

BIG QUESTIONS FOR CHILD WELFARE: THE BIDEN AGENDA

PODCAST TRANSCRIPT

Hi, 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, led Baltimore's Child Welfare Agency for a decade. Heimpel is the founder of Fostering Media Connections and the publisher of The Imprint. In this series of podcasts conversations, the two discussed 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 will talk about the Biden administration, which succeeds an erratic period for child welfare in America under former President Donald Trump. The Trump administration is responsible for intentionally separating families of the nation's southern border and for proposals that would gut the social safety net. It also unleashed federal resources for legal support to system involved parents and children and expanded federal child welfare spending to include much more money for efforts to keep families together. Tierney and Heimpel talk about what a good comprehensive agenda for child welfare under Biden could mean and what it should mean. Enjoy the conversation.

I'm happy to be taking John chair for this conversation with my friend Molly Tierney. Molly, we're going to talk a little bit about the new administration in town. What do you think is important for the Biden administration to be thinking about as we wade into this continuing-covid post-George Floyd continuing unrest

because of that world that we live in in America today? What should the federal government be thinking and doing when it comes to child welfare? I got a lot of ideas but yours are going to be better. Hardly.

But let's get them all out on the table. So I think that the news is good. Early signs are that it is a area of work that is a priority for the Biden administration and that's really good for child welfare, like just the appointment of Shari Lockman to the Office of Management and Budget is just like a really important cue to us that this matters to them. So that's a relief. In the near term I can think of three things that I feel like a really important to them, to us that they take up. One is that they get a sort of grand vision for what they want to accomplish. That is imagining what they want happening on a large scale, like the need to get articulate about that. They have some ideas about that. I think states are hungry for what are the rules, what are the rules for Families First? Can we finish up everything we need to be doing for our CWIS systems? And what is going to be the impact of changes in collecting data for things like of like this? There's a lot of blindspots of states and what's going on. And then finally, I really think know the article that you guys recently posted that my former boss, Jess McDonald authored, that was about really coming to a better understanding of why we've linked up poverty, neglect and abuse and how to delink them, because that's that single thing is causing hordes of children who should be served elsewhere to be brought into foster care. And that that



error on our part is making child welfare an anti-poverty program when it should really be about safeguarding children programs. So anyway, those will be my top three. Do you have a top three?

I got like a top what? I think I want to start I want to stop on your number three, because I think it's more more interesting. It's like if we think about modern child welfare policy, as Marty Guggenheim explained it to me, then he pointed me to a book which name I'm forgetting, but it talks about the Comprehensive Child Care Development Act of 1971. This was Walter Mondale. He was all juiced up with a lot of support in the children's rights, child welfare, broadly defined community. And it was the last of the Great Society programs that would have created comprehensive childcare for families across America. Nixon vetoed Pat Buchanan writes the veto letter. Mondale then takes all of his juice when his captive passed - '74? I think that yeah. So take all his juice and get a because now that this dream of having comprehensive child care is gone. Right. And what is our response? We're going to do the Child Abuse Prevention and Treatment Act CAPTA set standard for child abuse. So we went from the intention of having a system to support families, give families what they need to be able to stay together and turn it into a system that was technologizing, essentially poverty, I mean, the idea of poverty. So now you have a new administration which has the opportunity to do big stimulus packages, is focusing on the bigger questions about childcare. So with that background, I think it is one of the most salient questions, how do we stop using child welfare as an anti-poverty program? And the question is, how does this administration start doing that? That's the topic. I mean, what do you think the kids are doing on that part?

Well, you know, it's not unrelated to my first item, which was 'hey man we need some rules for families first'. Maybe that was my second item, because the thing is about the promise of families first is that you have more tools in your kitbag then just showing up at someone's house to take the kids that have other things that you could do. What's a little bit fuzzy is and what can you use dollars for that? Because sometimes

you hear, yes, it's just important to keep your kids safe at home. And then we hear but don't use any forty dollars for primary prevention. Right. And that's like that nuance. And to be clear, what that means is we need to be able to spend money to support families earlier in the trajectory of them having challenges and before they've opened a child welfare case. That's the nuance, whatever else you want for kids. And I think, well, once you're in, it's hard to get out. And so the upswing would be really moving past the early edgers that are technically we have to be able to share information with other agencies. So I have to know, as a child welfare worker, is this kid showing up at school or not? Not because I on up the phone of the lady that runs the front desk at the elementary school and begged her to tell me. But because we have a data exchange with the school system, I need to know how frequently the cops come to this house. I'm getting ready to go visit, not because I called, but because the date is technically that's a bit of a challenge.

