



Creating A Latino Child Welfare Agenda:

*A Strategic Framework
for Change*



A Report By The Committee For Hispanic Children And Families,
Inc.
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Foreword

This report was made possible by the generous support of the David and Lucile Packard Foundation, the organizing efforts of the Committee for Hispanic Children and Families, Inc. and the dedication of all the conference participants. Prior to the conference, a survey was sent to child welfare leaders from across the nation to obtain their concerns regarding Latino children and families involved in the child welfare system. Many of these professionals have worked in the child welfare arena for over 15 years and have experienced firsthand the evolution of this nation's child welfare policies. In response to the guidelines instituted by the Adoption and Safe Families Act (ASFA) of 1997, child welfare professionals were gathered to engage in dialogue and provide an assessment of the way this new law would impact Latino families. Though there is a limited amount of pre and post ASFA data, the majority of the group voiced their frustration about how resources were not spent to create policies and programs that address the specific issues that seriously impacts the Latino community.

Over a two-day period, participants in working groups addressed the specific needs of Latino families in order to formulate a national Latino Child Welfare Agenda. The groups identified several priority areas:

- The need for increased availability of bilingual and bicultural services.
- The need to increase the quality of community-based preventive programs designed to maintain and support families in poor neighborhoods.
- The need to re-emphasize the importance and desirability of family reunification.
- The need to improve the quality of child protection services.

The goal was to produce something beyond a policy report; but rather to create a Latino Child Welfare Agenda that could be adopted by stakeholders around the country for future policy development.

The Committee for Hispanic Children and Families would like to express its gratitude to its own Center for Advocacy and Community Building as well as to all who contributed their time and energy towards bringing this project to completion.

Executive Summary

In response to the growing concern regarding the increasing numbers of Latino children in the child welfare system, the Committee for Hispanic Children and Families, Inc. (CHCF) convened the first national conference addressing issues affecting Latino families involved in the child welfare system. The conference focused on the early trends of recent federal child welfare policy as set forth in the Adoption and Safe Families Act of 1997 (ASFA).

Because ASFA was enacted only a few years ago, it is still too early for statistical pre and post data to reveal any significant patterns for Latino families. Nonetheless, conference participants analyzed the observed effects of this law, sharing professional experiences in research, policy and practice. Because ASFA imposes a strict timetable upon biological parents to remedy whatever led to their child's removal, conference participants questioned the availability of resources to assist these parents, many of whom are recent immigrants and have limited English proficiency. Their perspective yielded recommendations on how child welfare policy can be improved by incorporating considerations for this vulnerable population.

Ultimately, the group's concerns centered around three themes:

- 1) Socioeconomic factors that negatively influence the quality of life of Latino families are reflected in the child welfare system through problems associated with poverty, experiences of institutional discrimination, isolation due to language and cultural barriers, and the lack of social support networks.
- 2) Shifting child welfare resources from institutional foster care to family and community-based preventive approaches are most likely to keep families intact and are economical and culturally sound.
- 3) Effective child welfare strategies that meet the diverse and unique needs of the Latino population can only be devised when Latinos are involved throughout the planning stages, beginning at the formative phase and continuing through implementation.

The conference produced five strategic components to pave the way for needed reform of the child welfare system: 1) Personnel & Practice Enhancements; 2) Planning & Evaluation Data; 3) Policy; 4) Partnerships & Positions of Access; 5) Public Awareness. This report is the first step in a nationwide commitment by conference attendees to work towards a child welfare system that truly serves Latino families.

I. Making the Case: Latino Child Welfare - A Growing Concern

Recent U.S. Census data has confirmed that the Latino child population has grown dramatically in the last decade. Latino children are now the second largest group of children in the nation and this population is predicted to grow at unprecedented rates for the first half of the twenty-first century. As the Latino population continues to increase, well-being indicators¹ suggest that Latino families and communities, while managing to survive, are still under great stress, experiencing economic hardship, discrimination, and marginalization.

Despite cultural strengths such as family orientation and a strong work ethic, Latino families need supports and services from social service systems that have been largely unresponsive. Across the nation, the service infrastructure has been slow to adapt to the cultural and linguistic characteristics of Latinos, who have rapidly become a significant population in many states. The child welfare system, in particular, has not been able to respond adequately to the unique needs of increasing numbers of Latino children and families in its client population.

Although the link between family stress, poverty and child abuse has been well-established, available research data on child welfare and Latino families is scarce. Preliminary data shows that Latinos are over-represented in child victim reports and foster care populations in some states, such as Connecticut, Massachusetts, and Pennsylvania (Suleiman, 2003). Latino children make-up at least 20% of the foster care population in Colorado and Massachusetts; more than 30% in Arizona, California, Connecticut, and Texas; and over 50% in New Mexico (AFCARS, 1999). Overall, the Latino child foster care population has almost doubled from 8% in 1990 to 15% as of September 2002 (Foster Care National Statistics, 2001).

Even though these statistics represent the most accurate data currently available, they must be interpreted with caution since they are likely to underestimate the number of Latino children in the system. In late 2002, the Federal Government released a report acknowledging that the 2000 Census had undercounted minority youth; as many as 20% of Latino youth may have been overlooked (Armas, 2002). According to the report, the most significant undercount was in California, which has one of the largest Latino populations in the nation. Approximately 72,000 Latino youth were missed in the California figures alone. More troubling is the fact that state child welfare systems have only recently been required to collect data on Latino children in their care. Without adequate data collection systems and expertise on Latino children, the accuracy of child welfare data comes into question.

Moreover, while issues such as immigration, education, health, substance abuse, and economic stability have dominated the Latino policy agenda, the impact of child welfare on the Latino community has remained at the margins of policy discussions. Similarly, Latino issues are often ignored within the context of child welfare policy discussions on national, state, and local levels. This scenario has resulted in a tremendous gap in research, policy, and programs concerning Latinos and child welfare.

¹ Indicators of well-being include education, labor participation, economic status, health, and involvement with the justice system.

Recently enacted child welfare legislation, including the Adoption and Safe Families Act of 1997 and the Multiethnic Placement Act of 1994, has profoundly impacted child welfare practice. The new policies have significantly changed experiences and outcomes for children and families in the child welfare system as federal sanctions have streamlined termination of parental rights and adoption. While basic research data on Latino families and child welfare is limited, even less is known about the impact of ASFA on the Latino community. This is true despite the fact that Latino children represent a significant proportion of the child welfare population in several large states and cities, such as California, Texas, and New York City. Significant changes in child welfare policy in the past few years make this lack of attention to Latino child welfare even more problematic.

Unfortunately, reforms in child welfare have historically been reactive, as in the tragic death of 6 year-old Eliza Izquierdo in New York City in 1995. This terrible case resulted in media and political attention to child welfare issues and was a catalyst for change. Attention to the Izquierdo case has taken many forms, including expanded press and broadcast media coverage of child welfare issues, state and federal legislative and executive initiatives, public hearings and forums, and most strikingly in New York City, the formation of a independent child welfare government agency, the Administration for Children's Services (ACS).

In an unprecedented step to assess child welfare policy in a strategic and innovative manner, and with support from the David and Lucile Packard Foundation, the Committee for Hispanic Children and Families, Inc. (CHCF) convened more than 30 child welfare advocates from across the nation to examine the implications of the Adoption and Safe Families Act on the Latino community. Over two days of informative presentations and in-depth discussions, child welfare researchers, policymakers, practitioners, and community activists worked together to identify salient child welfare issues for the Latino community and to chart a course for future action. This report is a compilation of discussion highlights, critical issues and recommendations. It sets forth the elements of a Latino Strategic Agenda in Child Welfare.

II. A Child Welfare Policy Context

Latino child welfare concerns are situated within a policy backdrop that impacts the social, cultural, and economic realities of families. In fact, a multitude of laws and policies at the national and state levels affect the well-being of Latino children and their families. Even though these policy initiatives are intended to help, their impact on the everyday life of Latino families is often far from beneficial.

This is due in large part to efforts that do not take into account the unique sociocultural characteristics of Latinos, such as language, acculturation, familism, and the experience of discrimination. In an attempt to create “colorblind” or “one size fits all” solutions, Latino family needs go unmet. Beyond a lack of cultural relevance, some initiatives are blatantly designed to curtail access to public resources on the basis of legal/immigration status and have a disproportionate impact on the large Latino immigrant population. Whether it represents institutional discrimination or neglect, the invisibility of Latino perspectives in policy formulation has very real and detrimental effects on the lives of Latino children and families. In the child welfare context, where families are already in a vulnerable situation, policies and practices that cannot offer support in a culturally responsive manner create additional barriers to family cohesion that can lead to negative outcomes.

Two policy initiatives have dramatically changed child welfare practice in recent years: The Adoption and Safe Families Act of 1997 (ASFA) and the Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP). Taken together, both policies have had a tremendous impact on the way that families experience the child welfare system. By taking race out of the placement decision in the best interest of the child (as in MEPA-IEP) and shortening the window of time for possible family reunification (as in ASFA), child welfare practice has become less responsive to the unique needs of Latino families. These policy initiatives have resulted in great confusion about the role of culture in child welfare practice and seem to be contradictory with accepted principles of good social work practice. This policy shift has resulted in time pressures for Latino families trying to comply with ASFA provisions in light of the absence of adequate bilingual resources.

