children). As we’ve evolved to reach an era that the White [dominant culture falsely deems “post-racial” or “color blind”](#)² due to conformist advances of people of color, the racism of the family policing system’s child seizure policies is no longer explicit, it has become more discreet. The way that custody is now policed is much more insidious and framed to blame poor parents for their own poverty and Black, Indigenous, and Latinx parents for their own nonconformity with perceived White cultural parenting norms.

Today, regulation is the practice of altering Black, Indigenous, and increasingly Latinx parents’ behavior, cultural norms, and parenting practices to mimic those of White and wealthy parents. This is a practice of social control, grounded in the idea that Black and increasingly Latinx parents are unintelligent, dangerous, unclean, deviant, and criminal, and that Indigenous parents are ill-equipped, culturally backwards, substance-dependent, and poor. Throughout the U.S. history of family separation and regulation, this practice has been reinforced through the strategic employment of “personal responsibility” rhetoric that construes an individuals’ “fitness” to be a parent as a matter entirely within their control, unrelated to external factors like the neoliberal regimes or surveillance states that those parents live in. This forces parents to internalize dominant messaging about what is an acceptable job, communication style, or partner, and results in compliance with the family policing system’s demands. When examining the contemporary family policing system, it is essential to contextualize its current practices within this 400+ year lineage and recognize how this history still manifests in the family policing system today.

Chattel Slavery 1619 – 1865³

The U.S. legacy of a White ruling class removing children from low-income parents of color and separating marginalized families began with the practice of human chattel slavery, which reached what is now known as the United States in 1619. Viewed as property, enslaved Africans were not afforded the same rights to family unity as White enslavers. This reality, paired with racial demographics of the family policing system presently,⁴ indicate that both then and now, Black families experienced the damage of child removal and family separation at disproportionate rates.

As a result of the conditions of their bondage, enslaved children lived in constant fear of removal from their families; their anxiety was evidence of the precariousness of the Black family, and the longstanding trauma that Black families in the United States have endured. Enslaved parents felt anxiety about family separation, which they passed onto their enslaved children – this anxiety continued intergenerationally and persists to this day.⁵ Families that come in contact with the family policing system experience a new iteration of the trauma that previous generations experienced – the stability of their family is uprooted, and family members are forced to fight for their family's unity.

Then and now, Black families are precarious, as they are disproportionately likely to be intervened upon by the family policing system. In 2020, Black children made up 25 percent of youth in foster care, despite comprising only 15 percent of the national child population.⁶ In response to this precarity, Black parents are often forced to comply with dominant White systems. The family policing system requires parents go through lengthy and convoluted processes to attempt to regain custody. While enslaved parents had to endure their bondage, strategically utilizing compliance and “good behavior” to avoid being sold and separated from their children, (disproportionately Black) parents involved with the family policing system have to prove the legitimacy of their right to custody by demonstrating their “fitness” as parents by jumping through the hoops imposed by their service plan. Black parents involved in White supremacist systems from 1619 to present have had their behavior regulated and have had to demonstrate their compliance with these systems to preserve the unity of their families.

Native American Youth: Indian Boarding Schools and Child Removal 1880s – 1950s

The removal of Native American youth from the inception of Indian boarding schools in the 1880s through their decline in the 1950s was a tool to dismantle Native American cultural values, religions, and ways of living and institute White cultural standards. The title of Captain Richard H. Pratt's now infamous 1892 speech "Kill the Indian, Save the Man"⁷ indicated that instead of supporting a physical genocide of "men," he advocated for a cultural genocide of "Indians," regulating Indigenous people's identities by requiring them to embrace White behaviors and cultural norms. Famous photos like [these](#) show the impact of this cultural genocide, and the way it imposed strict White expectations of "normalcy" on Native American youth by forcing children into garments that were common of Whites and westerners, cutting boys' long hair off, and prohibiting the practice of Indigenous religions or languages.



In addition to teaching Native American children White settler-colonizer culture, Indian boarding schools also denied parents the opportunity to pass their own cultural values onto their children. These schools constructed White supremacist institutions and their staff as superior caretakers to the children's own Indigenous families. Much like family separations throughout enslavement, Indian boarding schools were undeniably traumatic for parents and children alike. Recent retrospectives⁸ indicate that there was rampant physical, mental, and sexual violence throughout these facilities. By denying parents the opportunity to socialize their own children and exposing children to intensive violence, Indian boarding schools caused intergenerational trauma,⁹ similar to that experienced by people who were enslaved.¹⁰

After terminating tribal recognition for 109 tribes and transferring jurisdiction of Indian affairs from federal to state governments around the 1950s Native Americans became more dependent

on welfare. Native Americans' financial insecurity was then used to justify the removal of Native American children by the family policing system at alarming and disproportionate rates. In response to this child removal crisis, the Indian Child Welfare Act (ICWA) was passed in 1978. This act was Congress's first acknowledgment that the impacts of the Indian Adoption Project – and the longer history of displacing and dismantling families – was detrimental, but this acknowledgment did not bring resolution. Indigenous children are still removed from their homes at disproportionate rates, and the question of saviors versus captors was raised again in a 2013 Supreme Court case. In *Adoptive Couple v. Baby Girl*, a White family adopted a multi-racial baby who had Cherokee heritage, despite the objections of her Cherokee father. Scholar Alyosha Goldstein argues that "[Adoptive Couple](#), and the protracted legal and jurisdictional struggles in its wake, has much to do with the reassertion of White heteronormative rights to possess and to deny culpability for the ongoing consequences of colonization and multiple forms of racial violence in the present moment."¹¹ Much of the public – and the Supreme Court's ultimate decision – were in support of the White adoptive parents. This recent example demonstrates that this understanding of White adoptive parents as generous baby-savers, as opposed to actors in perpetuating a larger cultural genocide, persists today.

