

### Agenda

- Risks of corporal punishment
- · Corporal punishment & Religion
- · Corporal punishment and Race
- Disproportionality and disparity in reports, investigations, case outcomes
- · What causes disproportionality and disparity?
- · The seeds of racism today
- · What can we do?
  - Family advocatesMDT investigations
  - Forensic interviewers
  - Prosecution
- · Race, religion, and corporal punishment



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## Corporal Punishment And Mental Health "Recent studies have suggested that a host of potentially harmful behavioral and psychological consequences may result from so-called 'ordinary' physical punishment. These negative outcomes include alcohol abuse, depression, suicidal thoughts, behavioral problems, low achievement, and future economic insecurity."

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Flynn, 1996

### Corporal Punishment & Physical Health

Harsh physical discipline (pushing, grabbing, shoving, slapping, and hitting) even in the absence of more severe maltreatment (broken bones, sexual abuse, etc) is associated with higher risks of cardiovascular disease, arthritis, obesity, history of family dysfunction, and mental disorders

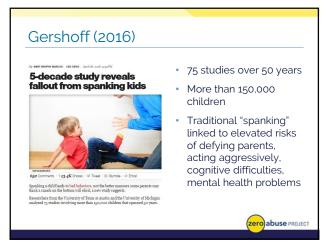
Afifi, et al, 2013



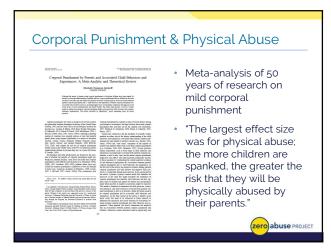
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### The Best That Can Be Said About CP

- "At its worst corporal punishment may have negative effects on children and at its best has no effects, positive or negative."
- Think of CP as a "risk factor"

Gershoff, 2002

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# American Academy of Pediatrics (2018) CHILDREN'S HEALTH The American Academy Of Pediatrics On Spanking Children: Don't Do It, Ever. November 11, 2018 7-36 AM ET Heard on Weekend Edition Sunday CAMERON JEDNONS LULU GARCIA-MANARRO LULU GARCIA-MANARRO LUCU GARCIA-MANARRO LUCU

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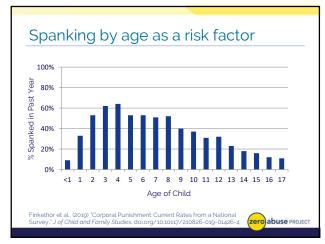
### CP Is Still Widely Practiced

- Approximately 2/3rds of parents report hitting children below the age of two
- 85% of children physically punished prior to high school
- 51% of all children have been hit with instruments

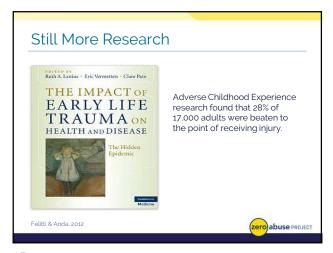
Gershoff, 2008

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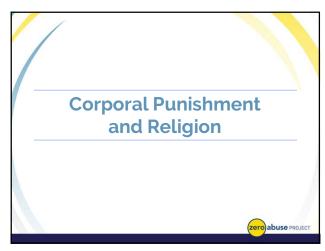
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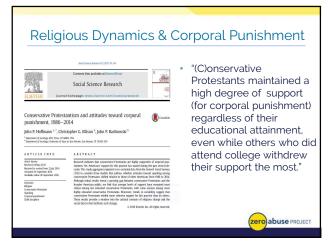