The Adoption and Safe Families Act of 1997

In 1997, the Adoption and Safe Families Act (ASFA) (P.L. 105-89) created a new framework for child welfare that prioritized safety and permanency in the best interest of the child. ASFA amends the nation's principal child welfare law, the 1980 Adoption Assistance and Child Welfare Act (P.L. 96-272). The new law emphasized safety and permanency for children who come to the attention of the child welfare system and encouraged faster decision making to achieve the case goals. ASFA authorizes federal adoption incentive payments for states that increase their adoptions of foster children. Since no such incentive is provided for family reunification, the law has served to promote adoption over other placement options.

ASFA specifies that a child's health and safety must be paramount in decision making; calls for permanency decisions in 12 rather than 18 months as allowed under prior law; and requires, with specified exceptions, the filing of termination of parental rights (TPR) petitions for children who have been in care for 15 of the last 22 months². These child welfare policies have resulted in more rapid proceedings and in increases in adoptions. They also have resulted in growing concerns about decisions being made inappropriately while providing too little support to families throughout the process. Considering the limited availability and accessibility of bilingual services, the expedited process places an added burden on Latino families. Latino families are at a disadvantage in meeting case plan requirements within the prescribed time period when bilingual resources are not available, accessible or adequate. Cutbacks in community-based services only make matters worse for Latino parents trying to comply with service plans in order to be reunited with their children. Not being able to meet the time requirements places Latino families at greater risk for termination of parental rights.

Child welfare experts in attendance also highlighted the inadequacy of available supports for families of origin and kin with respect to reunification and placement options. The same was true for foster and adoptive families from the community who may be the most qualified to care for the child within his/her cultural and linguistic context.

² Exceptions are made in situations where a child has been safely placed with a relative, when there is compelling reason why TPR is not in the child's best interest, or when the family has not received the services that were part of the case plan.

The Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996

The implementation of the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP) (P.L. 103-382), has elevated concerns among the child welfare professionals in attendance about appropriate decision making for minority children in child welfare. MEPA-IEP, prohibits the consideration of race, color, or national origin in the placement of a child for adoption or entering foster care, or the opportunity for a person to become an adoptive or foster parent. The law does require diligent recruitment of potential foster and adoptive families that reflect the diversity of children needing homes, but it provides neither the funding for recruitment nor penalties for inaction. At the same time, it does carry severe penalties for violation of the consideration of race provision. This dual enforcement criteria states that rapid placement is a priority and cultural consideration or consistency of the child's environment is not.

As states continue to struggle with the implications of MEPA-IEP, there has been widespread confusion about the role of race, culture, and language. Designed to prevent discrimination in placement decisions, many Latino professionals note that the threat of penalties have resulted in caseworkers' reticence to incorporate race or ethnicity in case planning and decision making. In addition, MEPA requires diligent recruitment of foster and adoptive parents of the same cultural background of children in substitute care, and technically, should be increasing the number of Latino foster and adoptive parents across the nation. Anecdotal information shared by conference participants suggests this is hardly the case. Rather, these child welfare professionals reported that MEPA is being used to argue against language-appropriate services, a practice in clear violation of Title VI of the Civil Rights Act of 1964, which guarantees access to services in an individual's native language.

Additional Policies Impacting Latino Children and Families

Advocates, practitioners, and researchers have increasingly drawn attention to the troubling impact of the policies and practices mentioned above, have on ethnic and minority communities whose children are over-represented in the child welfare system (AFCARS, 2002). They also point to policy mandates that disregard cultural differences and values in promoting safe and strong families. Increased resources allocated to adoption and post-adoption services serve as an incentive for this placement option. In contrast, no additional financial resources have been allocated for post-reunification services, even though this would increase the safety and stability of many families and prevent them from re-entering the child welfare system. Similarly, despite MEPA-IEP provisions for recruitment of foster care and adoptive parents that are representative of the cultural background of the children in care, there are neither incentives nor penalties attached to this activity, resulting in a low level of compliance. Inadequate data collection on Latinos makes it even more difficult to assess the real impact that policies, such as ASFA and MEPA-IEP, have on Latino families.

Nevertheless, as discussed in the section below, Latino demographic characteristics, such as the large number of families and the large population under age 18, suggest that changes in child and family policies have a significant impact on the Latino community. Despite a substantial and growing presence, Latinos continue to play a very limited role in child welfare

policy discussions. The conference was an effort to increase the policy dialogue and provide a Latino perspective in the child welfare policy agenda.

III. Latinos and Child Welfare: Social Demographics and the New Millennium³

Against this policy backdrop, Latinos continue to be a growing presence in the national landscape. As the demographic profile below illustrates, the Latino population is increasing, as are its distinct and unique needs.

A National Snapshot of Latino Children and Families

Demographic statistics point to the dramatic growth in the Latino population throughout the United States. According to the 2000 Census, approximately one in eight people or 13% of the U.S. population, is of Hispanic origin. There are a total of 35.3 million Hispanics in the United States, an estimate that represents a 58% increase from the 22.3 million Hispanics reported in the 1990 Census. An additional 3.8 million Hispanics live in Puerto Rico.

The Latino population is very young; Latino children are now the second largest group of children in the nation and growth projections indicate it is the fastest growing segment

According to the 2000 U.S. Census, there are about 12.7 million Latino children, which represents the second largest group of children in the U.S. About 44 million children are non-Hispanic white and 10.8 million are non-Hispanic Black. The 2000 Census reports that 36% of the Latino population is under 18 years old, compared to 24% for non-Hispanic whites. Furthermore, it is estimated that by the year 2005, the number of Latino children will grow by 30%.

Latino children are more likely to live in large families and have extended family networks

Nearly one-third (32%) of Hispanic family households consist of 5 or more people compared to 12% of non-Hispanic white family households. Among Hispanics, 68% are married, and have the highest rate of two-parent households in comparison to any other ethnic group.⁴ These figures demonstrate the importance of the family system for Latinos. The National Council of La Raza, one of the country's leading Latino advocacy groups, reported that in the early 1990's, "73 percent of all Mexican-origin families and 77 percent of all Cuban-origin families consisted of married couples" (Chavez, 1997). In contrast to the high value the U.S. places on individuality, Latinos maintain a collectivist identity that is based on the cultural value of familism. Familism, or a family orientation, is an organizing force and strength in the Latino

³ Portions of this section are taken from Dr. Ortega's presentation entitled Latinos and Child Welfare: Social Demographics and the New Millennium.

⁴ Raul Yzaguirre (2001). Speech at National Council of Latino Executive National Conference.

community, as families tend to set up household networks that permit them to rely on family members for financial, childcare, and other household assistance (Velez Ibanez, 1996).

Latinos work, but experience income-disparities, poverty, and remain under-educated

According to Census figures, about 80% of Latino men and 57% of Latina women were employed compared to 74% and 61% for non-Hispanic white males and females, respectively. Despite high participation in the labor market, Latinos are over-represented in low-skilled, low-paying jobs, with few benefits, which include low rates of health insurance.

In the New York metropolitan area, the Latino median household income is \$28,817, while the median income for non-Hispanic white households is \$54,773, a disparity of \$25,956 (Mumford Center, 2002). Other major metropolitan areas also show large gaps in annual income. In Chicago, Latino median household income is \$41,611 compared to non-Hispanic white households with a median income of \$59,890, a disparity of \$18,279. Similarly, the disparity in Los Angeles is \$20,407. Latino households in Los Angeles have a median income of \$33,870 compared to non-Hispanic white households who earn \$54,277.

Despite the unprecedented growth of the Latino population and the growing Latino middle class, a large segment of the population lives below the poverty line. Latino children in particular are severely impacted, as an estimated 30% of Latino children live in poverty (Fact Sheet on Latino Youth, *n.d.*). Poverty places children at greater risk for a multitude of negative outcomes. Moreover, poverty is linked to low educational attainment and to teen pregnancy, factors which can contribute to a cycle of low-paying jobs and unemployment.

Although they are the second largest group of children in the nation's schools, Latino children are the least likely to participate in early childhood education and other enrichment programs, such as Head Start, after-school programs and rigorous academic courses. Less than two-thirds of Latinos, or 57%, graduate high school, compared to 88% of non-Hispanic whites. More than one-fourth, or 27.3%, of Latinos have less than a ninth grade education in contrast to only 4.2% of non-Hispanic Whites (Therrien & Ramirez, 2000).

This statistical profile suggests that for many Latinos, the "American Dream" has proven elusive. While a few Latino families thrive despite the odds, others find themselves in vulnerable situations and in need of support. Unfortunately, when Latinos approach the public welfare system for assistance, they find that it is not capable of responding to their specific needs in a manner that is congruent with Latino cultural characteristics.

