



BIG QUESTIONS FOR CHILD WELFARE: FOSTER CARE, EINSTEIN, AND INSANITY

AUDIO TRANSCRIPT

[00:00:02] Hello, I'm John Kelly, host of the Imprint weekly podcast, and this is a special bonus series we call Big Questions for Child Welfare. Molly Tierney and Daniel Heimpel have known each other for years. Tierney is the child welfare lead for Accenture, who led Baltimore's child welfare agency for 10 years. Heimpel is the founder of Fostering Media Connections. In this series of podcast conversations, the two friends discuss several of the weighty issues facing child welfare today, including questions about its very existence as we know it. On today's episode, Tierney and Heimpel look back at Molly's twenty-fourteen TED talk on child welfare reform entitled Rethinking Foster Care. That day, she received a standing ovation for a speech that questioned the underpinnings of what she described as the child welfare industrial complex. To date, the talk has been viewed on YouTube by more than one hundred thousand people. Heimpel and Tierney reflect on that speech, discuss what has changed about child welfare since then and what they see for the field on the near horizon. Enjoy the conversation.

Hi, everybody. It's Daniel Heimpel, now board chair of Fostering Media Connection. And I'm here with Molly McGrath Tierney, who was, of course, at some point in her career the head of Baltimore's child protection system. And we're going to be talking about this TED talk she gave back in 2014, essentially tying the child welfare systems reverence of the concept of foster care to Einstein's definition of insanity.

[00:01:37] And I'm looking forward to getting an update from her as to where we are almost a decade on. So with that, I'll let John over here roll the clip and then we can get into the conversation.

The reason child welfare isn't working is because there are children in foster care. It's not the government's doing it badly. It's that foster care is a bad idea. The error is the intervention, and the crazy part is we still believe. We just keep doing it over and over and over and expecting it to work. Child welfare is an industry and industries are self-protecting ecosystems. Think about it, the



only time the federal government pays me is when I take somebody's kid and as soon as that kid's in foster care, they instantly become a commodity. And the industry starts to wrap around doctors, lawyers, judges, social workers, advocates, whole organizations. The industry is committed to this intervention, this taking other people's children, because that's what it needs to survive. And it's on autopilot now, its going to do whatever it has to do to stay alive. In this industry, to stay alive needs other people's children. Let's keep doing it just like we're doing it and mark your calendars for January 2024. I'll meet everybody back here in 10 years and we'll review all the kids that went through this mill and how they all ended up. And then we'll discuss how are we tried to make it work.

[00:03:01] And then I will give you the shortest TED talk in history. It'll go something like this. Einstein gave us a definition of insanity. Perhaps we should review. Thank you.

Where are we today, Molly?

Well, I think progress has been made for sure. And of course, for those of us who crave it, it's never fast enough. I feel like that moment of that TED talk, it felt important to be providing a critique of the field to which I have dedicated my career while I was still in the chair, because child welfare is awash with people who stand outside of these systems and judge it harshly.

That's true.

But also, I felt like the important contribution that this TED talk made was it named something that was hovering in lots of people's minds, like a lot of I got a lot of responses that were "Yes, that!" A lot of felt like momentum just in the having put the concept on the table. I think that's really important. And since then, a lot of important things have happened, like the Families First legislation, really important. The notion that we should be keeping kids and families in the push to keep them with their kin when they come into foster care, deeper understandings about how these systems are doing unintended harm. So much

of the work you're not discussed up to now about how the decisions that we make in child welfare often follow along the color line that does damage to black and brown families.

[00:04:46] So I think all of those things are really important. And I worry about our ability to get past a platitude because we can get to those easily in child welfare just as long as it's good for kids.