Neoliberal Policy History 1970s – 1997

From chattel slavery to the present day, the White U.S. government has systemically dismantled Black families, rendering them disposable and undeserving of resources. A series of policy decisions between 1970 and 1997 and recent data regarding the impacts of said policies demonstrate how a neoliberal policy regime crafted by the federal government built up the United States prison nation through crime acts and hindered social service access for low-income people of color through child welfare acts. These policies destabilized Black families, incarcerating Black people at disproportionate rates and constructing low-income Black people as unfit parents, resulting in the removal of Black children and their placement in the care of White foster parents. Particularly, these policies reflected a neoliberal shift away from social service provision towards a system that emphasized "personal responsibility." Instead of identifying White supremacist systemic injustices as legitimate barriers to effective parenting, this neoliberal policy regime criminalized Black people and constructed the struggles of low-income parents of color as their own individual fault, making the idea that Black people are inherently inferior parents hegemonic and bolstering support for programs that altered Black parents' parenting.

Understanding Racialized Crime Acts and the Prison Nation

Three acts from the 1970s through the 1990s characterized the racially biased and increasingly punitive neoliberal approach to crime, which disproportionately impacted Black people. Though neoliberalism is a wide-reaching system with vast impacts, its effects on the U.S. prison nation manifested through the 1970 Controlled Substances Act, the 1986 Anti-Drug Abuse Act, and the 1994 Violent Crime Control Act. As a result, this era saw rapid growth in which offenses were criminalized, how severely they were criminalized, and the population of prisons. The rhetoric of the 1986 Anti-Drug Abuse Act made the racialized dimension of neoliberalism especially salient by inordinately punishing crack offenses (which were associated with Black drug users) to cocaine offenses at a rate of 100:1.¹² This overemphasis on the impacts of crack cocaine as opposed to other formulations was reflected in the national panic over “crack babies,”¹³ children who were supposedly born victims of their Black mothers’ “immoral” drug use. Black communities faced hyper-criminalization both socially and physically.

Amongst other impacts, these policies contributed to an unprecedented proliferation of incarceration rates as the U.S. prison population reached the largest in the world.¹⁴ Eric Schlosser described this, setting the scene in his 1998 *The Prison-Industrial Complex* – “In the mid-1970s the rate [of incarceration] began to climb, doubling in the 1980s and then again in the 1990s.”¹⁵ Schlosser goes on to highlight that Black men were disproportionately incarcerated throughout this period.¹⁶ The neoliberal crime control policy regime stemming from the 1970s created an incarceration epidemic¹⁷ that continues to plague Black Americans to this day,¹⁸ both through the systemic removal (via incarceration) of Black parents from their families and through the ideological construction of Black people as criminals. This mental and physical criminalization of Black people laid the groundwork that justifies the regulatory practices in the contemporary family policing system.

Examining the Concurrent Decline of the Welfare State

Simultaneously, this neoliberal policy regime altered child welfare policies, shifting the focus from a “helping” system to a punishment and family separation system, which also disproportionately impacted Black families. More aligned with the “helping” approach, the 1980 Adoption Assistance and Child Welfare Act allocated \$3.3 billion to a federal matching fund for state social services,

vastly enhancing the capacity of the child welfare system to aid families in poverty. The 1980 act worked to remedy the troubling history of federal subsidies given to states with high foster care populations, which incentivized child removal without any good faith family preservation efforts.¹⁹ Instead this 1980 bill bolstered and encouraged family reunification services. The Adoption Assistance and Child Welfare Act reflected a more liberal and less regulatory welfare approach: supporting families who struggle to get by in a system that deems wealth a prerequisite to successful parenting. But this open-handed child welfare program did not withstand Reaganomics. Reagan's presidency and his undermining of the Adoption Assistance and Child Welfare Act represented the end of the "helping" approach to child welfare, curtailing a broad social service system that would have supported impoverished families, instead implying that it was parents' own responsibility to achieve success regardless of the dearth of resources available to them.

The following 1997 Adoption and Safe Families Act (ASFA) put into law a more punitive, removal-focused approach, eroding the 1980 focus on family reunification in favor of a response that punished "noncompliant" parents with the termination of their parental rights. ASFA required the termination of parental rights for any parent whose child spent 15 of the most recent 22 months in foster care. Given the Reagan and Clinton administrations' gutting of welfare services, low-income families were without help and experiencing heightened poverty and income inequality.²⁰ As children were removed in response to parents' inability to materially provide for their children, the window of opportunity for regaining custody narrowed. A decline in welfare services correlated to an increase in child removal, which was justified by framing impoverished parents' inability to access social services as child neglect. As a result, parental rights are terminated and children are swiftly adopted by families who would not need to access welfare in the first place – predominantly White and wealthy people.²¹ The ASFA put into policy the Reagan-era undercutting of child welfare, leading to the fragmentation of welfare-dependent families.

Concurrently, the aforementioned crime acts criminalized a wider array of offenses, accelerating rates of incarceration and lowering the threshold for deeming someone "criminal," making narratives of Black deviance even more wide-reaching. The window for regaining custody of one's child shrunk, as did access to social services²² which can make regaining custody more feasible, such as food stamps, public housing, etc. These cutbacks made it less and less possible for parents of color to prove their parental capabilities to the state, which meant that complying with interventions from the start and conforming to efforts to regulate their parenthood became even more urgent. White and wealthy parents who did not need to adapt their behavior to prove their parental capabilities were able to adopt those children.

The Impacts of the Neoliberal Policy Regime: Regulating Black Families

In *Shattered Bonds: The Color of Child Welfare*, legal scholar Dorothy Roberts discusses the impacts of neoliberal ideology on Black parents, commenting on the tangible harms of the neoliberal “personal responsibility” ideology.²³ Roberts explains, “because the system perceives [...] harm to children as parental rather than societal failures, state intervention to protect children is punitive in nature.”²⁴ She highlights that in order to rationalize a system that accelerates terminating parental rights, the state must blame inadequate parents instead of its own policy failures. As a result, government efforts to promote safe families culminate in using the family policing system to regulate individual parents’ behavior as opposed to promoting a wide-reaching social safety net. Through a series of stipulations like parenting classes, alterations to a family’s home, mandated therapies, and supervised parental visits, parents race to prove their efficacy and worthiness of their rights to their children. This implies that those parents who do not meet the incredible burden that the family policing system places on them are deserving of losing their parental rights and thus, the dismantling of their family is naturalized through the criminalization of their own “deficiencies.”