The Growing Latino Presence in the Child Welfare System

Challenges faced in everyday life can result in a great deal of stress for all families. Heightened levels of anxiety as a result of poverty and ineffective communication due to language barriers and discrimination, contribute to increased child welfare involvement for Latino families. Poverty, for example, has been positively correlated with an increased risk for maltreatment reporting (DHHS, 1996). Traditional family values, supportive extended families, informal adoptions and a collective view towards childrearing are assumed to serve as protective factors for Latino children though current statistics depict an increasing Latino presence in foster

care. Despite cultural assets, many Latino families are struggling to cope successfully with the many challenges to family cohesion.

Moreover, conference participants observed that poverty and cultural differences placed Latino families at greater risk for child welfare involvement. Poverty conditions can increase accusations of neglect, since limited food, lack of adult childcare supervision, sparse resources, and lack of health care can be construed as parental neglect by a caseworker. Conference participants noted that caseworkers and mandated reporters are often unable to distinguish between indicators of poverty and indicators of neglect, thus placing low-income Latino families at greater risk for child removal and foster placement.

Latino children represent a substantial proportion of the child welfare population, doubling in the past decade

In 1999, national child maltreatment reports indicated that 108,105 (14%) of child victims were Latino compared to 90,922 (11%) in 1996. Of the 568,000 children in foster care in 1999, 15% were Latino; almost doubling from 1990 when 8% of the foster care population was Latino (Foster Care National Statistics, 2001). It is important to emphasize that these estimates are based on state reports. The challenges that both the states and the federal government are facing with regard to accurate counting of Latinos suggest that these estimates probably undercount Latino children in the system. For now, these figures remain the best data we have available to assess Latino representation in the child welfare system.

Depending on the state, Latinos generally have a large presence in the foster care population, as large as 56% in New Mexico, 32% in Connecticut, 31% in California, 31% in Texas and 27% in Arizona (AFCARS, 1999). Latino children are also represented in large numbers in the foster care populations of large urban centers such as New York and Los Angeles. Nevertheless, child welfare institutions have failed to develop bilingual and bicultural resources to adequately address the challenge posed by an ever-increasing Latino population.

Latino children are almost twice as likely to be in out-of-home care than non-Hispanic white children

According to 1994 DHHS data, 62% of Latino children in the child welfare system are placed in out-of-home care, compared to 25% in 1977 (Ortega, 2001). While a similar pattern is evidenced for African American children, the rate of out-of-home care for white children has remained consistent at about 34%.

Research has not yet clearly established why this out-of-home care placement rate differential exists between white and non-white families. The data shows that in the past 25 years, the rate of out-of-home care for white families has remained consistent, while the rate for Latino and African American children has more than doubled. This is true despite practice and policy standards of less restrictive placement. More research is needed to uncover the race bias apparent in out-of-home placement rates from both an institutional system and a family/child impact perspective.

Conference participants agreed that instability and multiple placements have detrimental effects on the child. Unfortunately, not much is known about the specific psychosocial

consequences for children of color in out-of-home placement. Participants agreed that children placed in a home of their culture appear to have more positive self-identity and self-esteem. However, with the scarcity of bilingual foster care and residential placements, Latino children will likely be placed in settings that are not culturally or linguistically consistent with their family of origin (Hollingsworth, 1998).

From a developmental perspective, this has grave consequences for the psychosocial adjustment of Latino children. For very young children, it could result in the loss of their native language, Spanish, and therefore the inability to communicate with biological parents and other family members. In adolescence, identity development can be severely impacted, as ethnic identity becomes a primary concern for children of color (Daniel Tatum, 2003). Because Latino culture tends to be highly relational and collectivist, disruption in familial and cultural ties can have a greater impact on the psychosocial adjustment of Latinos. Conference participants agreed that more research is needed to ascertain the impact of out-of-home placements on Latino children. A notable exception in out-of-home care recognized by conference participants is kinship care, which seems more in accordance with Latino family-centered values. Nonetheless, whether kinship care represents a viable permanent placement under ASFA guidelines continues to be a topic of national debate (Report to the Congress on Kinship Foster Care, 2000).

Latino children are more likely than any group to be under one-year-old when they enter the foster care system

Almost 35% of Latino children were under age 1 when they entered foster care, compared to only 10% of non-Hispanic white children and 25% of African American children. Almost 57% of Latino children in the system are under the age of 5 (Ortega, 2001).

Clearly, there are developmental consequences for these young Latino children, particularly in the area of language. Because this is a sensitive stage for language development, it is important that infants and toddlers are exposed to the Spanish language if they are to be reunited with Spanish-speaking parents or relatives. Given that Latino children are at a higher risk for out-of-home care, conference participants believe there should be clearer expectations for how placement arrangements can meet the unique developmental needs of very young children. They agreed that more research is needed to better understand the developmental outcomes of children in out-of-home care. In addition, research is needed to explore the influence that the child's age has on case planning and decision-making. Even without a complete statistical profile of Latino children, these figures illustrating the young age at which Latino children are entering foster care have grave implications for resource planning and service delivery.

Latino families are distrustful of a child welfare system that has not been responsive to their needs

In addition to statistical information, interview data presented at the conference by Dr. Ortega demonstrated both the need for improved services to the Latino community and the importance of maintaining a cultural connection for Latino families. The following excerpts were obtained from discussions with Latino parents about the child welfare system (Ortega, 2001):

“ why should we trust in a system that helps [the family] only when we’re in trouble?” “...they begin to intimidate me...” “I get the run around...” “I get lost in the system...”

“when a Latino child needs help, the family should come first...” “...these children should be with someone with the same background who will understand them, who can speak their language and who can preserve their culture...”

The picture that emerges from the above statements shows the vast disconnect between Latino families and the child welfare system. The child welfare system, as a whole, lacks *personalismo* or an attention to personal relationships, which are highly valued and critical in establishing successful social service practice with Latinos. Without this personal connection, Latinos feel even more “lost” in a system that is already alienating for most families.

Moreover, while Latinos value familial and cultural connections, the trend in child welfare is child-centered and “culture-free,” as though child development and child-rearing do not occur in cultural or familial contexts. This “one size fits all” approach cannot meet the needs of the individual family and disregards the family’s unique cultural context. As part of the Latino collectivist worldview, the cultural connection is seen as critical to the identity development of children, and to the survival of Latinos as a people. For the child welfare system to be responsive to Latino families, it must begin to address the sociocultural characteristics of Latinos. Establishing better linkages with community-based organizations will assist major public/private social service agencies in building bridges and increasing their capacity to work with Latino families.

IV. Latinos in Child Welfare: Language, Immigration, and Culture

To understand the unique experience of Latino children and families in the child welfare system, conference participants discussed issues and concerns related to language, immigration, culture and sociocultural adaptation. While historically ignored in child welfare, these factors have implications for each component of the child welfare system, including investigations, assessment, case planning, foster care, family services, permanency, and adoption. In each of these areas, language, immigration, and culture play a role in successful interaction and outcome with Latino families and children. Though not all Latino families have issues related to language and/or immigration, many Latinos do struggle with communication barriers and legal status conflicts. Moreover, persistent cultural and racial discrimination creates additional challenges for Latino families across the board.

The Politics of Language: Linguistic Competence and Latino Civil Rights

The politics of language, from the “English-only” lobby to the ambivalence towards bilingual education, creates a climate where language-appropriate services are viewed as a luxury rather than a right. The political context of language makes access to social services difficult for minority language populations, including Spanish speakers. The child welfare system on the whole, systematically neglects to accommodate the needs of Limited English Proficiency (LEP) families. It places Spanish-speaking Latino children at greater risk of being removed and Latinos’ parental rights being terminated because child welfare services have not been conducted in a linguistically and culturally appropriate manner. As discussed in detail in CHCF’s Center for Advocacy and Community Building 2001 report, *Building a Better Future for Latino Families*, effective communication is a critical component of access to services.

Meaningful access to services for LEP individuals is guaranteed under Title VI of the Civil Rights Act, making language-appropriate services a matter of civil rights and not just cultural competency. The guidelines state that language barriers should not result in a delay, denial, or difference in the quality of services. It also carries with it penalties for non-compliance enforceable by the Office of Civil Rights (OCR). Despite the federal statute, Latino LEP families are still systematically at risk for limited access to language-appropriate services.

Effective communication is also a cornerstone of good social work and child welfare practice. Without meaningful communication it is impossible to engage the family, and without engaging the family, it is extremely difficult to get accurate and complete information about family dynamics. Assessment and decision-making regarding the family are ultimately hampered because there is inaccurate and insufficient information. For Spanish-speaking LEP families, key factors about family functioning and support might not be revealed when the investigation and assessment are conducted in English. More troubling is the fact that inaccurate information can lead to erroneous psychosocial assessments and poor decision-making in the life of a family.