I mean, the rhetorical, where the rhetoric is and where actuality is, of course, a good question. You mentioned Family First, which changed to a very minor degree in only federal policy maker wisdom degree, what the trigger for federal funds to support children in the system was. And now, it drops at the border of having a judge say this kid can't be with mom or dad, but that opens the

door to a new way of thinking. So that is a fundamental change since you gave this talk. But I think which we've been talking about a lot lately, just tell me about naming what the child welfare system does as oppression as you do in that talk, and the degree to which that label, which, of course, came from you on the inside, which is easy to hurl at the system, as you alluded to before, when you're on the outside. But how much has that thinking started to become pervasive throughout the field, this concept of oppression?

I believe it is still a tool of oppression, but there's a caveat to that, as I was tried to be so careful in my comments in twenty fourteen and as you and I have said, I think people in child welfare get up every morning trying to figure out how to go hurt some kids and destroy families.

[00:06:16] I really don't. And yet there is a way in which we're not in awareness and acknowledgement that it is a tool of oppression, that it's operating in a context in our country that puts us unwittingly with its tools in our hands. And so where if that weren't the case, this wouldn't be following along the color line. If it weren't the case, then it wouldn't be only happening to poor families. I believe we have a responsibility to protect children from harm, that it is a public good to make sure that they're safe and in rare circumstances where people are willfully doing damage to them, we should swoop in and protect them. It's just as you and I know, that is not often what child welfare is doing. We're often intervening with blunt objects when we could do something quite more delicate. It feels like I

want to be able to continue to say, yes, it is a tool

of oppression, but not do it in away that I'm offending or blaming anyone, that I'm in it and let's all recognize it and imagine what could we do. That would mean we were protecting children when they needed to be protected, but that we weren't misusing this tool.

Well, you make the argument very clearly what you put up the definition of what oppression is. [00:07:27] Right. And it's a systematic utilization, of course, of power. I'm paraphrasing now to focus attention on a certain subset of people. Right. In a way that hurts them. And so that tag seems pretty appropriate when you take a step back and think about what this has done to families at large. Also, you're talking mention kind of you do that child welfare leader thing where you kind of rattle off your success in reducing numbers, reducing numbers of kids in the system. And I have always walked the line on whether or not it's appropriate. And I'm not suggesting that you did this, but appropriate to set numeric goals for reduction in number of kids entering the system. I think that I may be open to a different perception now, but I'm wondering if this is an overused tool. And again, back to your through line. How do you get to a place where the intervention is being used to judiciously and narrowly and for very short amount of time? How do we actually get that? We've been talking about going upstream and all those kinds of things. Are there new opportunities right now to get there seven years after this talk with you?

Well, I think so. I think to your earlier point, you have to disaggregate the group. Like if you were just going to say, well, I'm just going to pick a random number or reduce the number of kids in



foster care by X percent.

[00:08:53] It's not the work to get that done is about disaggregating the group and understanding which kids are coming to my attention because somebody who's responsible for them is beating them with a bat, which coming to my attention because they don't have the food or medicine that they need. And if I can look at those kids and say, well, which of those are because a parent is willfully refusing to take care of their kid in deference to, I don't know, the thing to which they are addicted or the other thing that they prefer, as opposed to which kids don't have enough of that, because that mom or dad, they're working three jobs and they're busting a gut. But it's just they're in an impossible situation that is not about I'm willfully trying to harm my child. I'm desperately trying and not making ends meet on my own. That kind of disaggregating helps me understand what kind of intervention for which kind of family. They're not all it's not apples and apples and apples that come to the front door of child welfare.

We have to see that in a more complex way. And I mean, that's why Families First is so important, because prior to Families First, the only tool you had in your kid bag was take the kid into foster care, even if you're in a jurisdiction that was inclined to say, well, let's try to avoid that, frankly, you need is one high profile death and then everybody gets to air on the side of caution, bring the kids into foster care and we drift so quickly into these draconian approaches to child welfare, it's hard to keep our grip on keep kids safe at home because it feels scary. It feels risky to us.