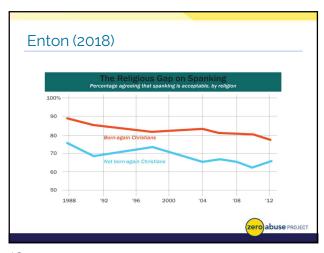
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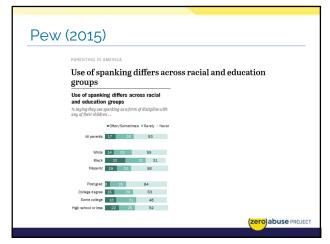
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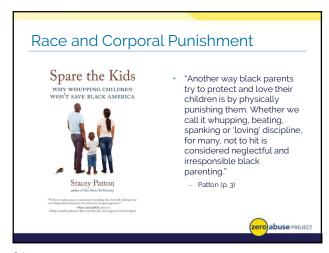


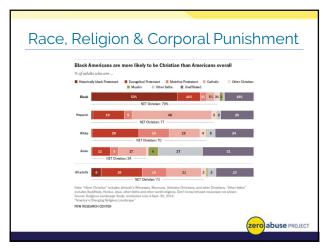










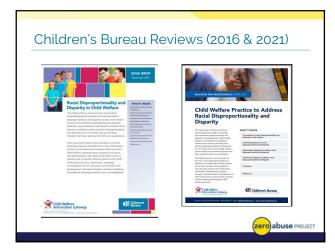


### Potential for Disproportional Impact

- "Family practices that might be seen as abusive or neglectful by mainstream standards may have a cultural component that would define them differently by a caseworker of a different background."
- "Commonly encountered cases involve different cultural views of corporal punishment and parents' rights to discipline their children as they see fit. In cases in which children are being harmed, the role of agencies is to honor the intentions while educating the parents about the laws and reasons behind the laws and helping them identify other approaches."
  - Children's Bureau (2021)



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### Terminology (Children's Bureau 2021)

- Disproportionality: the overrepresentation or underrepresentation of a racial or ethnic group compared with its percentage in the total population.
- **Disparity**: the unequal outcomes of one racial or ethnic group compared with outcomes for another racial or ethnic group.
- Racism: the systemic discrimination directed against minority or marginalized groups.
- Antiracism: the active process of identifying and challenging racism by changing attitudes, policies and practices, organizational structures, and systems, with the goal of redistributing power in an equitable way.
- Cultural humility: The ability to maintain openness to learning about other cultures
- Cultural responsiveness: The ability to adapt one's behavior to cultural needs of others



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### MDT Investigation / CAC Referrals

- African American families are overrepresented in reports of suspected maltreatment and are subjected to CPS investigations at higher rates than other families
- African American children and American Native or Alaska Native children are at greater risk than other children of being confirmed for maltreatment and placed in out-of-home care
- African American children spend more time in foster care and are less likely to reunify with their families and are more liked to be removed from their homes, along with American Indian or Alaska Native children

Children's Bureau (2021)



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## Disproportionality & Disparity in Reports & Investigations

- African-American families are overrepresented in reports of suspected maltreatment and received CPS investigations at higher rates than other families
- African-American and American Indian or Alaska Native children are more likely than other children of being confirmed for maltreatment and placed out of the home, and to have cases result in TPR.
- Asian children are underrepresented in child welfare and, to a lesser extent, so are White and Hispanic children.

Children's Bureau (2021)



### Disproportionality & Disparity in Foster Care

- American Indian and Alaska Native children are 1% of the population but 2% of foster care population
- African American children are 14% of the population but 23% of foster care population.
- White children are 50% of population but 44% of foster care population.
- Hispanic children historically underrepresented but were overrepresented in 20 states in 2018 (most recent data).

Children's Bureau (2021)



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### What Causes Disproportionality & Disparity



- Disproportionate & disparate need
- Racial bias & discrimination
- Child welfare system factors
- · Geographic context
- · Policy & legislation
- · Structural racism



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### Disproportionate & disparate need

- "Children and families of diverse racial and ethnic backgrounds may have a disproportionate need for child welfare due to a range of factors that put them at greater risk for being reported for child maltreatment—most notable poverty."
- African-American and American Indian or Alaska Native children are three times more likely than White children to live in poverty.
- Research "has firmly established an association" between "environmental poverty and increased rates of substantiated child maltreatment."