When families enter the foster care system, the investigation is a critical part of the process where assessment of risk and decisions about placement options are made. The child welfare professionals that attended the conference pointed out there were an insufficient number of bilingual investigators to accommodate the number of initial assessments necessary for Latino families. Confidentiality issues emerge when non-bilingual or non-Spanish-speaking investigators rely on neighbors and relatives as interpreters. Even more alarming is the practice of using children as translators. In cases where neglect or abuse is suspected, a child may be placed in the position of having to translate for his/her parents. In addition, communication problems can result in erroneous findings of abuse where none has taken place. Children are often asked to act as “language brokers” for their LEP parents, which may seem to provide an immediate and convenient solution for communication, though may potentially have a traumatic impact upon the child, particularly in cases where severe abuse is suspected. When children are used as interpreters, they may consciously or subconsciously censor or construe the interaction, thus affecting the outcome. In addition, they may not fully understand certain terms and issues being discussed, further jeopardizing the accuracy of the translation as well as the emotional well-being of the child. The practice leads to misinformation, which is then the basis upon which caseworkers make judgments as to the outcome of the family, and can potentially increase the risk of the child’s removal even in cases where a removal is not warranted.

Other considerations at the front end of the child welfare system include whether LEP families have equal access to information on child abuse prevention and identification to truly *prevent* entry into the child welfare system. Once a report has been made of child maltreatment, not enough prevention services are available to LEP families. This can delay the parents' ability to make the necessary reforms and changes within the 12-month time limit to regain custody of their children. Latino families, particularly new immigrants, are often unaware of their right to demand linguistically appropriate services as guaranteed under Title VI, and are further disadvantaged. In cases where the parent is struggling with substance abuse, Latinos are at an even greater risk for termination of their parental rights as a result of the scarcity of substance abuse services, particularly those that are culturally and linguistically appropriate.

Unfortunately, language barriers, not to mention discrimination, can contribute to a higher likelihood that a Latino family might enter the system in the first place. The following exemplifies how LEP families are more vulnerable to child welfare involvement:

"She arrived at Woodhull Hospital in Williamsburg [with her son] around 11:45 a.m. with her four-year-old daughter in tow, and spent the next 12 hours waiting for someone to treat him, or at least talk to her in Spanish. When midnight arrived and the nurses had done little more than take Carlos's temperature, she decided to go home. As she walked out, however, she was apprehended by security guards and escorted back into the hospital. Confused about why she was not allowed to leave, she finally found a janitor to help translate. The janitor spoke to doctors, and then explained to her that the hospital was taking her son away because of suspected child abuse. "Imagine," said Marin, "being a worried mother trying to do the best for your child, and another person who doesn't even know you, doesn't even talk to you, accuses you of abusing your child – all because you don't speak their language!" (Worth, K. 2002).

Effective communication can mean the difference between receiving adequate care or committing a gross mistake and unnecessarily separating a family. Since effective communication can mean the difference between the well-being or the demise of a family, the conference explored the role played by language throughout the child welfare system, especially with the implementation of ASFA's time limits. Latino children are entering the child welfare system at increasing numbers, as they represent 15% of all children that entered foster care within a six-month span (AFCARS, 2002). As Latino children increase in our nation's foster care system, language appropriate services will become a key factor in the ability for Latino families to successfully navigate the child welfare system.

There were some advances in the late 1990s with regard to LEP, including Presidential Executive Order 13166, which required the Department of Health and Human Services (DHHS) to create a plan for addressing LEP needs and develop guidelines for funded agencies. This effort was an attempt to reduce the health disparities in minority populations, and provide a clearer set of guidelines for all agencies receiving federal funds, including child welfare agencies. Title VI guidelines made it clear that lack of compliance with the requirements could result in a loss of federal funding for any agency (whether public or private) receiving third-party payments. With greater emphasis placed on the health sector, child welfare has been slower to embrace the legislative mandate for language assistance for LEP families. Shifting our

understanding of bilingual services access from an “extra” convenience to a legal right would result in more responsive services and better outcomes for Latino families.

Immigration: The Transnational Character of Latino Families

Even though immigration has received widespread attention in the national policy landscape, there has been virtually no attempt to examine immigration within the context of child welfare. Immigration is a critical factor in Latino family life given the transnational nature of family relationships for much of this population and poses distinct challenges for the child welfare system.

Immigration adds yet another layer of complexity to the provision of child welfare services. There is wide diversity in legal status and migration experiences among Latino groups. For example, Puerto Ricans are United States citizens and therefore do not face the threat of deportation experienced by non-citizen Latinos. Other groups have different statuses; Cubans, for example, have refugee status, while El Salvadorians have Temporary Protective Status (TPS). Among people of Mexican-origin, who are traditionally viewed as new immigrants in the eastern coast, there is also tremendous variability as Mexican families residing in the southwestern part of the nation may have lived there even before the formation of the United States.

For many Latino immigrants, strong ties with family members in home countries combined with the geographic proximity and economic realities of Latin America translate into notions of family that transcend country boundaries. Latino nuclear and extended family relationships often cross national borders as family members stay in close contact via phone, internet, and visits. There is wide variation in family structures, as children may remain in their home country with relatives, while a parent(s) comes to the United States until they send for the children once they are settled. The child welfare system is ill equipped to deal with immigration issues, in particular with cases where families transcend national boundaries.

According to a report from the Urban Institute, 1 out of 5 children under 18 in the United States is the child of an immigrant (including all immigrants, not only Latino). The percentage is much higher in states with large Latino populations such as California, where 1 out of 2 (50%) children have an immigrant parent. In New York, Florida, Arizona, Nevada, and New Jersey, about 1 out of 3 (30%) children have an immigrant parent. The estimate is close to 1 in 4 (23%) in Texas and New Mexico (Fix & Zimmerman, 1999).

Latinos are a substantial proportion of some large states, but the 2000 Census showed that they are also growing in states not traditionally known for large Latino populations, i.e., North Carolina, Nevada, and Connecticut. Whether a historic or recent trend, almost all states are struggling with how to respond to the growing and diverse needs of Latinos.

Children of immigrant parents often live in mixed immigration status homes, where different family members represent a range of legal statuses, including citizens, legal residents, and undocumented immigrants. About 10% of all children in the United States live in mixed-status families; the figure increases to 27% for New York City. Immigration legislation has curtailed the availability of resources to non-citizen families. Current anti-immigrant sentiment increases the chances for biased treatment, further jeopardizing the safety and integrity of undocumented/mixed-status families. Moreover, with respect to ASFA, dealing with

immigration issues and/or transnational cases requires more time than is allowed under the law and better resources than are currently available.

Culture and Sociocultural Adaptation

In addition to the language and cultural barriers that challenge some of the recently arrived groups of Latino immigrants, Latino families struggle with varying rates of acculturation, or adaptation, to U.S. mainstream culture, which is a unique risk factor for this population. The different rates of acculturation between family members can be a great source of strife, as parents cope with their children's adaptation to values and ideals that often conflict with their own. This dynamic influences Latino family relationships and thus, impacts service planning and caseworkers that are not adequately trained to deal with acculturation and intergenerational conflict.

Different ethnic groups acculturate at different rates depending on when they immigrated to the U.S. Some groups, such as Puerto Ricans, Mexicans, and Cubans, have been residing in the U.S. much longer than some newer ethnic groups, such as Dominicans and other Central and South American ethnicities. Despite similarities across groups, each one has its own national history and experience with the United States. The great diversity in ethnic groups means that a one-size Latino social service model is insufficient to address the needs of all Latino communities.

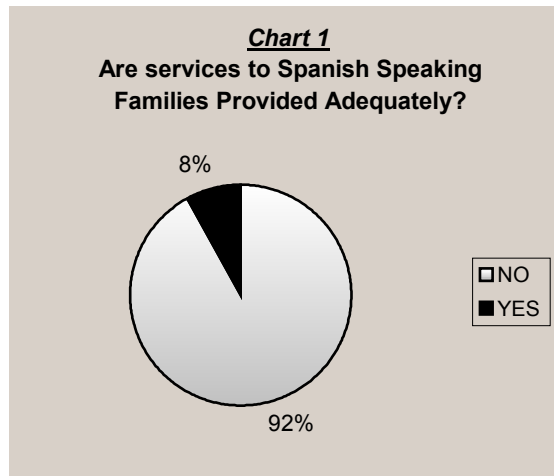
Another important consideration in working with Latino families is their reason for migration. For many, the reasons are economic, but quite often, economic strife is linked to political conflict. Because Latin American government agencies do not interfere with the private dynamics of family, Latinos migrating from countries governed by harsh authoritarian regimes will be even more intimidated by the child welfare system. They are unfamiliar with government involvement in the family and may perceive child welfare workers as representatives of a harsh government they are accustomed to. What compounds this perception is the lack of *personalismo*, a Latino cultural expectation that involves more intimate interaction between the social service provider and the family as a foundation for building trust and rapport. The bureaucracy of the U.S. child welfare system is incompatible with this expectation and further reinforces apprehension, fear and mistrust.

Similar to the African-American experience, sociocultural variables related to adaptation and coping in a discriminatory society impact the Latino community. Latinos have learned to be distrustful of government agencies (i.e., Immigration and Naturalization Services, social services), thus they tend to become insulated in their communities. Because of this fear and mistrust, the Latino family may appear uncooperative to child welfare providers. Discriminatory housing and urban development practices further isolate the Latino community. Language barriers add to these stressors and result in help-seeking only in times of crisis.