How Black Families’ Fragmentation Upholds White Families’ Supremacy

Shattered Bonds describes how White families are reinforced through systemic advantages and less discrimination. Black families are less likely to receive reunification services than White families, Black children are disproportionately represented in foster care, and children in foster care are inordinately likely to be incarcerated.²⁵ The relocation of Black children to White families upholds White supremacist stereotypes about White people’s superior parenting capabilities. This cycle perpetuates the neoliberal “personal responsibility” ideology by relocating those children born to parents who the state deems unfit to the homes of parents presumed to be more qualified, which in practice is White and wealthy parents. Through this practice of criminalization and separation, the state deems White people to be more proficient and more deserving parents. Practicing child welfare in a neoliberal state is intrinsically linked to a prison nation which treats Black families as though they are disposable and valorizes the White family.

Family Separations at the U.S./Mexico Border 2017 – Present

In July of 2017, when the Trump administration began separating children and parents at the U.S./Mexico border and instituting a “zero tolerance” policy on immigration, public discourse about what rights parents had to their children and what constituted a “good parent” erupted. Conservatives argued that those who crossed the U.S./Mexico border without documentation were criminals,²⁶ and that by acting “unlawfully” they endangered their children and forfeited their parental rights. By removing children from their parents’ custody and failing to provide any clear documentation that would ensure their smooth reunification, the Trump administration implied that Latinx migrant parents were unfit. In 2018, Trump defended his family separation policy, stating “if [migrants] feel there will be separation, they don’t come.”²⁷ In this statement, Trump patently acknowledges that he is using separation of undocumented immigrant families as a threat to regulate migrants’ behavior and discourage subversion of U.S. immigration policy. This goes hand-in-hand with racist messaging that painted Latinx migrants as criminal,²⁸ contrasting them against the White standard of “responsible” parents as law-abiding and neutral, not subversive, to the state.

In their poignant analysis of this practice and its resultant implications, Adela C. Licona and Eithne Luibhéid argued that:

The forced separation of migrant families at the border fits into the United States’ long history of treating enslaved families as property whose members can be sold away from one another; forcing Native American children into boarding schools designed to violently strip away their language, culture, identity, family and community ties; [and] immigration policies designed to prevent immigrants of color from settling and forming families (45-46).²⁹

Licona and Luibhéid contextualize family separations at the U.S./Mexico border within this larger project of cultural genocide. By stripping children from marginalized backgrounds of access to their parents, Immigration and Customs Enforcement (ICE) also severs children’s connections to their cultural heritage, preventing the continued development of these distinct cultural identities within the U.S.

Later in 2018, Trump signed an order halting his policy of family separation³⁰ after widespread public outcry about ICE’s failure to adequately track detainees to make reunification of families possible. However, family separations persisted³¹ due to a technicality through which children can be removed if parents are deemed “unfit to care for a child” by border patrol agents. As a result, some children languish in detention facilities with substandard qualities of living,³² and others are

placed with U.S. citizens and foster families,³³ reifying all the notions of saviorism and amplifying the public construction of migrant parents as “criminal.” Regardless of foster families’ benevolent public image, children placed in both foster families and detention facilities faced rampant physical and sexual abuse.³⁴ Fear of exposing children to these harms has become a feature of U.S. immigration policy, as separation and violence towards children is regarded as a threat to dissuade prospective migrants who are often moving to the United States to escape violence and instability that the United States caused in their countries of origin.³⁵ As a result, parents who brave the treacherous immigration journey with their families are then characterized as irresponsible and unloving parents for exposing their children to the risks of immigrating, overlooking the risk assessment that parents had to make when deciding whether to leave their children in the difficult circumstances where they were raised.

Regulation Today

Today, we see formalized practices of behavioral regulation continue in the family policing system. When family policing agents intervene in a family, their safety plan can include mandating that parents buy new home goods and child care products; attend parenting, anger management, and substance abuse programming; receive mandated counseling sessions; and remove partners that they deem “problematic” from the home.³⁶ For example, in states where bed-sharing is seen as child maltreatment, parents may be asked to buy their child their own bed or crib. Parents are “asked” to make these adjustments because these safety plans are supposedly voluntary. But when parents are threatened with the prospect of losing their children, they are understandably reluctant to refuse any part of the plan. Parents are not adequately informed about their rights, infrequently have access to legal counsel, and do not have full agency to refuse the plan or insist that the plan does not adequately address their needs.³⁷

These regulatory requirements are harmful in myriad ways and rarely address the circumstances that led to a family’s involvement with the family policing system in the first place. The 2018 Families First Prevention Services Act (FFPSA) is a clear example of this: its name is a misnomer suggesting that it supports prevention services, when in fact, it funds the aforementioned regulatory measures. If a parent is sharing a bed with their child because they cannot afford to buy another bed or crib, mandating that they buy this unaffordable item only exacerbates their financial insecurity. A preventative plan would have focused on preventing families from entering the position of financial scarcity in the first place. In this way, the safety plan does more to mandate a host of tasks that bring a family closer to appearing “compliant” with the subjective and biased standard that the family policing system imposes than it does to transform the circumstances that made the initial maltreatment possible in the first place.

Though there have been sporadic efforts throughout history to shift towards models of child welfare that prioritize family unity and instances of offering cash assistance to [families](#),³⁸ these small advances often categorically excluded Black families and only benefited poor White families. The FFPSA, for example, included provisions that offer financial assistance to unrelated (often White) foster parents but not the (often Black) family members who parent youth relatives through next-of-kin placements. This prioritization of White families conveys the message that White families are less harmful and more redeemable than families of color, and more deserving of social and financial assistance.

The harms of regulatory safety plans are not only financial, but also emotional. When White family policing agents who are prone to misperceiving and villainizing people of color (especially Black people) ask that parents attend anger management courses or substance abuse treatment, they create a distrusting rupture between agency and family, teaching families of color that they are being watched, discouraging parents from transparently asking for help when needed,³⁹ and inconveniencing parents further. While completing safety plans, system-involved parents are held to a superhuman standard that enforces and champions White cultural values and practices of child rearing.