# Proverty and Racial Disproportionality Research to Consider While Effectively Re-Designing Child Welfare Services Richard P. Barth <sup>10</sup>, JBD Daver Barrids <sup>10</sup>, Asteois R. Garcial <sup>10</sup>, Berth David <sup>10</sup>, while the control of the

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### Surveillance bias

- Poverty among diverse racial & ethnic backgrounds may "amplify their exposure to social service systems...which may further increase their visibility to mandated reporters."
- Current research finds "surveillance bias" to be minimal or non-existent.
- However, other consequences for families living in poverty that are subject to increased surveillance (e.g., greater CPS presence, fosters distrust and apprehension).

Children's Bureau (2021)



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### Racial Bias & Discrimination

 "With disparities occurring at every major decisionmaking point along the child welfare continuum, implicit racial bias (i.e., unconscious attitudes and beliefs) and explicit racial bias...may impact families of diverse racial and ethnic backgrounds during reporting, investigation, substantiation, and out-ofhome-placement."



### Research on Racial Bias

- Drug-positive newborns from African-American mothers are more likely than White mothers to be reported to CPS.
- Children from diverse racial and ethnic backgrounds were almost twice as likely to be reported for abusive head trauma
- Two studies from Texas found that African American families tended to be assessed at lower risk "but were more likely than White families to have substantiated cases, have their children removed, or be provided familybased safety services."
- However, "an analysis of national-level child welfare data found that racial bias was not a large-scale driver of disproportionality at the referral phase..."

Children's Bureau (2016 & 2021)



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### Child Welfare System Factors

- "Characteristics of the child welfare system may affect the services and outcomes for children of different races and ethnicities."
- A 2016 analysis of child welfare agencies in two California counties found the "agencies did not have enough bilingual workers to meet the language needs of the populations they served, and the surrounding community lacked proactive, preventive, and accessible services."

Children's Bureau (2021)



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### Geographic Context

- "While racial disproportionality exists nationwide, the populations impacted, and the magnitude and types of disparity are unique to geographic location."
- "One study found that African-American, Hispanic, and White children living in diverse neighborhoods are more likely to be reported to CPS than children of their same race or ethnicity living in homogenous neighborhoods."

Children's Bureau (2021)



### Policy and Legislation

- The Adoption and Safe Families Act (ASFA) requires states to file for TPR if child has been in foster care for 15 of 22 months.
- This "may disproportionately affect families of diverse racial and ethnic backgrounds who struggle to reunify due to a lack of resources, unavailable or inaccessible services, and barriers to kinship care placements."
- AFSA may be particularly impactful of families with a parental incarceration—a circumstance that disproportionately impacts African-American families.

Children's Bureau (2021)



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### Diverse & Culturally Competent Workforce

- 58% of child welfare workers are White, 24% are African American, 15% are Hispanic, and 4% of another race or ethnicity
  - Dolan, et al (2011)
- "Although it is neither possible nor necessarily desirable to match all caseworkers and clients by race or ethnicity, child welfare staff who share or understand the culture or language of a particular family may have a better comprehension of the family's background and needs."

Children's Bureau (2021)



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### The Impact of a Diverse Workforce



Thurgood Marshall's experiences as a trial attorney of the disproportionate impact of the death penalty were anecdotes he shared with other justices on the Supreme Court and, for a time, this influenced the court's restrictions on the death penalty.

- Williams (1998)



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 Grow our knowledge of religious frameworks supporting corporal punishment—and work sensitively and compassionately with holding these worldviews.