But technically, you can do it. Getting to next to the governance structure of getting all humans to agree to share the data is a whole different can of worms. I think that child welfare at the federal level has a vested interest and we have to get past this. We don't want to share data because the consequences of not sharing data are falling to children. And we ought to be able to know why the cops have been to this house in two years and this kid actually goes to school all of the time. And there's a different way to understand the missed medical appointments that don't be running to snatch a kid when there's other information that can help you see how could I keep this kid safe at home? So that's thing one. The thing two is if I know if I have data sharing, it means I can know the earlier sign that there's a problem and I can use resources and apply the logic that it is less expensive for a state in terms of actual dollars and also in terms of opportunity cost is less expensive for a state to pay first month's to pay security deposit six months of rent and furnish the apartment then it is for them to bring a kid into foster care for four years. Even to that, the kid will probably stay that way. Better long term, better short term, just sort of better for everyone. But that's harder to do with the dollars



It's precluded with the dollars with Family First. You're not you're not going to give material support to families. And I think the question is, is how do you operationalize that? If you're the Biden administration, whoever comes up to this group, what other tools can they push legislation to tweak? How do you do it from a regulatory standpoint? You can you open it up, could you open it up in a way where that imminent risk of harm is calculated in a way that goes further and further upstream? You still don't have the material support. So you're in there, you're kind of laying out you're laying down your gauntlet and saying part of this overall vision sounds to me one that encompasses prevention, clearly, and prevention being a disaggregation from poverty and real abuse. What are the leverage for the administration to actually get that done?

Well, certainly there may be things in legislation that there may be a bigger appetite in the US Congress to tolerate refinements or tolerate new new legislation. There may be ways that they can leave to states some choices about what they do. So they don't have to do it at the federal level, that they can say they may be able to make more things allowable if they were to review the current rules inside the Children's Bureau, maybe policy and regulations before they're getting to needing to get legislation. And sometimes it's just interpretation sometimes of just how are we inviting the regional staff of the Children's Bureau to interpret the rules as they are? Right. So I think there's a I think there's a range of sometimes their tool is going to be the vote, sometimes their tool is going to be the pen, and sometimes their tool is going to be a leadership that's moving the minds of the folks overseeing this work. You know what I'm saying?

Yeah. Yeah, I see what you're saying in terms of leadership. We're coming off of a leader who Jerry Miller at the Children's Bureau was very outspoken about what we're talking about prevention. But there's a big bureaucracy behind you so, how do you coordinate all of the different pieces and not get sidetracked with other? Get back to your point about big vision. How do you how do you plan to stay on track with that stuff when there's all these different issues that can draw your attention away?

I think that is why having a grand vision is going to be so important to them, because it's very easy to get pulled by by things that feel really important and are really important. Right. We can get pulled for our attention to particular populations. And let me be clear, I think any special population you can come up with, I would be with. Absolutely. We should be doing exactly the right thing for the special population. But attending the special if you're going to try to change the system, doing a special population by special population, you sort of never get there. Right. We also need to have a grand vision for what's our purpose, our purpose is regardless of what special population you fall into, special needs kids, homeless families, parents who have substance abuse, kids who are gay, I don't know, like, just pick your poison. I could go on and on and on and on. Regardless of what special population you fall into, you deserve the opportunity to stay home with your own family. And the government has an interest in helping you do that and not in dismantling that unless there is reason to believe it. Really, there is no other way. And poverty could no longer be the reason. But unless they sort of get that grand vision, I think what I worry what will happen is what happens with so many administrations. They end up attending to the enormous, really so important issues of individual special populations instead of something that serves all populations.