[00:10:24] I was going to say something else about this. The numbers that I say, the one that

has been on my mind lately is the use of congregate care. We reduce the number of kids in congregate care. About eighty nine percent is really important to me. And it's not unrelated to what you're saying, because what I wanted to do was have kids in their own families. I had to start by getting them in a family. Right. Because this notion that it was better to have them in congregate care, that it was safer, easier, or that the kids weren't ready for families, I heard that a lot. They have to behave and they can have a family. You know, I kept thinking, well, hookers and thugs get families. How come my kids can't have families. But more recently, there's been a fascinating discussion about this. On the one hand, I hear children's rights. Who has, you may know, has this huge campaign to end the use of congregate care in the country. And they have brought together the most fabulous group of people to help come up with a plan for doing this.

[00:11:19] And on the other hand, I hear the mayor of San Diego proudly announcing that they've opened up the convention center to house fifteen hundred kids coming across the border. Those people are talking about like it's a success. And I'm sort of dumbfounded and wonder if have their kids spend a night? I mean, God, it works so well in Houston after Katrina. Like, it makes so much sense that we would do this again. But also, even when I think about children's rights work, children's rights talks about it and I'm part of the team, a huge fan talks about it like it's really hard when I hear myself saying, well, I know like I reduce the number of kids in congregate care by I stop using them. I got stop sending kids there. And I think, well, that's kind of obnoxious for me to say because it wasn't that simple. I just like I'm prone to hyperbole. So I



make things sort of simple or get to platitudes. I feel like the difference with what you're saying before is the rhetoric and the actuality. We have the rhetoric and I think we have work to do in child welfare to let's get honest about the actuality. Was the take to do something like not have kids live in institutions where we're going to have to commit to it as a mission? We have to brand it. Kids got to be families.

[00:12:33] I mean, Molly, the connection to the Long Beach Convention Center is a pretty potent one in the sense that that clearly looks like oppression and the intervention there, as you said, foster care with intervention and less about the intervention to the problem. I mean, in this case, the intervention is institutionalization. And so it's the counterpoint shows maybe some progress within child welfare. I mean, for example, in Baltimore. But the same could be said of not to the kind of rapid rate of decline that you guys had there. But in California, I mean, everywhere there's been this push out of congregate care, which I think showed at least a recognition of the kind of dire consequence of the child welfare system. And now so there is there is quite a bit of evolution.

If that's true why are we celebrating what's happening in San Diego, like success? How did we get to that logic? Oh, what we should do is open up an open up an enormous congregate setting. That's not even a place people live. But we're going to make it a place that children and you see in the videos there are children that are going in. It's not I'm not I'm not trying to be mad at San Diego.

But I just think the logic, but how do we slip so quickly? I think it's because we don't have the we're not being honest enough about how we do it. What does it actually take to do it so that more people can see? Here's the one, two, three, four, six things you do.

[00:13:54] I mean, you can move the needle on something that you could disaggregate your caseload and only have the right kids in foster care and keep the wrong kids out, keep them in families. You could do the same thing to shorten the length of stay for any kid that comes in foster care. You could do the

same thing for them to stop using congregate settings and keep kids and families we gloss over with the rhetoric. What is deserving of let's get really specific about tactically, how are you going to put one foot in front of the other? And I think that's what's missing. We keep bringing in new leaders and they get they get new, big, bold ideas. And then we have new campaigns. And I think, yeah, it's the unflashy tactical stuff that we need so badly.

Well, I think what you're speaking to is and this is again, it's a relief to something terrible. But, you know, the child welfare system, at least as I've watched over the last decade and maybe I mean, I've watched it too closely. So if I take a step back, maybe it'll be better to kind of get a little bit of distance to understand it better again. But it seems to me that there's been quite a bit of focus on tactical solutions, whereas I would argue in the unaccompanied alien children program at HHS, I don't think there's been the kind of consistent chorus of leaders. [00:15:11] It's a more disaggregated system and one that people don't



look at so closely. So they just go back, feels like they go back to the tools that you would use in earlier instances of child welfare. You're clenching your teeth like I'm saying, something idiotic, which may be true.