Miscommunication and cultural conflicts (i.e., child-rearing practices and discipline) play a large part in bringing Latino families into the child welfare system. For example, a language barrier in the emergency room, as referenced previously, could result in a suspicion of child abuse and a report to the child maltreatment hotline. Once the family enters the system, ASFA regulations determine much of what happens in the case and its final placement outcome. During the conference we had the opportunity to hear from different perspectives across the nation about their local experiences with Latino families under ASFA's framework.

V. ASFA in the Context of Latino Child Welfare: Voices from the Field

To prepare for conference discussions, CHCF conducted a short national survey of 28 child welfare professionals who serve Latino communities. Survey participants included service providers, researchers, advocates, policy analysts and legal service providers. 96% reported at least 6 years of experience and close to 40% indicated they had 20 years or more. As shown in Chart 1, an overwhelming number of survey respondents, close to 92%, did not believe that services to Spanish-speaking families were adequately provided. With this level of agreement, it is surprising that the service needs of Spanish-speaking families have not received the warranted attention.



Out of eight program concerns⁵, the top priorities reported by the respondents were bilingual-bicultural services (26%) and preventive services (26%). Another fourth of the group was split between family reunification (12%) and child protection (11%). These four priorities were used as the organizing framework for creating workgroups during the conference and were discussed in terms of ASFA and its unique effects on Latino families.

Latino Families Under ASFA Reforms

The recent implementation of ASFA coupled with the general disregard for Latinos in child welfare research, has resulted in inadequate data on which to assess the impact of ASFA on Latino families. Although we lack comparative data that can demonstrate any definitive outcomes, several critical factors concerned the professionals in attendance at the conference. Participants voiced their doubts about how a system that traditionally has been unresponsive to Latino children could meet ASFA implementation demands in a way that would permit the timely reunification of Latino families. An overview of the child welfare system with regard to Latino family needs, as previously discussed in this report, suggests there are huge gaps in the system, seriously calling into question the ability of the current infrastructure to serve Latino families in an effective manner. The growing numbers of Latinos in the child welfare population have implications for building the system's capacity to address the unique characteristics and expanded needs of Latino families across the nation. The conference participants identified the following issues associated with ASFA as having the greatest impact upon Latino families.

⁵ Adoption Services, Bicultural/Bilingual Services, Child Protective Services, Family Reunification Services, Foster Care/ Kinship Care, Independent Living Services, Preventive Services, Post-Adoption Services

❖ **Issue 1: Emphasis of ASFA on Adoption, Not Reunification**

While safety and permanence for children is paramount, the implementation of ASFA does not provide any resources to improve the well-being of the child's biological family or for the child to achieve permanence within his/her family. Primary emphasis is placed on permanency through adoption, rather than through reunification. In theory, ASFA calls for "concurrent planning," in which the child welfare agency accommodates the fast track towards adoption in as little as 12 months from removal, while simultaneously administering services to the family to assist in reunification of the child with their biological family. Because ASFA only provides incentives to states who succeed in increasing their adoption rates, emphasis on reunification is lost and becomes a secondary priority, if a priority at all.

❖ **Issue 2: Time Limits Unrealistic for Families Struggling with Substance Abuse**

The fast track approach to termination of parental rights is inconsistent with certain realities of alcohol abuse or drug addiction that brings many families to the child welfare system in the first place. For example, the prevailing attitude of parents with drug addictions is that they should "pull themselves up by their bootstraps" and take "personal responsibility" for parenting. It is often overlooked that alcoholism and drug addiction are complex illnesses, fraught with setbacks, and difficult to treat even under the best of circumstances. The prevailing tension in the field concerns whether parents are viewed as battling a disease or simply lacking the will to "kick their habits." Under ASFA, parents who have been struggling with the illness of alcohols and substance abuse, sometimes for many years, now need to "get it together" in 12 months, with few supports (especially for Spanish-speaking parents) or risk losing their children permanently. Yet, despite a national commitment, the War on Drugs appears a losing battle with few resources allocated for access to and innovation in effective treatment programs.

Furthermore, the now well-established link between substance abuse and child welfare has grave implications for meeting service plan requirements within the time restrictions. A report published in 1999 by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration indicates that substance abuse ⁶ is the leading cause of substantiated child abuse and neglect reports. Furthermore, figures indicate that of all foster care cases, substance abuse was noted in 65% of the cases in California and 74% of cases in Illinois. The path to alcohol and substance abuse recovery is rarely a linear progression.

This situation is further complicated because quality substance abuse treatment services are in short supply and insufficient to meet demand. Particularly, bilingual/bicultural programs are extremely scarce, thus the lack of available slots results in long waiting lists for Latino parents ⁷. For those needing specialized programs such as inpatient bilingual services for mothers, the situation is even worse as there are even fewer programs that are tailored for women, and fewer still that are bilingual. Without adequate substance abuse treatment resources, Latino families face a greater challenge in moving towards reunification under the ASFA timetables. Conference participants described the tremendous toll that ASFA regulations have

⁶ Includes both alcohol and illicit drug abuse

⁷ The Committee for Hispanic Children and Families is very much in favor of The Child Protection Alcohol Drug Partnership Act (S484hr1909). This act, which will be reintroduced this year by Senator Snowe (R-ME) and Congressman Rangel (D-NY), will bring much needed substance abuse resources into the child welfare system.

on Latino families faced with the challenge of drug addiction. They voiced the need to assess the impact of ASFA in light of the limited bilingual drug treatment resources available throughout the country.

❖ Issue 3: Lack of Resources Inhibits Families from Fulfilling Court Mandates within Time Frames

After the family has come to the attention of the system, a number of concerns related to language and culture emerge for Latino families; chief among these is whether a bilingual worker who understands the culture is assigned to the family's case. Initial psychological assessments of the LEP child and/or family that may affect case planning decisions should be in the language of the client. A more accurate assessment can help determine the best use of resources and the particular family needs to meet ASFA time frames.

While the law states that there should be no denial, delay or difference in quality of service, conference participants agreed that many Latino families experience an inequality of services in their interactions with the child welfare system. Given ASFA timetables and the system's insufficient level of bilingual/bicultural services, it is very likely that Latino parents may not fulfill all the case plan requirements before the ASFA imposed clock runs out. Despite a stipulation in the law that termination of parental rights cannot take place if services have not been made available, there appears to be a lack of awareness regarding this provision. Conference participants agreed that it exists in general, but it is markedly ignored with regard to bilingual/bicultural services. In day-to-day implementation, caseworkers are not aware that lack of services represents a substantial reason to suspend the clock and postpone termination of parental rights.

The lack of accessible bilingual/bicultural services places Latino families at a higher risk for having parental rights terminated. Latino families need bilingual/bicultural services to provide the assistance necessary to reunite families as well as to support adoptions. The limited availability of adoptive homes would mean that Latino children have a harder time finding permanent placement, leaving them in limbo.

❖ Issue 4: Little Effort or Incentive to Recruit Latino Foster and Adoptive Families Results in Greater Numbers of Latino Children Placed in Homes of Different Cultural and Linguistic Background

The accelerated ASFA timetables raise questions about forcing hasty decisions during the placement of children with respect to maintaining cultural and linguistic consistency. Because the focus is on rapid placement, less consideration is given to placing children in foster families with the same language and culture as the child. All too often, placements are finalized without sufficient research on kinship placement opportunities for the child, or whether Spanish-speaking fathers or mothers in bicultural families are identified and assessed as potential placement opportunities.

Because there are no incentives to recruit Latino adoptive families, Latino children are more likely to be placed in foster and adoptive homes that are not consistent with their culture or language of origin. The importance of recruiting Latino foster and adoptive families is vital when we consider that Latino children are more than twice as likely to be in care, than to be

adopted. For white children, the reverse is true: they are twice as likely to be adopted as to remain in care. Conference participants all agreed that a child should not experience delays or denials in foster care or adoptive placement on the basis of the child's or the prospective parent's race, color, or national origin. However, participants agreed with MEPA-IEP mandates, that states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Potential Latino adoptive and foster families are systematically left out of the recruitment process, and child welfare experts agree that there is a huge discrepancy between the number of Latino children in the system and the number of minority families available for placement. A policy that includes a requirement for diligent recruitment, but has no penalties or incentives, has little enforcement value. This exemplifies the systematic neglect to fully integrate the needs of Latino families into the child welfare process.

Participants were very vocal about the need for national child welfare agencies to advocate for the importance of raising equity issues in child welfare for Latinos. They discussed a plan of action to guide advocacy efforts, and those conclusions are listed in the next section.

VI. Building a Framework for Action: Guiding Principles

Throughout conference discussions, several views emerged as central components to a Latino-centered approach when working with children and families. Rather than focusing solely on programmatic initiatives that may only provide temporary relief, participants articulated and refined these themes as guiding principles for policy reform. These guiding principles provided a framework for a comprehensive agenda that could shape ongoing policy discussion on Latinos in Child Welfare.

