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**LET'S GET FREE: FAMILY POLICING,
PRISON INDUSTRIAL COMPLEX ABOLITION,
AND TRANSCENDENT LOVE**

By
Emma Mei Li

**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT
OF THE DEGREE OF BACHELOR OF ARTS**

**PROFESSOR GOLUB
PROFESSOR SIRVENT**

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Introduction

My objective is to illuminate the painful, discriminatory, and avoidable effects of family separation underneath the American child welfare system and tradition of family policing. In this bureaucratically sprawling and interconnected system comprising of prisons, courts, social workers, and doctors, individual blame is assigned to parents, families, and communities facing long-running systemic problems. Family policing and the child welfare system have long been excluded from conventional discussions surrounding the harms of police and prisons. The everyday violence Black, Latinx, and low-income families face at the threat of/implementation of family separation - an immensely traumatic and agonizing process - must be understood through the lens of the US' genocidal practices toward Indigenous and Black communities, and the prioritization of economic growth over general well-being. Like the logic of prisons, the child welfare system addresses only the effects and not root causes of harm. Policing and family policing are one and the same, operating through the same cruel, destructive, and discriminatory apparatuses and logics.

Abolition of the prison industrial complex is a process that involves the dismantling of structures that are both internal and external. Abolition requires restructuring of the ways we relate to and support each other, to prevent interpersonal harm and deal with its aftermath. Abolition requires belief in each other, so that we do not rely on institutions that only serve to reproduce harm and inequality. One of the most important ways we can begin this extensive project is by rethinking what safety and welfare truly mean beyond the bounds of punishment and separation - and what families need to stay healthy and whole. We must examine the historic factors contributing to the stigma against families facing or experiencing separation and in particular conceptions that Black mothers are inherently less fit parents, and to meet the material needs of the families who as a result of these needs are the direct targets of family policing.

The Child 'Welfare' System?

Child Protective Services (CPS) is the most well known and aggressive arm of the child welfare system, undertaking the first point of contact of investigation and subsequent separation or punishment, but the totality of family policing extends far beyond one agency. Although it varies from state to state, it generally consists of departments and fields (health, welfare, social services), private entities (adoption agencies, victim's rights advocacy groups), and of law enforcement, courts, and prisons. Individuals also play a major role in family policing - teachers, healthcare workers, childcare providers, and other people who work with minors face legal consequences if they do not report suspected abuse or neglect. Non-mandatory reporters also play a role in family policing - just like calling 911, any concerned individual can call CPS on a family they may think needs support, but placing that call often results in punishment and separation, rather than meaningful help that improves the material conditions of affected families.

Many of the components of family policing have vested interests in family separation, punitive control, and individually blaming 'bad parents' for neglect rather than addressing the root causes of poverty. "At the same time that it is dismantling the social safety net, the government has intensified its coercive interventions in poor communities of color. The neoliberal regime does not unidimensionally

shrink government. It equally depends on the brutal containment of the nation's most disenfranchised groups".¹ These neoliberal policies and the practices of family policing inflict a double-ended punishment - essentially taking resources from families and then confiscating children because of the lack of said resources. To put it another way, from the start, the most marginalized families in this country have already been set up to fail.

The logical approach to the problems of the immense trauma of family separation, majority of foster care cases concerning neglect, and incredible ineffectiveness and expense of the child welfare system would be to prioritize family preservation and meeting family needs. Rather, federal spending has been funneled into foster parent incentive programs and other out-of-home programs. In the 1970s, child welfare authorities had direct incentives to keep children separated from their families - receiving federal reimbursements for out-of-home placements, but not for children remaining at home.²

"Child welfare policy became increasingly stingy and punitive – and the foster care population has skyrocketed – since the 1970s, as Black children composed a greater proportion of the caseloads [...] as the child welfare system began to serve fewer white children and more minority children, state and federal governments spent more money on out-of-home care and less on in-home services".³

This lack of regard toward family stability has continued into the 21st century. Child welfare policies are now more 'family-oriented', but often still lean toward adopting children out of foster care to new families rather than focusing on reunification with the child's original caregivers.⁴