This celebration of White parenting conveys the notion that White parents are superior caregivers and simultaneously, these regulations often do not impact White families in the same strenuous ways. Caseworkers, counselors, and attorneys acknowledge that they hear White parents admit to using drugs at the same or higher rates⁴⁰ than their clients of color, but they are still less likely to be subjected to safety plans.⁴¹ If we look at the 400+ year history of regulating parents of color and constructing them as deviants or criminals, we can see that this exceptional treatment of White parents reveals the true purpose of family regulation. Family regulation is not about solving the circumstances that may create child maltreatment but instead it is about controlling the behavior of Black, brown, and Indigenous families. Embedded into the fabric of U.S. culture, law, and practice is the notion that Black, brown, and Indigenous parents are inherently deviant and less skilled parents, that their children are victims of their deviance, and that they do not deserve equal access to the basic right to raise their own children.

Moving Beyond Regulation and Family Policing

At the upEND Movement, we dare to imagine a future in which we all take on a societal responsibility to bolster healthy family development. In this future, we appreciate the origins and strengths of different cultural approaches to childrearing instead of trying to force every family to conform to one vision of “success.” We transition away from viewing a child’s health as an individual parent’s responsibility and towards understanding that we are all responsible for creating a world in which children and parents can thrive. Accordingly, we do not blame individual parents’ shortcomings (or racialized groups’ supposed inadequacies) for children’s struggles, instead faulting the cultural and political failures that have fostered an environment that does not nurture families’ health.

To pursue this end, we have to rethink and recommit where we focus our efforts to strengthen families. Existing reforms focus on expanding the assortment of classes, programs, treatments, and mandates that system-impacted families are subjected to. We want to do away with “subjecting” anyone to anything, refusing to accept the idea that Black, Latinx, and Indigenous parents are “subjects.” Instead, we fight to see the end of the family policing system and to invest in ongoing efforts to shift towards a model of community child rearing and expanding the social safety net for families (without expanding the network of surveillance and regulation). This can include measures such as:

- Guaranteed, no-strings attached income
- Safe and comfortable public housing
- Free childcare
- Paid parental leave
- Free, high-quality, culturally competent, and anti-racist mental health services
- Universal healthcare

By expanding the resources available to families and shifting the responsibility of supporting familial health to a communal level as opposed to an individual one, we can support families’ efforts to thrive on their own terms.

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Section Four

Punishment

Punishment | Executive Summary

“Abolition isn’t just about getting rid of buildings full of cages. It’s also about undoing the society we live in, because the PIC both feeds on and maintains oppression and inequalities through punishment, violence, and controls millions of people.” – Mariame Kaba & Shira Hassan in [Fumbling Towards Repair: A Workbook for Community Accountability Facilitators](#). Project NIA and Just Practice

Akin to the “criminal punishment system,” the “child welfare” or “family policing” system continues to be one of the most interconnected and embedded “punishment” systems within the carceral ecosystem, requiring the use of carceral logics and power to exert control over specific communities. Punishment has been defined by Mariame Kaba as “inflicting suffering on others in response to an experience of harm/violence/wrongdoing.” Kaba further defines “punitive/retributive justice” as a form of “justice” that “intervenes when someone has broken a rule rather than caused harm.” Our society has taken an orientation towards punishment, continuing cycles of violence that depend on carceral institutions for “remedies” rather than learning from and about non-punitive forms of accountability.

Within the family policing system, we see instances of pre-determined punishment that are attached to various “crimes,” “offenses,” or wrongdoings. These crimes and wrongdoings are influenced by definitions of maltreatment that were created by the state who decided what should be considered “harm” or “risk.” These standards have been influenced by the same norms and logics as the criminal punishment system, placing largely poor Black and Indigenous families under the gaze and subsequent control of the state.

To fully understand the role of the family policing system and its systemic destruction of Black families we must acknowledge its roots within the institution of slavery. Through the transatlantic slave trade, slavery began as one of the first institutionalized forms of family separation for Black children and families. Today, the state continues its attempts to exert control over parental autonomy by surveilling, monitoring, and removing Black children from their homes due to alleged cases of maltreatment. The system does not consider the emotional, psychological, and physical toll that separation has on Black families. When families face punishment through charges by the family policing system, they are expected to behave a certain way, follow certain guidelines, and adhere to a prescriptive retributive fix set by the state.