Family Centered: Family is the core organizing principle in Latino culture

The family represents a fundamental reality for Latinos and is the cornerstone of Latino culture. Therefore, child welfare policies must be family-centered rather than “child-focused.” Parents need equal and adequate access to services, necessary to effectively navigate the child welfare system. Services must be targeted to assist both the child and the parents. The web of systems that interact with the child welfare system (court and legal system, criminal justice system, immigration policy) must be better integrated to best serve Latino families, as a whole, in order to best serve the children.

Prevention Focused: Prevention as a community strategy

The creation of a community infrastructure, based on preventive practices, that supports families and is not geared solely towards the prevention of foster care, but rather towards

fortifying and strengthening families.⁸ The statement “Prevention is a Strategy, not a Service,” was echoed throughout our discussions. Conference participants strongly felt that community development is a critical part of prevention. In many cities, particular districts disproportionately contribute to the foster care population. True prevention begins before a family enters the child welfare system. Family dysfunction or pathology should not be the ticket to eligibility for services, but rather, families should have access to a range of supports that can sustain them in times of low and high stress alike. Community-based multi-service agencies should provide a full range of programs that assist families in all areas of functioning: concrete services, referrals, and resources; recreational programs for the whole family such as picnics, baseball games, intramural leagues, movies, and social gatherings; activities for different age groups from children to the elderly; and individual and group counseling. For agencies located in neighborhoods with a high concentration of LEP and new immigrant families, their services should include referrals for ESL classes. Furthermore, they should offer classes on-site and workshops to educate new Latino immigrants about the expectations of parents in this country. This holistic approach is designed to keep families intact, and provide them with the nurturance they need to remain strong and healthy.

Culturally Based: Child welfare services must be administered in a culturally competent manner

Child welfare agencies must demonstrate an understanding and concern for Latino values, expectations, language and culture, including the distinct challenges experienced by new immigrant Latino families. It is important to consider that separating the child from their cultural background of origin can be disruptive to his/her psychosocial development. Language and culture must be included in every aspect of child welfare practice, research, and policy development in order to protect the rights of Latino children and families. The social work principle of working with people “where they are” cannot be implemented in the absence of bilingual and bicultural services.

Indigenous Leadership: Community-based organizations that are indigenous to and foster leadership from within Latino communities should be encouraged to deliver child welfare services

To ensure consistent and effective change and attention to Latino issues in research policy and practice, indigenous Latino leadership must be fostered. Community-based organizations and neighborhood-based agencies must incorporate into their programs leadership components to inspire and educate young Latinos. Recruitment efforts in high schools and colleges should attract greater numbers of Latinos into the child welfare arena to perpetuate a Latino perspective into this field. The lack of institutional infrastructure in the Latino community to deliver child welfare services is a critical obstacle that must be addressed in the immediate future to truly do a better job of protecting Latino children.⁹

⁸ Doug Nelson, President of the Annie E. Casey Foundation, addresses the need for a true community-based system of child welfare. His remarks on this important issue can be found at <http://www.chcfinc.org/dnspeech.htm>.

⁹ In California a state with a large Latino population as well as a sizable number of Latino children in child welfare, has only one bona fide Latino child welfare agency, the same holds true for New York City.

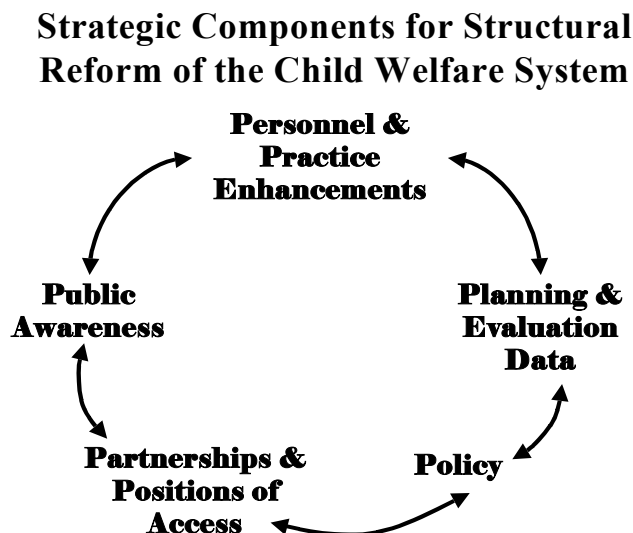
Community Development: Community development, not just services, should be the strategic objective of child welfare services

Implementing traditional service models in Latino communities is viewed as missing the opportunity to create real change. In fact, community development and sustainability is the best prevention strategy for family well-being in Latino communities. Capitalizing on the opportunities to connect to children and their families, any effort should have development and growth as its ultimate goal. Rather than being service “islands” in the middle of communities, community agencies are viewed as anchors helping to create an infrastructure of support for the families in that neighborhood. This strategy would be essential in creating preventive supports and a web of resources at the community level that would help families connect with each other and serve as a focal point for mobilization, networking and maximizing resources.

VII. A Strategic Agenda for Change: Creating a System of Supports

Building on the previous principles, conference participants identified a number of strategic approaches to address Latino child welfare concerns that were compiled as an agenda for change: *Creating a System of Support for Latino Families*. Participants agreed that a comprehensive approach that went beyond cultural competence and practice issues is necessary to create change effectively. Participants were also steadfast in their perspective that any change had to be systemic, had to address issues of race, class, and power, and had to be grounded in Latino cultural values.

In order to achieve systemic change in the child welfare system, Latinos must launch multi-faceted approaches to reform major institutions of child welfare. The scheme for reform can be conceptualized as “the five P’s”: 1) Personnel & Practice Enhancements; 2) Planning & Evaluation Data; 3) Policy; 4) Partnerships & Positions of Access; 5) Public Awareness.



Rather than conceptualized as separate areas, these five components are viewed as interconnected and mutually re-enforcing, in order to create a more responsive system for Latino children and their families. These five strategic components were outlined as the organizing elements for creating a system of support for Latino families, a Latino Child Welfare Agenda.

Personnel and Practice Enhancements: Recruit bilingual and culturally competent staff at every level of the field and implement services informed in a cultural manner that do not, by omission, discriminate against Latino families.

The quality of services provided to Latino families is affected by the efficacy of child welfare agencies' staff and programs. Conference participants found from their personal experiences that Latinos were more likely to participate in the programming and report a positive experience when bilingual workers were available. Latino families will be more likely to develop constructive relationships with staff if they feel better understood both linguistically and culturally. The cultural value of *personalismo* makes that connection between family and worker a key to successful participation and compliance.

Systems are made up of people and, as such, reflect the values and opinions of personnel responsible for managing and providing the services. The role of personnel in creating more culturally responsive organizations cannot be overlooked. In administrative and decision-making positions, bilingual/bicultural managers and staff can involve the Latino community in service planning and delivery to ensure that policies and procedures are responsive to the concerns of the Latino community. The group identified related issues that impact the outcomes of child welfare, such as health care, domestic violence, and substance abuse, as critical areas that need cultural and linguistic competency enhancements. In order to prevent the unnecessary removal of children from Latino families, professionals in these areas must be cognizant of cultural and linguistic considerations, not just child welfare regulations and protocol.

Having a stable bilingual workforce requires recruitment resources and strategies. Bilingual staff members often complain of having to do extra work and carry larger caseloads than non-bilingual staff. There is also a great need for pre-service training, in-service training and staff development. ASFA's concurrent planning procedure mandates caseworkers to plan for adoption and reunification simultaneously, yet the roles of foster care and the biological parents during this procedure are often unclear. According to the conference participants, this procedure has not been effective in many cases, as demonstrated in cases where the biological parents are afflicted by substance abuse. Caseworkers must be trained to place equal emphasis on reunification efforts, reinforcing the Latino value of family-centered child welfare.

Concrete Methods to Increase Diversity and Improve the Quality of Services

- Increase ranks of bilingual, bicultural social workers, attorneys, and other staff to work in child welfare through pay incentives and specialized training for existing and new staff
- Recruit in high schools and universities to bring Latino young people into the child welfare profession
- Highlight/compile information base of programs and practices that have achieved success working with Latino children and families (e.g., those emphasizing centrality of family; foster parents as “co-parents”; comprehensive, one-stop services)
- Develop practices and protocols that model the five guiding principles: 1) Family Centered; 2) Prevention Focused; 3) Indigenous Leadership; 4) Culturally Based; and 5) Community Development
- Clarify, in practice and procedures, the role and expectations of foster and biological parent(s) in the child welfare system that now mandates concurrent planning when children are in placement
- Develop checklist for agencies to reference in providing services to Latino families

Planning and Evaluation of Data: Collect accurate information that informs practice and policy decisions and advances a sound research agenda.

The conference participants recognized a need to increase research initiatives in an effort to collect meaningful data on the experience of Latino families, and specifically how they are affected by child welfare legislation and initiatives. In addition, research on the broader population must disaggregate Latino subgroups appropriately to reflect the various Latino ethnicities, especially those ethnicities that are over-represented in the child welfare system. Currently, the “other” category includes a wide variety of Latino and Latino subgroups not counted or considered in research questions and analyses, thus eliminating any real possibility to study these groups and their experience in the child welfare system.