In 2018, there were an estimated 437,283 children in the American foster care system.⁵ While only making up 14% of the child population, Black children represent 23% of the children in the foster care system.⁶ This does not include Black children who are not in the foster care system, but affected all the same by the pressure of family policing. Dorothy Roberts notes the "unmistakable color" of the child welfare system - Black families make up nearly all visitors to dependency court, where the fates of children and families are decided by judges.⁷ Here, we cannot separate the impact of the prison industrial complex from the effects of family policing on Black motherhood. In California, Black women make up 25.9% of the women prisoner population but 5.7% of the adult female population, and are incarcerated at a rate over five times higher than white women.⁸ Law enforcement deem Black women more disobedient and dangerous and are known to violently assault them even if they are pregnant.

¹ Roberts, Dorothy E. "Prison, Foster Care, and the Systemic Punishment of Black Mothers." *UCLA Law Review* 59, no. 6 (2012), 1478.

² Roberts, Dorothy. *Shattered Bonds: The Color Of Child Welfare*. New York, Basic Books, 2002, 105.

³ Roberts, Dorothy. "How the Child Welfare System Polices Black Mothers." *Unraveling Criminalizing Webs: Building Police-Free Futures*, no. 15.3 (2019).

⁴ Roberts, Dorothy. *Shattered Bonds*, 105.

⁵ Children's Bureau. "Foster Care Statistics 2018: Numbers and Trends." May 2020, 2.

⁶ "Child Population by Race." KIDS COUNT Data Center, September 2020, <https://datacenter.kidscount.org/data/tables/103-child-population-by-race>.

⁷ Roberts, Dorothy. *Shattered Bonds*, 6.

⁸ Public Policy Institute of California. "California's Prison Population." <https://www.ppica.org/publication/californias-prison-population/>.

Andrea Ritchie describes this disregard of life as directly linked to chattel slavery, contrasting this treatment with the value placed upon pregnant white women who are perceived as pure and fragile. “Black pregnant women were entitled to no protections except those required to protect slave owners’ “property” in the form of future Black children”.⁹ The implications of this are that Black mothers are understood as unworthy, unruly vessels, afforded little care or sympathy in the eyes of public policies and attitudes. These stereotypes manifest as cruel policies within the child welfare system that treat Black mothers with greater suspicion and place little emphasis on family unity. Ritchie writes:

In the 1980s the image of the “welfare queen” and “welfare mother” was added to the perceptions of Black women rooted in slavery, joining a toxic combination in which Black motherhood and Black children represent a deviant and fraudulent burden on the state that must be punished through heightened surveillance, sterilization, regulation, and punishment by state officials. The Black “welfare mother” is posited to give birth solely to increase the size of her check, only to neglect and abuse her children while spending money on extravagances for herself, all the while engaging in criminalized acts.¹⁰

This new conception coincided with the subsequent chipping away at social services available - situating Black mothers especially as responsible for their own poverty and eventually for the loss of their children to the child welfare system.

The vast majority of children in foster care are taken from their families due to neglect.¹¹ In California, the category of neglect plays a role in 75% of foster care cases¹², and in the US, 60% of children are involved with the child ‘welfare’ system solely due to neglect.¹³ Here, we must take into account how poverty factors into neglect and that poverty is disproportionately present in Black and other minority communities. “Even the psychological variables that are associated with child maltreatment—depression, low self-esteem, sense of powerlessness, general inadequacy, impulsivity, substance abuse—relate directly to ability to cope with poverty”.¹⁴ Poverty and the category of neglect do not necessarily equate to abuse - rather, they are the product of reforms and policies that prioritize property and economic growth over community well-being. (hi) “Rather than trying to prevent poverty and the many challenges associated with poverty, such as social isolation and lack of meaningful opportunities and support, we search for increasingly sophisticated evidence-based interventions to treat the trauma or ‘fix’ the symptoms arising from a family’s inability to meet their children’s fundamental needs”.¹⁵ Families separated due to neglect are in most cases therefore being re-punished for their own poverty, instead of receiving the material assistance necessary to survive.