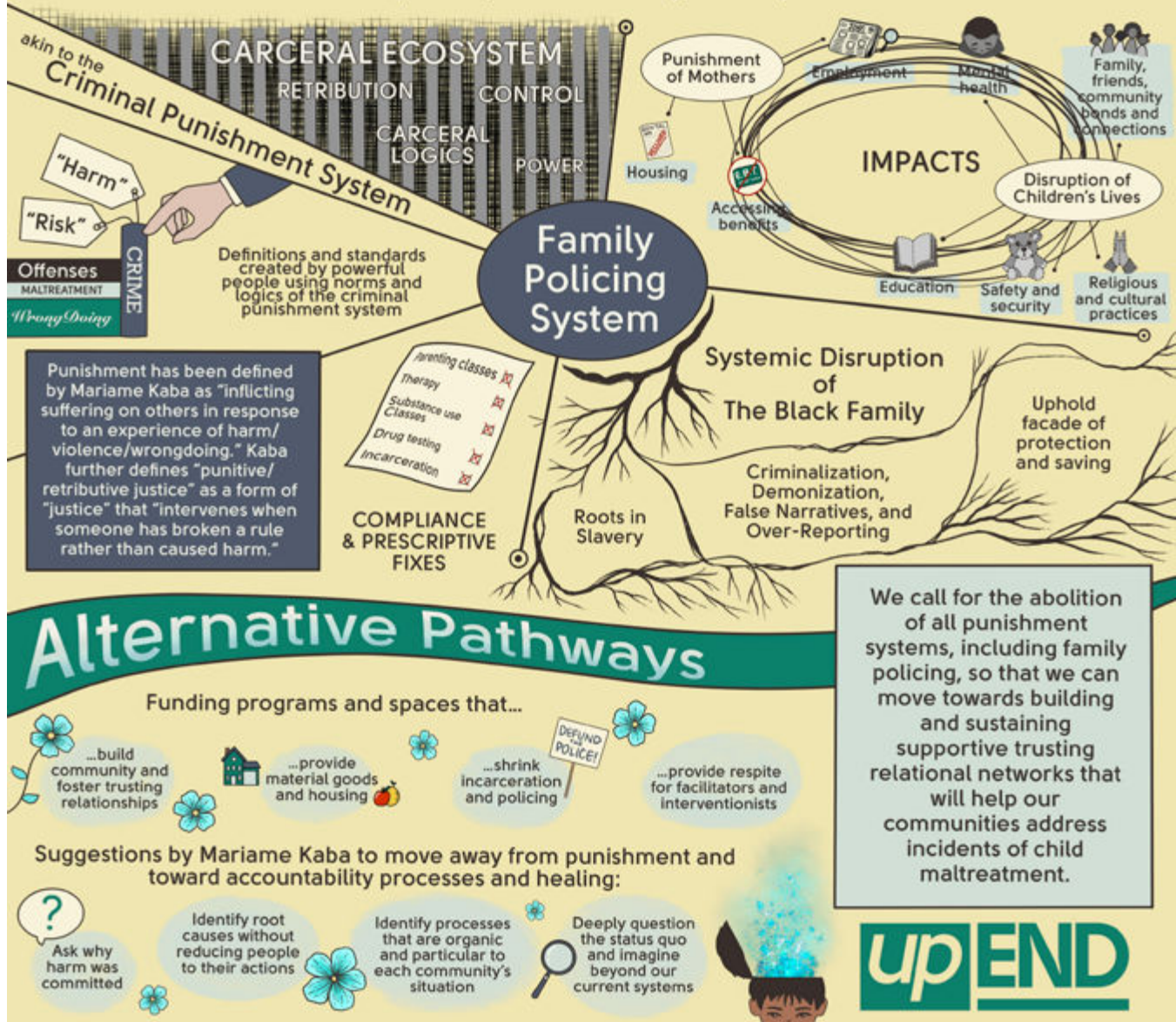
For the family policing system to uphold its facade as a “protection” system, it has had to criminalize or demonize certain individuals. This has often resulted in the criminalization and subsequent punishment of poor Black families, especially Black mothers. – Victoria Copeland, Brianna Harvey, and Joyce McMillan in [“Unlearning Punishment: Family Policing Abolition as Liberatory Praxis”](#)

Alternate ways of responding to interpersonal harm encourage active responses to repair relationships rather than relying on passive “justice-seeking” through punishment and punitive systems. We call for the abolition of all punishment systems, including family policing, so that we can move towards building and sustaining supportive trusting relational networks that will help our communities address incidents of child maltreatment. We believe there is work to be done, but the family policing system makes these pathways to transformative justice both inaccessible and unfeasible.

Unlearning Punishment

Family Policing Abolition as Liberatory Practice

Victoria Copeland , Brianna Harvey, and Joyce McMillan



Unlearning Punishment: Family Policing Abolition as Liberatory Praxis

An upEND publication by
Victoria Copeland, Brianna Harvey,
Joyce McMillan¹

“Abolition isn’t just about getting rid of buildings full of cages. It’s also about undoing the society we live in, because the PIC [prison industrial complex] both feeds on and maintains oppression and inequalities through punishment, violence, and controls millions of people.”²

For years people have grappled with our society’s attachment to and reliance on the “criminal justice” or “criminal punishment” system.³ Though much of these discussions have focused primarily on the institutions of prisons and practices of incarceration, organizers and activists have reiterated that policing and certain types of punitive justice-seeking mechanisms have proliferated through other social systems as well. Akin to the criminal punishment system, the “child welfare” or “[family policing](#)” system continues to be one of the most interconnected and embedded punishment systems within the carceral ecosystem, requiring the use of carceral logics and power to exert control over specific communities. Many advocates refer to child protective services agents as the family police because they serve similar police-like functions: investigating families and delivering state-sanctioned punishments to families and communities.

Mariame Kaba defines punishment as “inflicting suffering on others in response to an experience of harm/violence/wrongdoing.”⁴ Similar to this definition, Kaba further defines “punitive/retributive justice” as a form of justice that “intervenes when someone has broken a rule rather than caused harm,” adding that punitive justice is based on “punishments that are pre-determined” and “defined by the state” (cops, courts, prisons)⁵. In this conceptualization of punishment and punitive justice, Kaba differentiates crime from harm stating that through a retributive justice framework, crime can be defined as “a violation of the law and the state.” Whereas within a transformative justice framework, crime is recognized as “socially constructed” with an understanding that everything that is criminalized “isn’t harmful, and all harm isn’t necessarily criminalized.”⁶

Much of what society has normalized as a “crime” has been created or fueled by racist, sexist, classist, ableist notions of what is considered safe, protective, helpful, or conversely risky and dangerous. As others have explained, our society has taken an orientation towards punishment, which continues cycles of violence that depend on carceral institutions for

“remedies” rather than learning from and about non-punitive forms of accountability. Within a retributive justice framework, justice requires “the state to determine blame and impose pain (punishment).”⁷ Thus retribution has included incarceration, fees, fines, and sometimes death for those involved in the criminal punishment system. For survivors or others who have experienced harm, seeking help from a criminal punishment system can lead to collateral forms of policing even though they did not “commit a crime.”⁸

Within the family policing system, we see similar instances of pre-determined punishment that are attached to various “crimes,” “offenses,” or wrongdoings. These crimes and wrongdoings are influenced by definitions of maltreatment that were created by the state which decided what should be considered “harm” or “risk.” These standards have been undoubtedly influenced by the same norms and logics as the criminal punishment system, placing largely poor Black and Indigenous families under the gaze and subsequent control of the state.

Punishment in the Family Policing System

Historicizing Slavery and Family Separation as Punishment

To fully understand the role of the family policing system and its systemic destruction of Black families we must acknowledge its roots within the institution of slavery. W. E. B. Du Bois posits, “One cannot study the Negro in freedom and come to general conclusions about his destiny without knowing his history in slavery.”⁹ Similarly, we cannot begin to conceptualize the issues facing Black children in the current family policing system without understanding the historical connection to American slavery. If we do not draw parallels between the current system of control, punishment, and policing exacted over Black families in the name of “child protection” we are being irreverent and dismissing the violent destruction of Black familyhood and will be more likely to continue to uphold policies and practices which perpetuate further systemic oppression.