Moreover, the lack of data with respect to Latinos keeps an unresponsive system unaccountable. Limited data make it difficult to provide evidence that can influence policy and program decisions. The new federal data collection initiatives (i.e. AFCARS and SACWIS¹⁰) are improvements at the national level. Although limited to administrative data, these databases can help in discerning differential patterns. However, since states collect the data, measures are needed to ensure the Latino population is accurately counted.

Under Title VI, agencies must be assessed for bilingual and bicultural competence to ensure they are equipped to provide quality services to Latino clients. Based on Title VI, the federal Burgos Consent Decree in Illinois was influential in creating awareness and better linguistic policies, in addition to increasing bilingual staff, bilingual resources and monitoring. The Burgos Consent Decree was the result of a class action lawsuit brought to the Illinois Department of Children and Families by Latino families. The plaintiffs in the case stated that Latino families were being denied benefits and subjected to discrimination on the basis of their national origin and race and sought out relief pursuant to Title VI of the Civil Rights Act of 1964 (Suleiman, *n.d.*).¹¹ While this approach is not utilized across the nation, it has great potential as a tool for structural reform to improve language access in other states. The conference participants recommended designing a “report card” for assessing cultural competence and language appropriate services. This report card could be incorporated in the standards for accreditation purposes, serve as a tool for capacity-building by providing benchmarks that could be used for agency planning, and be available (either online and/or in print) to a wide audience.

The group recommended compiling a database of various model programs that provide true preventive services focusing on keeping families well and intact. These programs would exhibit the holistic value of serving the entire family, emphasizing the centrality of the family, and providing comprehensive, “one-stop” services. Families, who are facing multiple problems need a variety of services that can address their multiple needs in a comprehensive manner. Services offered only to some members, such as childcare and after-school services, are not enough when a family needs supports to cope with other difficult issues.

¹⁰ Adoption and Foster Care Analysis and Reporting System (AFCARS), Statewide Automated Child Welfare Information System (SACWIS).

¹¹ Layla Suleiman, Ph.D. was appointed as the Court Monitor of the Burgos Consent Decree in 1995.

Expanding the Knowledge Base of Latinos in Child Welfare Through Research, Program Development, and Advocacy

- Increase descriptive and outcome research that focuses on Latino families, and research on the wider population that yields data that can be disaggregated appropriately by subgroups
- Create, complete, and disseminate a “Report Card” on services to Latino families that would serve as a quick way to assess agencies. The tool would include indicators related to culture, language and immigration and will gauge current capacity and help agencies plan for increased capacity
- Approach leaders in target agencies and research institutions to discuss a research agenda that assesses key issues affecting the Latino population within child welfare, such as substance abuse, mental health, domestic violence, and socioeconomic factors
- Seek funding for research on these key issues
- Create practice and outcome standards that accurately take into account language and culture
- Assess agencies on bilingual competency, as well as broader cultural competence factors

Policy: Institute culturally responsive policies that support Latino families and ensure equity for the Latino community.

Overall, conference participants recommended that Latinos be included in all child welfare policy discussions on the federal, state, and local levels. In order to obtain funding for research initiatives that emphasize Latino issues, professionals must advocate in various arenas, on advisory boards, boards of directors, and other groups to generate the interest of funders in this important area of study that tracks the fastest growing segment of the U.S. population.

Community leaders must engage in dialogue with child welfare professionals and community members in an effort to raise awareness on how legislation can potentially benefit or harm Latino children.¹² In this manner, government officials and agencies will be held accountable for government assurances and implementing their directives.

Latino agencies and mainstream child welfare agencies must establish partnerships and strategic alliances in order to maximize service potential. These collaborations will enhance the sharing of resources and skills, as Latino agencies can provide technical assistance in working with Latino families, and mainstream child welfare agencies can educate Latino community based organizations (CBO) about the child welfare system.

Latino child welfare professionals and CBOs are responsible for educating their constituencies about their civil rights regarding language accessibility under Title VI. In an effort to uphold accuracy and fairness in family court proceedings, legal professionals must also be educated on language accessibility rights under Title VI.

According to the conference participants, the time limits mandated by ASFA need to be reconsidered, because agencies still lack the cohesion needed to provide a comprehensive array of home, agency and/or school-based professional services. Known as wrap-around services, they offer an alternative model to respond comprehensively to a child or family's needs. A wrap-around plan may include a wide range of services from counseling to tutoring in an effort to provide the necessary supports to strengthen the family. This wrap-around plan would attempt to build on the strengths of families, their natural support systems, and community resources.

Finally, the group agreed that each state and region with a high concentration of Latinos should replicate this conference to increase knowledge and build partnerships around the pertinent issues affecting Latinos in child welfare. In order for Latinos to effectively influence child welfare, it must be done on national, state, and local levels where child welfare practice is played out.

¹² Many conference participants shared from their personal experiences of National policy forums (sponsored privately or by the government), where only one or no Latino child welfare leaders were present at these critical policy discussions.

Pathways to Increase Participation, Education, and Accountability

- Include families and youth who are recipients of services in policy discussions and policy-making processes, making inclusion a priority
- Assist Latino leaders and community members to become more aware of child welfare and related policies and use alternative policy options to help children and families.
- Advocate for increased accountability, holding government agencies accountable for government assurances and their directives
- Increase knowledge in the community about Title VI guidelines
- Develop Title VI protocols and create training programs for service providers
- Advocate for significantly increased investments in reunification and other services that value and strengthen families and communities
- Revisit time limits under the Adoption and Safe Families Act

Partnerships and Points of Access: Advocate for change, develop partnerships and increase access to leadership positions.

It is clear that to accomplish this agenda, partnerships with mainstream policy, research and advocacy institutions are essential. Some critical strategic alliances have been established, but they need to be nurtured and expanded to include clear policy targets. Furthering strategic partnerships with additional organizations is vital as it represents an important outpouring to bring attention to Latino Child Welfare issues and incorporate them more fully in related agendas dealing with children and families.

Just as important is gaining Latino access to leadership positions in policy, research, practice and funding. The ability to participate in high-level decision-making will help Latinos bring the issues relevant to their community into further discussion and hopefully increase awareness and understanding. Advocating for Latino representation in leadership positions is critical in moving the agenda forward.

Enlarging Our Scope of Influence Through Strategic Partnerships

- Identify and develop working relationships with existing leadership in child welfare research, practice and policy (e.g., in the research arena: DHHS, Child Welfare League of America, Children's Defense Fund, National Survey on Child and Adolescent Well-being, Child Trends, other public and private research centers)
- Increase Latino presence and leadership on Boards of Directors, advisory groups, etc. that design and implement research, practice and policy initiatives (given that the bulk of Latino children will be serviced by non-Latinos, they need to have Latinos on their Boards of Directors)
- Inform foundations and other institutions of the need for increased Latino representation on their boards and provide a listing of potential candidates
- Collaborate with Black Administrators in Child Welfare (BACW) to address issues of cultural competence with the Council on Accreditation
- Create local networks of resources in the service delivery system

Public Awareness: Make the plight of Latinos in child welfare visible and real to a wider audience.

By effectively engaging the media, the issues and concerns affecting Latinos in child welfare will become more visible, and potentially be more influential in the decision-making with policy-makers and elected officials. Because public opinion is shaped by the images and stories received from newspapers, broadcasts, and other serial publications, conference participants agreed to embark upon a rigorous campaign to make the plight of Latino children and families in child welfare known to a much wider audience. With respect to the Latino Child Welfare Agenda produced at this conference, the media is another channel, which can reach public and private foundations and institutes, further improving the means to create powerful partnerships. In addition, the participants believed they must hold their local and national media correspondents accountable for conscientious and responsible reporting of Latino issues, so as to reduce the amount of negative stereotypes.

Strategies to Promote Wider Public Discussion on Issues Relevant to Latino Families and Child Welfare

- Develop a media strategy to inform the broader community about key issues affecting Latino children and families and what can be done
- Replicate this conference in the five states with the highest Latino populations
- Develop and disseminate conference proceedings and conduct community forums on the issues discussed

Conclusion

This conference created an opportunity for leaders in child welfare to meet and articulate a Latino child welfare agenda that can provide a framework for reform on a national, state, and local level. Professionals from various regions of the United States were able to describe the effects of ASFA in their state and compare this to the condition of Latino families under the regulations of ASFA in other states.

Latinos face a great challenge in child welfare: breaking the institutional barriers that prevent Latinos from receiving quality services. The conference participants, on the whole, felt strongly about the adverse affects of ASFA on Latino families. The common direction of their recommendations is towards the creation of a community-based system of comprehensive preventive services to keep Latino families from entering the child welfare system in the first place. While portions of this report may seem to be a harsh indictment of the child welfare system, it is one borne out of the wisdom and experience of professionals with great knowledge and insight into this complex system.

Where do we go from here?

We, as professionals intimately connected to and dedicated to the child welfare system, must pursue the recommendations of this conference at the national, state, and local levels as part of our ongoing commitment to children and families. By incorporating this Latino Child Welfare Agenda into policy, practice development, and implementation, we can provide effective meaningful service to some of the nation's most marginalized families.