⁹ Ritchie, Andrea J. *Invisible No More : Police Violence against Black Women and Women of Color*. Boston: Beacon Press, 2017,

¹⁰ Ritchie, Andrea J. *Invisible No More*.

¹¹ Department of Health and Human Services. “The AFCARS Report,” no. 26, 2019.

¹² “California Foster Care: Federal Fiscal Year 2015.” Child Trends, 2015.

¹³ Milner, Jerry, and David Kelly. “Time for The Child Welfare System to Stop Confusing Poverty With Neglect.” The Imprint, January 17, 2020.

¹⁴ Melton, Gary B. “Mandated Reporting: A Policy without Reason.” Child Abuse & Neglect 29, no. 1 (January 1, 2005): 9–18.

¹⁵ Milner, Jerry, and David Kelly. “Time for The Child Welfare System to Stop Confusing Poverty With Neglect.”

Heightened surveillance/scrutiny, a culture of blame especially targeting Black mothers, and the separation of families as a form of punishment do nothing to eliminate the root causes of most cases of ‘neglect’ and prevent future cases of so-called child abuse. “The state’s reliance on foster care as its main service to struggling families is also based on an inhumane neoliberal approach to caregiving, which relies on individual parents’ private resources and addresses economic deprivation with child removal rather than with material support and social change”.¹⁶ The child welfare system and especially the foster care system should be understood as a systemic attack upon Black/low-income families.

Much of the surveillance imposed upon these families is due to mandated reporting. A policy followed by healthcare workers, mental health specialists, teachers, and other professions in close contact with minors, mandated reporters are individuals required to report suspected instances of child abuse or neglect to law enforcement. This happens under the pretense of protecting children, but it in fact keeps families from getting the help they need, especially in the context of healthcare. Many reporters acknowledge their own discomfort - one study found common sentiments among family therapists include “CPS does more harm than good,” “the present system is not working for the benefit & protection of the child or for the rehabilitation or preservation of the family,” “they can’t deal with family/ethnic/cultural differences/history,” “they have no model for leading families to healing”.¹⁷ Therapists interviewed also expressed their discomfort reporting in some instances, knowing the effects reporting may have on families and that reporting may drive families away from receiving the support and/or health services they need.

Mandated reporting policies were hastily implemented by all 50 states on the basis of one pediatrician’s shaky research on ‘battered child syndrome’. The perceived severe child abuse that an entire industry has been founded in response to is in reality a vast misjudgement, as again, the majority of child abuse cases are of neglect. Strict policies such as mandated reporting, which is enforced through prison time and fines for those who do not report, are then enacted through an understanding of child abuse as something oversimplified, overexaggerated, and hyperindividualized.¹⁸ This un-nuanced understanding of and response to child abuse operates on the assumption that child abuse is always severe, violent, and an isolated act of wrongdoing that can be corrected through punishment and separation. The result is that a call to CPS, even if well-meaning, will always result in the social worker investigating alleged wrongdoing, with the possibility of incarceration, separation, and further instability. And with the majority of these cases involving neglect, nothing is done to guarantee the family’s integrity and material needs leading to most acts of ‘neglect’, which are nearly always assistance with childcare, housing, and transportation. “There is no logical relation between the problems presented and the response undertaken [...] The central tenets of US child protection policy have an enormously successful calamitous system that has neither a realistic scientific foundation nor well articulated normative underpinnings”.¹⁹

¹⁶ Roberts, Dorothy. “How the Child Welfare System Polices Black Mothers”.

¹⁷ Strozier, Melton, Rachel Brown, Martha Fennell, Jane Hardee, Robert Vogel, and Elizabeth Bizzell. “Experiences of Mandated Reporting among Family Therapists: A Qualitative Analysis.” *Contemporary Family Therapy* 27, no. 2 (2005), 198.