No, I'm coming to an idea as you're talking. I think you're right. The and the parallel I'm drawing is that given a problem, look how fast we solved it a particular way. We drifted from everything. I mean, there are child welfare leaders all over the country who actually know how to get kids out of congregate care. We know how to do it. And but look, even this moment, how quickly we as a country drifted into this solution for brown skinned children. Again, it's not something any of us would do for our own kids. And it's just how quickly the logic overtook us and that as I watched the news come out and the, you know, the little video they did on the news about how proud they are of doing this as a solution, that stunning to me that there is not outrage. This is not how we do things. This is not how we care for children in this country. But somehow it's the drift into it. And it worries me for child welfare, to worries me for even the places that have said we're going to reduce congregate care.

[00:16:27] It's fragile and there's some work to do to get those transactions known, to get the people who are doing it rewarded. Rewarded. I don't mean like

pay them. I mean, like, name it. That's the thing. Look, look what was achieved. We have to get in some kind of sweet spot, not overcomplicate it so that you have to get a white paper with ninety two recommendations is something you're supposed to do to reduce congregate care and get it down to common sense.

Right. You need to name it. You need to brand that's what you're going to do. You need to use data to drive decision making so that you can in the context of congregate care, you can figure out how to have two parallel reform plans. You need to stop putting kids into congregate care and you need to get the kids who are in congregate care out. Those are two separate plans that have to be operating at the same time. And then you have to get transactional. You have to put one foot in front of the other. We have to like start ticking them off so that you know what's working so you can do what's working more of the time. I just feel like that we either only say the platitude or we make it feel like it's really, really complicated. And there is something about willfully stepping into a common sense of get her done that we drift from.

[00:17:39] Clearly, as we've kind of focused. I mean, I think drift comes in also focus and we focus our attention on the prevention side. Way less interesting to talk about what's happening on the back end. I mean, look at our investigation that we did alongside the San Francisco Chronicle about how the state of California says we will work with for profit institutions to house our kids. But then they did so with a shell company of a bigger for profit firm that we're non-profit that took their kids. When we confronted them with that information, they have to send the kids back home. So it also requires vigilance. But overall, it's very heartening in the sense that the anti-congregate care rhetoric was loud, loud, loud. Right. And then it resulted in something I think you're speaking to is how do you how do you keep the trains moving and people focused? Because it's hard. I mean, you've got to focus now. We also got to focus on prevention simultaneously. And that's like way sexier to talk about than group



homes. Right. But we're not there yet. When I talk to people who are working with older foster youth, I mean, circa two thousand and eight, that's what everybody was talking about, you know, and then it's so that we're not necessarily focusing adequate attention on the back end for the front end.

[00:18:56] So I think you need people that are able to think about the system as a whole and continually. And that's kind of hard to find. The lucky thing is in child welfare, there are a lot of people, a lot of interested parties. I mean, interestingly, though, I remember when the family separation program under Trump and, you know, there was some chirping from the child welfare field, but it wasn't as vociferous as it could have been. I agree. And what you're talking about now is it seems like you have a group of people that have done the thinking on this. Now, why is there not a backlash of the child welfare community against what's happening to children crossing the border? It seems to me also, if we think about broader solutions, incumbent on the child welfare system, I always thought I always thought there was a lot of answers, even though an oppressive system that I've come to recognize fully with those caveats, there are a lot of answers.

And to not be vociferous, I guess I'd just say if I have any influence at all to those who are listening, like maybe you should really think about what Molly is saying regarding the convention center and what that means about games that the child welfare system has won and could just as easily lose.

I guess that's part of what I worry about, is

that it's not just because the games are so hard fought.