Ta-Nehisi Coates explains that the parting of Black families was “a kind of murder.” He adds “here we find the roots of American wealth and democracy – in the for-profit destruction of the most important asset available to any people, the family. The destruction was not incidental to America’s rise; it facilitated that rise.”¹⁰ Here, Coates states that the destruction of Black familial bonds was essential for the building up of America’s wealth and was highly profitable. The means of separating families was essential to the foundations of our country, as it was a means to keep slaves “in line,” spread the production of capital, and control future reproduction of capital. Similarly, a quote from Peggy Cooper Davis reads “Slavery began, of course, with family separation, as men, women, and children were purchased or kidnapped from families and communities and transported among strangers to America and slavery.”¹¹ Here Davis points

to the time of departure from Africa as the beginning of family separation, a process that was necessary to proliferate the global order with a violent exchange of human capital.

Under the legal and social construction of chattel slavery, Black children were deemed a commodity or property, something that could be bought or sold at any time if desired by the slave owner. The designation of Black bodies as a commodity stripped parents of their power and reinforced the idea of forced “parental helplessness” in which Black parents were robbed of their autonomy over the personhood of themselves and their children. During enslavement, Black parents were largely unable to control when or if their children would be removed from their care and sold to other slave owners. Further, Black parents were not considered human, rendering them unable to be considered a family by law. Thus, Black families had no means for protection from this violence. The cruel separation of families during slavery ensured that White slave owners could control and dominate capital, labor, and Black family reproduction. Further, they used family separation often as punishment for any disruptions slaves would cause on the plantation, or for disclosing plans of liberation.¹² One narrative recounts a story of a young enslaved mother whose “children had ‘all been sold away’ from her; that she had been threatened with sale herself ‘on the first insult’.”¹³ In the narrative, the woman Cordelia said “‘I was not at liberty to make my grief known to a single white soul [regarding the selling of her children]. I wept and couldn’t help it’, but remembering that she was liable ‘on the first insult’ to be sold herself.”¹⁴ It is important to note that enslavement and the family separation that accompanied it completely disregarded the fact that Black people were capable of feeling emotions or emotional connections to their children. As told by Cordelia, owners also often forbade the disclosure of these emotional bonds or behaviors of grief that were a consequence of family separation. In James Watkins recollection of family separation during slavery he recalls a time in which his owner refused to let him see off his relatives that were being sold to a different slave owner. He states, “I had to intercede with Mr. Ensor [his slave owner] for a length of time before he would consent to let me go on such an errand. At last, after ridiculing the idea of black people having any feelings, he consented.”¹⁵

Punishment in the Afterlife of Slavery

The current and normalized notions of who is considered a threat and under what circumstances cannot be separated from the histories of family separation within the U.S. context and beyond. Through the transatlantic slave trade, slavery began as one of the first institutionalized forms of family separation for Black children and families, this legacy of family disruption and destruction has continued through the family policing system and its attachment to retributive forms of justice seeking.¹⁶ Under the present family policing system, the state has continued its attempts to exert control over parental autonomy by surveilling, monitoring, and removing Black children from their homes due to alleged cases of maltreatment.¹⁷ As was recollected by James Watkins’ narrative, the family policing system does not often consider the emotional, psychological, and physical toll that

separation or family policing system involvement has on Black families — instead weighing the child’s “safety” as most paramount regardless of the disastrous impact. Mothers continue to report that they experience worsened physical ailments, psychological distress, and emotional trauma for years after an experience with the family policing system. Children are often moved around, experience school disruptions, and can be pushed into other carceral systems.

In the family policing system, there are several forms of conduct or behavior that are considered wrongdoings or crimes by law. Further, there are discretionary and more abstract “behaviors” that have also been criminalized. For example, parental refusal of services, parental substance use, housing precarity, hygienic matters, mental and physical health issues, and types of employment have been criminalized by the system and have led to families becoming involved in the system. Moreover, although states vary in their inclusionary criteria for felony or misdemeanor charges for child maltreatment, most states will charge individuals for failure to report child abuse and neglect, assault, unlawful restraint, endangering the welfare of children, failure to protect the child from a case of serious malnutrition, “grossly negligent omission in the care of the child,” and various other “offenses.”¹⁸ To make retributive justice work within the system, mandated reporters have been used to filter in those who might be committing offenses are wrongdoings. Mandated reporters are bound by provisions of the Child Abuse Prevention Treatment Act (CAPTA) and obligated to report families “suspected” of neglect and/or emotional abuse, physical abuse, sexual abuse, or even a child being exposed to family violence. For example, in New York it is a misdemeanor for failure to report suspicions of family struggle, because struggles within a family are seen as some type of violation by the family policing system. Yet, these struggles are usually related to a lack of resources. This is not to say that real harm and violence does not occur within families, but rather it is important to be attentive to how punishment has been defined by the state and how the state poses appropriate retribution for the “offense.”

It is important to reiterate that the large majority of families continue to be involved in the family policing system for “neglect” more than any other type of maltreatment, yet this remains one of the most discretionary standards created by the state and policymakers.¹⁹ Neglect in itself is embedded within assumptions about poverty and the criminalization of poor people. Further it is often used as a catalyst to supply families with “needed” preventative services that keep families under the eye of the broader system.²⁰ Neglect, or even “refusal of services,” being considered a criminal offense implicates parents in a highly personal way— holding certain parenting practices, housing environments, and access to resources as harmful while ignoring the harms of state violence and organized abandonment. When families face punishment through charges or investigations by the family policing system, they are expected to behave a certain way, follow certain guidelines, and adhere to a prescriptive retributive fix set out by the state that includes parenting classes, therapy, substance use classes, drug testing, and sometimes incarceration. Kaba states in her definition of punishment that the system inflicts suffering for what the state defines as a crime or wrongdoing, many times without addressing root issues of harm or changing

the circumstances that have forced families into poverty. As a mother who has been impacted by the system, one of the authors of this paper, Joyce McMillan, believes it is absurd that child protective service agencies across the United States claim to fear for the safety of children when “safety” has never been the leading cause of investigations or family separations. Punishment and state sanctioned forms of retributive justice have impacted children, parents, and communities for generations.