¹⁸ Melton, Gary B. “Mandated Reporting: A Policy without Reason.” 10.

¹⁹ Melton, Gary B. “Mandated Reporting: A Policy without Reason.” 12.

Non-mandatory reporters can too feel that they have a responsibility to children they perceive to be in danger. However, these instances of voluntary reporting are also not free from racial and economic biases. “Observers’ sense of risk to children is subjective and value-laden [...] The researchers found that the participants’ assessment of the potential risk to the child depended on their moral approval or disapproval of the reasons for the parental absences [...] These moral judgments are particularly harmful to families from disadvantaged and/ or culturally diverse backgrounds”.²⁰ The rampant anti-Blackness and classism found among many people who call the police is also found among people who call CPS. The faulty logic mandatory reporting is based upon and its reporters’ contradicting desires and results lay bare the harm of family policing - turning community members and doctors, teachers, and other service providers against parents and parents against them. Nothing within this cycle is in the best interest of children or families.

Keeping children and families healthy, happy, and safe is not a controversial topic. There is also near-universal understanding from both sides of the political spectrum that the child welfare system is slow, ineffective, and costly. However, the institutional mechanisms we have in place to deal with such abuse do not effectively address much of these problems, but rather exacerbate them by simultaneously doing little to reduce domestic violence and also acting out the excess harm of family separation. Like the prison system, the child welfare system purports to keep people safe. If we suppose this is true, it is vastly ineffective, as of the 33% adults who report having experienced violence at home, only 7.6 report having interacted with CPS.²¹

From the cases where CPS has intervened, we can see that making it more ‘effective’ will only heighten the violence inflicted upon Black and/or low-income populations. “Minority families, and Black families in particular, are less likely to receive in-home services meant to address underlying causes and prevent removal. Thus, the state is more likely to permit white children to remain with their families, and take Black children away from theirs when faced with similar allegations”.²² Black caregivers then can face harsher legal penalties, reproducing carceral violence they may already live under and making family reunification harder to obtain.

In this moment especially, as more people begin to acknowledge the violence of policing and the coronavirus pandemic inflicts immeasurable damage on millions’ health and livelihood, the necessity of building new/preserving existing networks of care and to end family policing should be clear. A federal judge’s May 5th decision potential reversal of a nationwide eviction moratorium will not only render more families homeless, but force children of low-income families into foster care and congregate settings where they will be at higher risk of being infected with coronavirus.²³ Low income/families of color are

²⁰ Raz, Mical. “Calling Child Protectives Services Is a Form of Community Policing That Should Be Used Appropriately: Time to Engage Mandatory Reporters as to the Harmful Effects of Unnecessary Reports.” *Children and Youth Services Review* 110 (March 1, 2020).

²¹ Bergen, Heather, and Salina Abji. “Facilitating the Carceral Pipeline: Social Work’s Role in Funneling Newcomer Children From the Child Protection System to Jail and Deportation.” *Affilia* 35, no. 1 (December 11, 2019).

²² Trivedi, Shanta. “The Harm of Child Removal.” *New York University Review of Law & Social Change* 43, no. 3 (2019), 536.

²³ Tiano, Sara. “Reversing Eviction Ban Could Land Kids in Foster Care.” *The Imprint*, May 7, 2021. <https://imprintnews.org/child-welfare-2/resuming-evictions-could-land-kids-in-foster-care-experts-say/5416>

especially vulnerable to the forces of family policing as economic instability threatens income and housing, and also as the shift of many court hearings (dependency and criminal alike) to online has created further economic barriers, delays in decisions/sentencing, and prolonging the time a family may spend separated.