[00:20:22] And you're right, when we gain something as progress in child welfare, it's not just that it's hard fought, but don't think once it's done, you can look away for a second. It requires so much vigilance to maintain these hard-fought successes and they feel fragile to me. And the placing of fifteen hundred brown children in a convention center for me is evidence of fragility and what's happening in child welfare. I just think if if we have really moved the country to a different way of thinking, then it never would have occurred to us. We would be coming up with different solutions than a convention center.

I think it speaks to something else that I recognize throughout my time as deeply stepped into in this field. But as I have is that remember, I mean, Teddy Roosevelt had that whole concept around the conferences of the child, and there was really at the White House way back when. And the whole idea of having a cabinet level child position and we still are there. There's no there's still rhetoric. Political rhetoric is long on children and short on activity and short on dollars for sure.

And so I don't know yet. You can you could do podcasts, you can blog, you could do op ed, you could try to get stories in the press. I'd spend a whole decade doing that. And, you know, it's like how much public is there that you can touch? And so I think at the highest levels of power have people realize the fundamental knowledge that was gained through this terrible experience, the child welfare system.



[00:21:56] How do you ensure that that knowledge is in an advisory role? I don't know how to set a place for us at the tables where this work is happening, because I mean, child welfare generally, as we said earlier, it got all these people stand outside and judge generally the opinion of child welfare is the reason it's not going well is because the people inside child welfare either stupid or they don't care. And neither of those things are true. But that's sort of the cloak we've been given somehow. And so we just sort of say, OK, and get back to work because there's so much to do. But it's the consequences for the country. I think of not acknowledging that there are things that are known by people inside child welfare agencies about families who are struggling about what children who are vulnerable need, about ways to put progress on a map and chart a course and accomplish things. And that's not we're not seen as a source for how one might do those things. I mean, Jesus, if that were the case, then they would stop bringing the former chief of police over to run child welfare agencies or the former state's attorney over to run. It were generally seen as well that it's not a it's not a knowledge.

[00:23:08] The problem we've talked about before is this question of disaggregating the functions of child welfare from its oppressive function and its safety net redemptive function to have both. I mean, it is the most it is the most conflicted field. I would argue. Its charge is so ambivalent that I think that that's kind of something we've got to get over. But I think we should commit to try to find a way to get it at those tables with more consistency.

This is so great. You are fabulous, Daniel. And that was really where said the oppressive function and the redemption function and the charges and ambivalent. It's really, really brilliant. It's great, I think.

Well, that's nice to hear from you. But I mean, I think we can agree that it's that that in every child welfare professional, they carry both the hammer and the olive branch or whatever, the hammer. And I don't know the baby wipe, but I mean, it's nurturing and destroying. It's pretty tough. So it's going to be two years until your January or whatever. 2014. When you invited everybody at the Baltimore stage to come back and say, have we done anything different, will we meet Einstein's definition of insanity or have we found some hope.

I think the answer will probably be both. And I think progress was made and we drift and we slip into old ways of being and we need to stand guard against that.

[00:24:43] And I look forward to spending a lot of time unearthing more specifically the how we do it, not just that we should, but how are we going to pull that off? I feel like the work I'm turning to.

Well, Molly, as I sail away from the more formal aspect of my foster media connections connection into a formal but not a deeply engaged portion, I'm looking forward to having continued conversations with you both in these forums and offline. And I think it's important to remember that rhetoric is, as you've mentioned, one thing,



but figuring out how to put one foot in the other is another, and everybody should listen to that message. So with that, I will leave you. Molly,

Congrats on the new gig, buddy. Thank you. Thanks to Molly Tierney and Daniel Heimpel for joining us for this conversation. The Imprint weekly podcast is a production of Fostering Media Connections, California based nonprofit. This podcast is produced and mixed by Christine, who also made the music for this episode. If you enjoyed it, we greatly appreciate if you'd consider subscribing or giving us a five-star rating on Apple, Spotify or wherever you download your podcasts, you can follow the imprint on

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