Punishment Requires False Narratives and Impossible Standards

For the family policing system to uphold its facade as a “protection” system, it criminalizes and/or demonizes certain individuals. This often results in the criminalization and subsequent punishment of poor Black families, especially Black mothers. False narratives have always been an integral reason for the overreporting of Black parents and their subsequent involvement in the family policing system, and Black families are judged and punished for conduct or practices that other parents would not be investigated for. The COVID-19 pandemic caused a decrease in reporting calls to CPS, yet the family policing system created and reinforced narratives about Black parenting to alarm people and increase reporting from community and family members. The system pushed harmful and false narratives without any concern for the negative and traumatic experiences Black families have historically encountered during these family entrapments. As a parent impacted by the family policing system and someone who also works with other families impacted, Joyce knew this messaging was a stunt to keep pressure and surveillance on Black communities. She knew this was a desperate cry by the family policing system to keep the supply of children flowing into state custody and control. This type of marketing encourages people to weaponize CPS against families, and incites anonymous reporting, which is one of the components the system needs and regularly uses to continue its supply of children who are stolen from their homes and from loving parents or caregivers.

While the family policing system used false narratives to popularize the idea that Black parents might harm their children during the pandemic, many Black mothers have discussed how the system has caused them direct harm. Their lives have been impacted by the criminalization of their circumstances or their behaviors, which have been surveilled and scrutinized by the state and its actors for years. The system has historically inflicted suffering onto Black mothers, rationalizing this harm by convincing society that Black mothers have caused harm to their children, or might cause harm in the future. The system has used these false narratives to convince society that they are in the business of saving rather than harming. Black mothers have also complained that the system convinces their own families, including their children, that they are harmful and do not deserve to have parental rights. Through these narratives, the family policing system has punished mothers by taking their children away or forcing them into services, sometimes both. Even if the services are “voluntary,” mothers are punished if they refuse to take

part in the services or refuse to otherwise “comply” with CPS workers requirements.²¹ Subsequent punishment comes in the form of extended time within the family policing system, time in the criminal punishment system, or surveillance through multiple institutions.²²

These tactics are not new but show the same strings of power that came from segregation, racist policies, policing, and criminalization of Black mothers from previous eras. These punishment practices have severe and sometimes long-lasting consequences. In New York, even when a report is not found to be credible, the record of the report against a family is kept on an internal list with a local CPS office for 10 years. Over the years a “founded” case of maltreatment in New York would remain on a list until the youngest child in the house at the time of the investigation turns the age of 28.²³ Punishment of mothers impacts their ability to attain or retain housing, ability to access benefits through social service agencies, ability to get future jobs due to criminal records, ability to move in the world “unmarked” and the ability to take care of future generations of family.

Although we focus on Black mothers here, we would be remiss to say that Black fathers are not also significantly harmed by the family policing system and broader carceral ecosystem. Black fathers historically have been rendered invisible by policies such as Aid for Families with Dependent Children, despite data showing that Black fathers remain engaged with their children.²⁴ Further, the family policing system is wantonly inept when it comes to engaging fathers and paternal relatives. Racist tropes and narratives of the dead-beat dad and angry Black man, combined with archaic beliefs that a father’s sole responsibility to his family is financial with little impact on children’s social and emotional outcomes only emboldens family trauma and terror at the hands of the state.

Collateral Punishment: How Family Policing Simultaneously Harms Children

Another egregious example of the ways the family policing system punishes families is through the impact it has on children that become entrapped within the system. When a child is removed from their home for “suspected maltreatment,” they become simultaneously punished and experience significant disruptions in every aspect of their lives from their education, religious and cultural practices, and connections to their family, friends, and local community. Schools often fail to understand the significant loss and trauma experienced by foster youth due to their removal from the home and instead disproportionately criminalizes their behavior through exclusionary discipline practices. Within Los Angeles County schools, which have the largest amount of foster

youth enrolled in their K-12 education system, foster youth students are suspended and expelled at higher rates than both their foster youth and non-foster youth peers of other races.²⁵ This is further complicated by race and gender as Black male foster youth disproportionately experience this form of exclusionary discipline and punishment within schools.²⁶

The family policing system also inflicts punishment on children through instability. At home, children can maintain a sense of security and safety through their bonds with their family and their neighborhood community. When children are taken from their homes and put into placement, their experiences with instability begin or worsen. Youth in the system experience multiple placement and school changes which have a negative impact on their educational trajectory, mental health, and overall well-being.²⁷ Children are shuffled between foster homes, congregate placements, and other forms of “care” because these placements are often touted as safer and more stable placements compared to a youth remaining with their family of origin. However, we see that children have continued to be harmed in out-of-home placements that claim to be “protective.”²⁸

The family policing system functions as an oppressive system that uses punishment mechanisms to target and destroy Black families. It does this by utilizing false narratives to justify the destruction — breaking bonds not only between parents and their children but between the children and their grandparents, aunts, uncles, cousins, and siblings once they enter foster care. The disruption of children’s familial bonds is rarely, if ever, considered when children are removed from their homes. The loss of safety, security, and autonomy causes many children to shift their behaviors, and causes changes in their mental health such as experiences of depression, anxiety, PTSD, and ADHD.²⁹ Further, Black and brown children are often not given necessary mental health support in placement and are the most likely to be over prescribed psychotropic medications. These medications can further exacerbate feelings of fear, isolation, and grief. Many children also begin to internalize and often blame themselves for being removed from their home.³⁰ This internalization can make youth less likely to be open about other incidents of harm they have experienced for fear of being removed or put into placement again even after their return to the home.

It is clear that families are safer when their children are at home and not being policed by a system that looks for frivolous reasons to intrude into families’ lives, wreaking havoc and threatening separation. Advocates have been fighting for decades to have resources used in the homes of children where families face financial hardships because we are aware of the extreme harms caused to the entire family by CPS, including the child they claim to protect.

But instead of supporting families, the government has framed funding as a resource to provide for out of home placements, energizing the breaking of families and bolstering the growth of industries that partake in the harm.