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## William Mitchell Law Review Volume 40 | Issue 3 Article 3 2014 From Sticks to Flowers: Guidelines for Child Protection Professionals Working with Parents Using Scripture to Justify Corporal Punishment Victor I. Vieth

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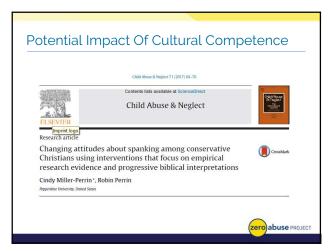
### One Set of Guidelines (Vieth 2014)

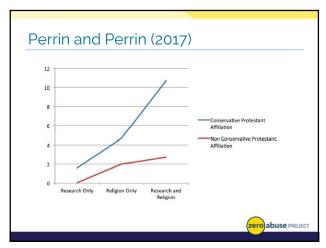
- Be aware of our religious biases
- Establish guidelines for cases that need no services, that warrant CPS involvement, and those warranting prosecution
- Emphasize parent's strengths
- Emphasize effective discipline
- · Refrain from pastoral work
- Acknowledge benefits of religion
- · Play in parent's ball field
- Engage faith community as a whole



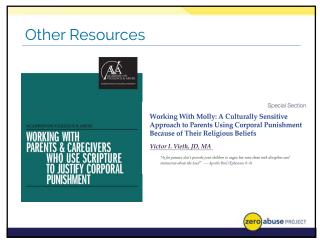
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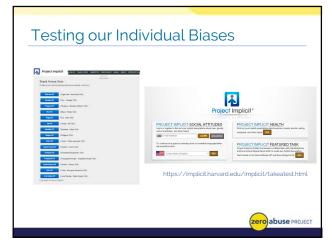
3. Every MDT member must recognize we have biases and take steps to limit the possibility biases may lead to poor or wrongful decisions.

### Acknowledge Your Bias

- Harvard Implicit Association Test
  - (https://implicit.harvard.edu/implicit/takeatest.html)
- Silence about race reinforces racism
- Colorblindness is racist
- Introspection / critical self-reflection
- · Thoughtful responses/questions
- Perspective taking
- · Cultural humility
- Social awareness



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### Assess Disproportionality and Disparity

- "Pinpointing disparities along the child welfare continuum—and doing so on a continuous basis allows agencies to develop targeted practice and policy solutions that are tailored to the culture, strengths, and challenges of specific communities."
- One resource recommended by the Children's Bureau is the National Association of Public Child Welfare Administrators "Disproportionality Diagnostic Tool"

Children's Bureau (2021)



4. Dramatically improve undergraduate and graduate training of future MDTs and shift to experiential training of those in the field.

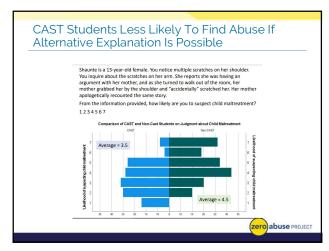


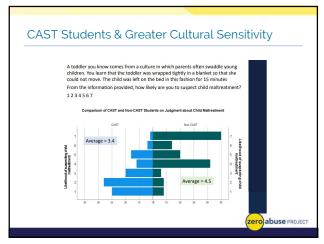
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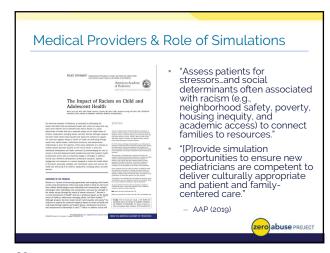
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5. Work with policy makers and other leaders in addressing systemic racism



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### Structural Racism

- Beginning with the New Deal, the Federal Housing Administration (FHA) engaged in "redlining"—a policy of refusing to insure mortgages in African-American neighborhoods.
- FHA also required that suburban subdivisions the FHA was subsidizing "must be off limits to African American families."
- "These policies have had a long-lasting impact on economic inequities, in part because African-Americans have historically been forced to live in higher-poverty areas and because home ownership is a key means of building family wealth."
- "Poverty, in turn, is a well-established risk factor for child maltreatment."