For me, I just I just think about for a bit. I mean, obviously the big the big thing on the table is family first gets you to part of that question. Right. Which is the prevention. But one could argue that, you know, that's also looking at one side of the continuum. And I wonder, as you think about the global system, there's also the back end. I mean, you were in Maryland, which made incredible strides in reducing utilization of congregate care. I think that the strongest part of Family First is arguably its stance on reductions in congregate care. But without local jurisdictions who are really kind of on top of that, there's still work to be done on that front, too. So as you look at the grand vision, where does the question of the permanency and time and care stick in your mind?

All enormously important. I mean, to say that I think the trick for child welfare, you know my



opinion about this, Daniel, the reason child welfare is not working is because there are too many children in foster care. Right. And so, like, I think gripping tightly to that's the problem gets us to what we ought to get the right kids in foster care and the wrong kids out of foster care. And kids that don't need to be in there should never enter, like we should find other ways that we can be helpful to them. I will regret to my dying days that there are some kids for which there is no other solution. I was the decision maker for kids like that, whereas I'll be the first to tell you, bring the kid in foster care, because that situation is you cannot leave a child in a situation like that. For those children it should be a much smaller pool of children than what we have in child welfare right now. Those children, the urgent matters of the kinds of settings that they live in, we should have structures in place that continue to prioritize their placement with relatives or placements in their communities of origin or placement in families and everything after that should be undesirable and short lived. And the finding guardrails against the logic of, well, I know he's only seven, but he has these outbursts that we can't figure out why he has his outburst, that we're going to put him in an institution until he can behave well enough to be in a family like that.

Logic, it creeps in so fast. Right. And I think we need to help us all resist that logic. You can't get to the matter of permanency without a kid being in a family like anything, any other choice. You're going to have a kid living in a treatment center, in a hospital, live in a group home. Will you? Not anywhere near permanency, then. So I think all of those structures where we are continuing to prioritize that work, I didn't mean to suggest I don't think the permanency for kids in foster care is an urgent matter. I just mean, boy, it should be an urgent matter for far fewer children than it's an urgent matter now. And we should be figuring out a way to take a nosedive in the trend of kids coming into foster care. Putting aside what the Biden administration might do, I am sensitive to what a very difficult challenge that is, because it's very dicey to move the threshold of kids coming into foster care because you get that wrong and something really bad happens to a kid. And something really bad happening to one kid is one kid too many find it is just not an

industry that tolerates should tolerate anything other than perfection. And that's very that's a big ask and is a really big ask. And so saying, well, we're going to keep more kids at home. Which kids are going to decide that? That's very, very tricky. Very tricky.

I remember talking to Harry Spence that used to run the Massachusetts Child Welfare system and he said the public has no he cannot tolerate tragedy. We all can't tolerate it. Child deaths are our. But you also can't run a system based on. So I wonder what can we start moving past that firewall? Because invariably, no matter how good that system is, look, Los Angeles County in 2013 engaged in a blue ribbon commission to now articulate how they would protect children better. And even if ostensibly they put more in place to same roughly about the same number of kids are dying every year. So this is a variable that's very hard to change. And so so far, so often out of the control of child welfare systems. You know, you're sending social workers to spend the night at home. I just wonder how we get past that, because if you want to drive down numbers, presumably you're talking about argument for moving the threshold and moving the threshold for support. But you have this kind of. This anchor, this fix the system in this place where it's just too hungry, you know, it's like you said in your in your top all those years back, it's a machine created to do one thing. It does that very well. But I think that because it's anchored to this kind of one concept. So I don't know if you're thinking about a vision for the system nationally. You know, I think the rhetoric in place these days, the will is in the place these days, as evidenced by the advocacy community up and down, up to, you know, who is in the administration just until recently. I get it. You know what I'm saying?