Family separation is deeply traumatizing to both children and parents - children are given little to no explanation as to why they are suddenly in the care of (most likely) strangers, and parents are given the explanation that they are inadequate caregivers under a narrative of personal choice. Even as scholars, doctors, and specialists alike have called the child welfare system apartheid and compared it to the removal of children during chattel slavery and Indigenous displacement, perceptions that the child welfare system and family policing in general can bring more good than harm persevere.²⁴

Long-term, family separation, like other stressors, can lead to increased rates of depression, anxiety, and PTSD, and affect behavior and academic performance. The harm of separation often continues even after families have been reunited. [...] children in care are often frequently moved from home to home, leaving them in a constant state of uncertainty and affecting their ability to form positive attachments with their caretakers. Furthermore, children in institutions and foster homes are vulnerable to physical and sexual abuse by peers as well as adults. Thus, apart from extreme cases of imminent harm, children do best when supported to stay in their homes and communities.²⁵

In these less-common cases of imminent harm, action can be taken without isolating children from their communities - often, relatives are able, willing, and anxious to care for the children, understanding how traumatic foster care is. Minority children raised by foster parents who are often culturally insensitive and/or apathetic face cultural isolation and additional trauma as well - “removal from their communities is more devastating to their development and sense of self” and affects “their sense of identity and cultural belonging”.²⁶

The child welfare system both magnifies the problems that families (mostly low income and/or Black) face by destroying community ties, amplifying poverty and instilling the violence of policing and surveillance, all while simultaneously ignoring the suffering of and/or penalizing children and mothers for interpersonal violence. The answer is not to crack down harder on families experiencing violence, further punishing and traumatizing all members, including survivors, but to prioritize the material needs of such families and develop ways of supporting survivors without relying on policing, incarceration, and separation. We must take into account the white supremacist logic that inflicts disproportionate harm onto Black and minority children and caregivers and the necessity of preserving community and family relationships.

The American Legacy of Family Separation

²⁴ Trivedi, Shanta. “The Harm of Child Removal”, 534.

²⁵ Raz, Mical. “Calling Child Protective Services Is a Form of Community Policing”.

²⁶ Trivedi, Shanta. “The Harm of Child Removal.” 540.

It must be understood that the American economy is founded on an extensive history of family separation under the guise of public health, public safety, and now ‘child welfare’. Families of groups deemed undesirable by capitalist and/or white supremacist logics have long been subject to these violent separation policies. Family separation is ongoing and considered justified by the liberal frameworks we live under today which consider carceral violence to be fair punishment for systemic problems and lack of material resources. Black motherhood in particular continues to be pathologized, stripped of all worth, and endlessly re-punished due to violent slavery-era reasonings. Much family separation reinforces white supremacy and colonial celebration of the nuclear family and is founded upon desires to control, hide, and eliminate ‘dangerous populations’, obscured by the reasoning that Black, Indigenous, and other communities of color are simply bad parents.

The child welfare system and narrow focus on out-of-home placement and adoption have substantial connections to the American genocide of Indigenous peoples - namely, attempts to ‘assimilate’ Indigenous children via boarding schools and to crush major aspects of their identities, cultural practices, and communal strength. Despite policies explicitly purposed to keep Indigenous families together (the 1978 Indian Child Welfare Act,) Indigenous children continue to be separated from their communities already impaired by colonialism and are disproportionately represented in the foster care system by over two times their general population. “Native American families experience the highest rate of agency substantiation, followed by Black families, leading to court filings and the potential removal of these children”.²⁷ Margaret Jacobs describes Indigenous family separation as reaching “epidemic proportions” as families’ futures remained “at the mercy of non-Indian social workers and judges” of who “seemed to assume that Indian people were inherently unfit to raise their children”.²⁸ While later absorbed into the framework of ‘keeping children safe’ under the child welfare system, the separation of Indigenous children from their families was an essential component of the American settler-colonial project under the “logic of elimination”. Jacobs describes the liberalization of family separation: “Thus, a practice linked to genocide could become accepted and even lionized as a gesture of liberal beneficence”.²⁹

Similarly, to function, American chattel slavery required the auctioning off of and subsequent separation of countless Black families, their grief and loss mostly documented in the archive only via financial records listing prices and profits. Sasha Turner writes: “Narratives of motherhood among enslaved women are frozen in a ‘heroic pose,’ and the quest to capture the s/hero’s ‘unbending defiance’ sidelines the complexities and vulnerabilities of enslaved subjects. Stories of enslaved mothers’ negative emotional responses to sacrificing the self for the sake of children can destabilize the mother-worker-warrior image cultivated in the literature”.³⁰