As researchers, policy-makers, practitioners, executives and administrators we owe it to Latino families and clients to pursue desired reform no matter how great the resistance or how little resources we have to further this effort. Each participant left with the commitment to continue the agenda of the conference in his or her individual state and help others to do the same in their respective states through networks that have been established. While this reform may seem modest compared to the advocacy efforts and abilities of other groups, it is a promising beginning for the Latino community.

This effort entails building bridges of understanding to temper the rising anti-immigrant sentiment while challenging institutions that promote "color-blind" approaches to social welfare policy that are indifferent to the unique needs of Latino families. We must engage people in every sector of society to seek the much-needed resources for this reform agenda both within the Latino community and from outside it.

As demonstrated by the enormous success of this conference, private foundations such as the David and Lucile Packard Foundation can make a difference by supporting initiatives targeted towards the well-being of the Latino community. As mentioned previously in this report, an integral component of this agenda involves other foundations and interested parties to continue their advocacy efforts and explore the public policy issues identified and articulated in this report.

This type of national dialogue, that emphasizes the issues affecting the Latino community, is unprecedented and for that we want to extend special thanks to the David and Lucile Packard Foundation. Through its progressive approach to grant making, this historic conference was made possible.

Appendix

List Of Conference Participants

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Consultant/Advocate/Educator
Martinez, CA

Armendariz, Jorge

Regional Vice-President of San
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Ontario, CA

Batista, Milagros

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Capello, Doris

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Kean University of New Jersey
Union, NJ

Gonzalez ACSW, Ada

Program Operations Administrator
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Program Operations Administrator
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Judge
NYC Criminal Court-Kings County
Brooklyn, NY

Medina, Luis

Executive Director
St. Christopher's Inc.
Dobbs Ferry, NY

Milord, Gloria

Therapeutic Foster Care Coordinator
Beech Acres
Cincinnati, OH

Montoya, Patricia

Senior Advisor/Consultant
Family Support America
Albuquerque, NM

Nazario, José

Consultant/ Chair
The Coalition for Hispanic Family Services
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Nieves, Ramon

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Ortega, Roberto, MSW, PhD

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The Village for Families and
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DePaul University
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Casey Family Services
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Puerto Rico

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Pre-Conference Questionnaire

Name: _____

Title: _____

Organization: _____

A

1. Are you a (Check one): Legal Service Provider Policy Analyst
 Researcher Advocate Social Service Provider Community Representative
 other (please specify) _____

2. How many years have you been involved with child welfare: (circle one)

a) 1-5 years b) 6-10 years c) 11-15 years d) 20 years or more

3. What is the nature of your involvement with child welfare?

B.

1. What do you feel are the relevant issues in the child welfare system that most affect Latino children and their families?

2. In order to improve services for Latino children, which of the following areas in the child welfare system need the most attention and improvements because of ASFA? Please pick three and explain why.

- preventive services
- child protective services
- foster care (including kinship care)
- adoption services
- post – adoption services
- family reunification services
- independent living services
- bilingual and bicultural services

3. In your opinion, how has the Adoption and Safe Families Act (ASFA) of 1997 affected the services you or your agency provides? How has ASFA affected Latino children and families?

4. Have you noted an increase or decrease in the amount of Latino children adopted as a result of ASFA?

5. What has been your experienced with the ASFA timetables in cases involving substance-abusing parents?

6. Does the current child welfare system provide adequate services to Spanish-speaking-only families?

7. How many child welfare cases, relating to Latino immigrant families have you been involved with? Please specify what concerns these cases raise with you.

8. Is there a specific issue you would like to see raised that was not covered in this questionnaire?

Post-Conference Questionnaire

Name: _____

Title: _____

Organization: _____

1. In your pre-conference questionnaire you ranked the following child welfare areas by priority. Has the conference experience altered your priorities?

- preventive services
- child protective services
- foster care (including kinship care)
- adoption services
- post – adoption services
- family reunification services
- independent living services
- bilingual and bicultural services

2. Has your pre-conference opinion of the impact of ASFA on the Latino community changed since attending the conference? If so, in what way? Please explain.

3. How will you use the information, knowledge or understanding gained from attending this conference in your home state? Please mention which home state you are from and explain how you will utilize what you learned.

4. Which part of the conference was of greatest value to you?

5. Do you have any recommendations for follow-up to this conference?

6. In what way would you improve the way the conference was conducted?

7. Rate the overall quality of today's training.

- Excellent Good Fair Poor

Additional Comments:

A Child Welfare Policy Overview

The Adoption and Safe Families Act of 1997

In 1997, the Adoption and Safe Families Act (ASFA) (P.L. 105-89) was enacted, amending the 1980 Adoption Assistance and Child Welfare Act, the nation's principal child welfare law. The new law emphasized safety and permanency for children who come to the attention of the child welfare system and faster decision-making to achieve the goals mandated by ASFA. The law specifies that a child's health and safety must be paramount in decision making; calls for permanency decisions in 12 rather than 18 months as allowed under prior law; and requires, with specified exceptions, the filing of termination of parental rights petitions for children who have been in care for a certain amount of time. ASFA also authorizes adoption incentive payments for states that increase their adoptions of foster children over a base year.

These child welfare policies have resulted in more rapid proceedings and in increases in adoptions. They also have resulted in growing concerns about moving too fast, inappropriately rushing decisions, and providing too little support to families all along the way, especially in light of the limited availability and accessibility of bilingual services. Many point to inadequate support for families of origin and kin with respect to reunification and placement options, as well as for foster and adoptive families who may be best able to provide for the child in the community and culture. Advocates, practitioners and researchers have drawn increased attention to the disproportionate and troubling impact of these policies and practices on ethnic and language minority communities whose children are disproportionately over-represented in the child welfare system. They also point to policy mandates that ignore and discount cultural differences and values in promoting safe and strong families.

The MultiEthnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996

The implementation of the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP) (P.L. 103-382), has elevated concerns about appropriate decision making for minority children in child welfare. MEPA, as amended, prohibits the consideration of race, color, or national origin in the placement of a child for adoption or into foster care, or in the opportunity for a person to become an adoptive or foster parent. The law does require diligent recruitment of potential foster and adoptive families that reflect the diversity of children needing homes, but it provides neither funding for recruitment nor penalties for inaction. At the same time, it does contain severe penalties for violation of the consideration provision.

The Reauthorization of the Promoting Safe and Stable Families Program

The Promoting Safe and Stable Families (PSSF) program,¹³ supporting services for families and children in child welfare, was reauthorized in January 2002, extending the program through 2006 and creating two new programs: a new state grant program to provide educational and training vouchers

PSSF is the renamed and revised Family Preservation and Support Services program, originally enacted in 1993- and amended in ASFA.

for youth who age out of foster care and a mentoring program for children with incarcerated parents. These programs were not funded for FY 2002. Overall funding for PSSF for 2002, initially proposed to expand by \$200 million in *mandatory funding*, became an authorization for \$200 million in additional ***discretionary funding*** and a final appropriation of \$70 million in new dollars.

Selected Federal Child Welfare and Related Initiatives: The 1990's to Present

Significant demographic and economic shifts and increasing devolution of decision making from the national to state and local levels marked the 1990s' landscape. Both Congress and the President proposed major child welfare initiatives. The following lists major legislation during that period.

- 1993 Family Preservation and Support Services Program enacted as Title IV-B, Subpart 2 of the Social Security Act, creating a new program with capped entitlement funding to serve children and families that come to the attention of the child welfare system
- 1994 Multiethnic Placement Act (MEPA, P.L. 103-382) enacted, prohibiting discrimination in foster and adoptive placements on the basis of race, color, or national origin and requiring recruitment of prospective foster and adoptive families that reflect the population of children in need of homes
- 1996 Welfare overhaul – Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104-193) enacted, eliminating the entitlement to public assistance and establishing the Temporary Assistance for Needy Families (TANF) program
- Child Abuse Prevention and Treatment Act (CAPTA) reauthorized, first enacted in 1974, CAPTA provides funds to states to improve their child protection systems, and supports research and innovation
- MEPA amended (P.L. 104-188) to eliminate any routine consideration of race in making placement decisions and to establish penalties for noncompliance
- 1997 Adoption and Safe Families Act enacted to improve safety and to expedite decision making about permanency; renamed and revised FPSS as Promoting Safe and Stable Families program
- State Child Health Insurance Program enacted (new Title XXI of the Social Security Act)
- 1999 Foster Care Independence Act (FCIA, P.L. 106-169) enacted
- 2001 Reauthorization of Promoting Safe and Stable Families program
- Reauthorization of the Elementary and Secondary Education Act (ESEA)
- 2002 Reauthorization of CAPTA expected
- TANF reauthorization anticipated
- Hearings under way to reauthorize the Individuals with Disabilities Education Act (IDEA)

Other issues:

Annual efforts continue to restore Social Services Block Grant (Title XX of the Social Security Act) funding, which remains far below its originally established level in 1981. Title XX funds support a variety of human service programs in local communities

Reauthorization of the Head Start program anticipated in FY 2003

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