I totally get it. And so I think on this measure of kids dying, let's just stay with that for a minute. I think in order to imagine what we might do, we have to disaggregate that group. And before we understand, we have to admit to ourselves our culture has a very low tolerance for the idea of death, like we really think we should all live forever, ever, and no one should die. And I mean, here's the deal, dude. It's the one thing we know for sure that is going to befall all of



us. But we have a very low tolerance for that. And the fact is that people die and sometimes they die when they're children. And it is the most unforgiving, awful thing to bury a child. There's a technical term for that. It's called an out of order death. Like you and I, we expect to bury our parents. We'll be heartbroken don't get me wrong, but we expect to outlive them. And that's sort of the natural order. But when anyone buries a child that out of order-ness of it, it rocks our foundation. So I think that that's just being honest about that matters. I think that the kinds of deaths that occur to children where they die at the hands of a caregiver from neglect or abuse, you know my opinion about this is that we can all wait and be shocked till the moment where the fatal blow fell or decide to get over ourselves and share information, because if a kid dies because his he was going out without medical treatment and that kid was on health insurance, then there is a record somewhere of missed appointments.

There is a subspecialty saying that he's not showing up for appointments. But we decide we can't talk about that, that we can't share that information or it's very hard to share or something. If a worker goes into a home and she's assessing the harm, he or she could use the very best of our abilities without the data that says there is an individual in that home who is a registered sex offender who has been, I don't know, has a history in their own lives of mayhem and maiming of people around them or significant harm to children. And the only way the worker could know that it's not because someone's not going to say, oh, by the way, my name's Joe. And by the way, here's what you should know about me and it's not going to go like that. Information sharing would mean we could intervene in a way that could be more helpful, but we don't want to do that.

And that's what I mean by getting a governance structure. It's not just technically able to share the information, but getting everyone to understand even inside of state putting the federal government, even inside a State Department of health, public safety, hospitals, child welfare agency, childcare, school, like I could go on. All of these organizations in a state believe their data is private and they can't share it. Right. Alternatively, a governor could say, look,

here's the deal. All data belongs to the governor. In this world. We've created a secret that I think it would be a singular act of brilliance for the Biden administration to say we need one of them blue ribbon task force to come in and say here is a governance structure that we expect everyone to be using to share information - that would create safer children. Now, that being said, the situations in which children die after they're inside child welfare systems, when they're in a foster home, when they are in a group home, should be forevermore and always completely intolerable to us. That is a very small percentage if one is too many. But I what remember thinking about them in different ways. It matters to us.

So back to your overall vision, your vision of a system that doesn't exercise its coercive powers so often, and does keep families together more often requires knowledge of what the threshold is for that entry point into the system. And sounds like one of the ways to get there, as you think about this grand vision, is ensuring that you have this data sharing, which I know has been a big stick for you since way back in the day. I mean, the first thing we met was over data sharing between the education system and your social workers and which was pioneer stuff the way back then, even though it shouldn't have been pioneering. And and so I think I think what you're saying is that if you had more data sharing, you keep children more safe. And if you keep children safer, you can do more to recognize the kids that don't need to be in the system. And I think that seems like a pretty strong argument for getting to the place that we need to get to. So, again, you kind of tied many complex things together to come back to the same.

It's how we behave in every other field. Do you know, like, it's why we I don't know, it's why people get particular kinds of screening at regular intervals with their doctors because it's better to know sooner if you have a sign of cancer. Right. It's why. I don't know what time we all brush our teeth three times a day because you wanted cavities are a bummer. Come on in. Well, that's good. Brush. But we don't want to do this for we don't want to learn about one of the things that come up. Right. We want to learn. We haven't we care a lot, but we're not getting transactional about how would we nail down



ways we would learn and then what we would do when we know it. That's still a journey for us. I look forward to our country succeeding at it. I'm optimistic for the Biden administration

To leave you with one last question. Yeah. If you were ACYS, Commissioner, what is the first statement you'd make? Got a platform. You could talk to the country now, at least talk to us. Listen, what are you going to say, Molly?

That child welfare has a long history of all across the country, people caring a great deal about children. And with all of the knowledge, information technology and heart we have, now is the time where we can do more than care and we can use all of the resources at our disposal to ensure every kid in this country grows up in a safe home with a family they can call their own and ready to be a productive citizen when they become adults.

With you saying it sounds like it could be so I'm I'm looking forward to see what what happens now with this new administration, and I'm definitely hopeful that we're going to want to take all this knowledge and start doing more with it. And I like the concept of moving beyond caring, just caring. We we always got to care, but we've got to operationalize the caring. As always, thank you for spending time with it. It's a pleasure. And we keep on getting to know each other better.

Right back at you, buddy. Appreciate you.

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