Rejecting Punishment Regimes that Harm our Communities

“Transformative justice takes as a starting point the idea that what happens in our interpersonal relationships is mirrored and reinforced by the larger systems. It’s asking us to respond in ways that don’t rely on the state or social services necessarily if people don’t want it. It is focusing on things that we have to cultivate so that we can prevent future harm.”³¹

In “Against Punishment” Mariame Kaba writes that “violations” or circumstances in which people are harmed offer “opportunities for accountability at individual, community, and societal levels.”³² Through transformative justice, communities can engage in “naming and transforming violence into growth and repair” which requires collaborative work between survivors, individuals who caused harm, and community. These collaborative processes can enable individuals and communities to “transform conditions that led to the harm(s) in the first place.”³³

The current family policing system does not allow for pathways toward transformative justice because it is heavily reliant on modes of punitive justice. This reliance on retribution entrenched in punishment cyclically harms those who may have experienced harm. In its efforts to “protect” children at all costs, the family policing system has deputized workers and community members and created policies that reprimand those who do not wish to partake in investigatory or surveillance mechanisms. As stated previously, the punitive consequences for not reporting have caused teachers and other workers to become deputized to report families, encouraging a report with no provision, expectation, or intent to support families. It is harmful for a family to need resources while being afraid to share that they are in need with professionals who claim to “help.” Within this dynamic, professionals are consistently gatekeepers of both knowledge and access to resources that could mitigate a family’s struggle. This paradox has been exacerbated by the requirement for workers to report, which has diminished the ability for workers to intervene in a way that provides resources. Instead, workers have resorted to calling in families to the child protection hotline so that they can be investigated. This circumstance provides a snapshot into the practices that capture families for the purpose of punishing and controlling them. As Kaba highlights, the criminal punishment system often states that it is “fighting for victims” but fails to include victims’ real interests or needs. State vengeance does not equate to accountability, healing, or consequences that are survivor created or survivor centered. Although family separation is argued as a consequence to “child maltreatment,” it is enacted through state violence and surveillance, often in conjunction with several other forms of punishment that are frequently far removed from the interests of those who are being harmed. Additionally, in its efforts to punish those who have caused harm, the system also punishes those who have simultaneously experienced harm through poverty, interpersonal violence, or intergenerational trauma.

To move forward it is essential for us to imagine alternate spaces and processes that do not require the family policing system or punishment systems. Similar to Kaba, as abolitionists we are concerned primarily with “relationships” and “how we address harm,” acknowledging that state violence that is extended through punishment practices fails to adequately address child maltreatment and instead creates a cycle of generational punishment.³⁴ In an interview between adrienne maree brown, Autumn Brown, and Mariame Kaba, Kaba differentiates punishment from consequences stating that punishment and patriarchy necessitate one another, with punishment inflicting cruelty or suffering in ways that make it so people are unable to “make a life livable.”³⁵ Conversely, consequences enable victims/survivors to create or maintain boundaries, reducing power from those who have caused harm, and adjusting circumstances that might allow for those who committed harm to seek accountability. Consequences are central to Kaba’s vision of transformative justice, and a pathway to healing for those who have experienced and/or caused harm.

Alternate ways of responding to interpersonal harm encourage active responses to repair relationships rather than relying on passive “justice-seeking” through punishment and punitive systems. Dismantling systems of oppression and structures such as the family policing system would give us the opportunity to redirect resources and funding directly to communities most in need. We must fund programs and spaces that help build community, foster trusting relationships, provide material goods and housing, shrink incarceration and policing, provide respite for facilitators and interventionists, and address other issues within our communities rather than continuing to separate children and families. Kaba advocates for survivors and victims to get support that does not rely on prosecution such as paid counseling, paid trips that would allow for healing processes, and many other imaginative processes that would allow for us to transform our responses to harm.³⁶ Further, she provides several suggestions that could help us move away from punishment and toward accountability processes that might lead to healing including asking why harm was committed, identifying root causes without reducing people to their actions, deeply questioning the status quo and imagining beyond our current systems, securing safety and healing, identifying processes that are organic and particular to each community’s situation, and thinking through what community needs to make a process accountable.

We call for the abolition of all punishment systems, including family policing, so that we can move towards building and sustaining supportive trusting relational networks that will help our communities address incidents of child maltreatment. We call for the shrinking of punishment systems, whether that may be through removing mandated reporting requirements, requiring informed consents and legal support for those involved within the system, and removing higher education incentivization schemes that require social workers to “pay their debts” by working for the family policing system. We believe that there is work to be done, but that the family policing

system makes these pathways to transformative justice both inaccessible and unfeasible. It is difficult to dedicate our lives to addressing harm in a non-punitive way when the family policing system is constantly hurting our communities. However, together, we can continue creating pathways that move away from punishment and instead collaboratively learn how to find or shape spaces for healing, mutual aid, and care.

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SECTION 1

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SECTION 2

Copeland, V., & Pendleton, M. (2022). Surveillance of Black families in the family policing system. In A. J. Dettlaff & K. Weber (Eds.), Help Is NOT on the Way: How Family Policing Perpetuates State Directed Terror (pp. 15-27). upEND Movement. <https://upendmovement.org/help-is-not-on-the-way/>

SECTION 3

Williams, E. P. (2022). Regulating families: How the family policing system devastates Black, Indigenous, and Latinx families and upholds white family supremacy. In A. J. Dettlaff & K. Weber (Eds.), Help Is NOT on the Way: How Family Policing Perpetuates State Directed Terror (pp. 31-46). upEND Movement. <https://upendmovement.org/help-is-not-on-the-way/>

SECTION 4

Copeland, V., Harvey, B., & McMillan, J. (2022). Unlearning punishment: Family policing abolition as liberatory praxis. In A. J. Dettlaff & K. Weber (Eds.), Help Is NOT on the Way: How Family Policing Perpetuates State Directed Terror (pp. 50-63). upEND Movement. <https://upendmovement.org/help-is-not-on-the-way/>

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Resources for

Help is NOT on the Way: How Family Policing Perpetuates State Directed Terror

*An up**END** publication*

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