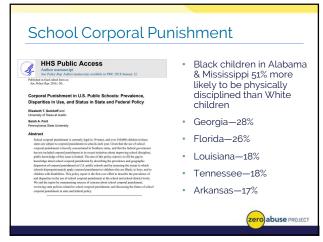
Children's Bureau (2021)



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## Department of Interior releases first report detailing US Indian boarding schools The Roman Catholic Church and a number of Protestant denominations are beginning to investigate their own role in those bearing schools. "The schools attempted to assimilate children in a number of ways, including giving Indigenous children English names, cutting their hair, even organizing them into units to perform military drills. They discouraged or prevented children from speaking Indigenous languages or from engaging in their own spiritual and cuttural practices. Many children endured physical and emotional abuse. Some died." Religion News Service (2022)

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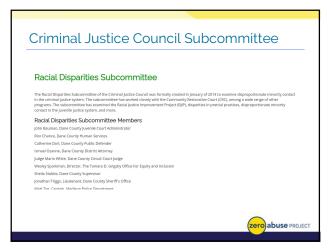


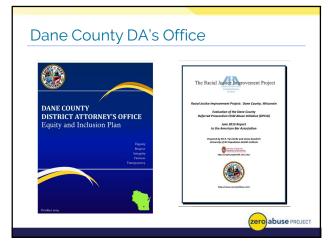
## **Public Policy Murphy Announces Legislation To End Corporal Punishment In Schools** November 19, 2020 WASHINGTON-U.S. Senator Chris Murphy (D-Conn.), a member of the U.S. Senate Health, Education, Labor and Pensions Committee, on Thursday announced that he is introducing Senate legislation that would eliminate the Pensions Committee, on I hursday announced that he is introducing Senate legislation that would enimate the use of corporal punishment in schools across America. The <u>Protection Our Students in Schools Act</u> provides a broader definition of corporal punishment and prohibits the practice of corporal punishment in any school that receives federal funding. The legislation would also establish much needed enforcement protections and a federal grant program to assist states and school districts in improving the climate and culture of schools across the country, Earlier this year, U. S. Representatives. Donald McEachin (Va-44) and Suzanne Bonamici (OR-01) introduced companion legislation in the U.S. House of Representatives. zero abuse PROJECT

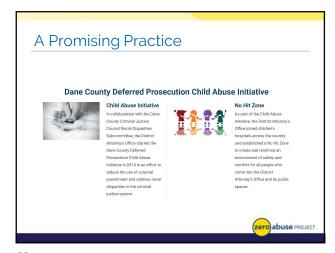
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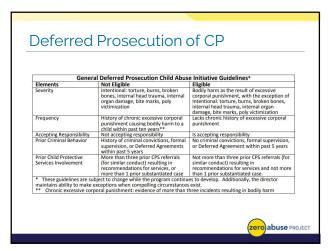
6. Criminal justice system should be open to alternatives to conviction and incarceration in cases of physical abuse involving corporal punishment that do not involve egregious harm. zero abuse PROJECT





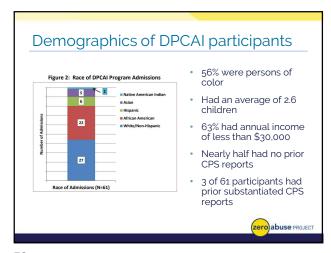


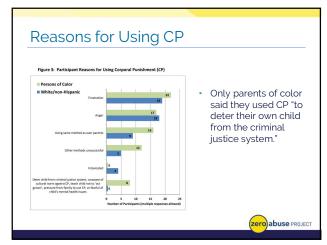






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7. When CP incidents are not unlawful, don't subject families to formal interventions but offer voluntary and community services.

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### Community Partnerships

- "Forming partnerships with community and faithbased organizations can also help child welfare agencies take a more encompassing approach."
- "A regular review process can help ensure that programs and connected services are delivered in a culturally responsive and linguistically appropriate manner."

Children's Bureau (2021)



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