Black mothers, who again are the caregivers most directly subject to the child welfare system’s violence, remain stripped of vulnerability and the possibility of victimhood as their families continue to be separated. “Strong Black woman” tropes, often used to negate Black pain in medical contexts and beyond, are also deployed as agents within the child welfare system deem ‘unfit’ Black mothers unruly,

²⁷ Trivedi, Shanta. “The Harm of Child Removal.” 539.

²⁸ Alexander Laban, Hinton, Woolford Andrew, et al. *Colonial Genocide in Indigenous North America*. Duke University Press, 2014, 189.

²⁹ Alexander Laban, Hinton, Woolford Andrew, et al. *Colonial Genocide in Indigenous North America*, 190.

³⁰ Turner, Sasha. “The Nameless and the Forgotten: Maternal Grief, Sacred Protection, and the Archive of Slavery.” *Slavery & Abolition* 38, no. 2 (April 3, 2017), 234.

uncaring, and prone to violence. When their children are taken away from them, Black women are denied the ability to express their pain and grief as the ultimate shame is cast upon them - to be a bad mother.

Black and Indigenous communities are the most direct targets of the child welfare system, but all people who care about the well-being of children, families, and communities should be invested in ending family policing. White children are the largest population in the foster care system at 44% as of 2018, although they are slightly underrepresented, as white children make up 50% of the child population. Chinese and Filipino laborers, imported in the 19th and early 20th century due to the void of low-cost labor after the formal end of slavery, were denied life with their families under strict immigration laws, racial codes, and agricultural company housing policies. As are thousands of immigrant families today, separated and blamed for ‘breaking the law’ rather than supported in any way. Andrea Ritchie describes the pathologization of all mothers who are not considered white - their reproduction is “rendered a threat” with an ulterior motive - ‘anchor babies’, ‘barbarism’, or ‘terrorism’ - and their bodies deemed deportable and valueless.³¹ Multiple major economic structures depended upon controlling the movement, separation, and agency of families, particularly for enslaved people, immigrants, and Indigenous people.

It is not only Black and Indigenous families that have been targeted by the state - as the scope and technology of policing and surveillance has increased over the decades, so has the surface-level logic of family separation. Family separation continues to serve the role of diminishing the power and strength of Black, Indigenous, and communities of color, exerting social control over the US’ most historically demonized populations. However, the liberal logic family separation now occurs under means no family is immune from the violence of family policing and permanent separation.

It is worth questioning why people invoke incarcerated children and separated families at the US-Mexico border to garner (justified) outrage toward ICE’s policies, but do not question ongoing state-sanctioned family separation policies that have targeted Black families for decades. It is also worth thinking about why, after the mass racial justice protests in the wake of George Floyd’s murder, people have called for moving police funding toward social workers, when they often are the agents actualizing family separation. One of the answers is the deep-standing belief that Black women and women of color are less fit mothers, and for Black women in particular, that they have a higher pain tolerance and therefore are more capable of enduring the emotional agony that is family separation.

Another is the hyper individualized framework of blame upholding the principles of policing that many liberals and anti-police activists still hold. “In the context of neoliberalization of social services such as child protection services, carceral logics are used to obscure the structural violence of state retrenchment of social supports, in effect scapegoating marginalized groups as the cause of social problems in ways that reinforce ongoing histories of settler colonialism, white supremacy, and heteronormative patriarchal oppressions”.³² Family policing does not have its basis in the best interest of families. Nor does it truly protect the welfare of children. It is another intervention into the lives of

³¹ Ritchie, Andrea J. *Invisible No More*.

³² Bergen, Heather, and Salina Abji. “Facilitating the Carceral Pipeline”, 35.

already-disenfranchised communities to enforce social control over Black and low-income communities at a time when “imprisonment functions as the default solution”.³³

Prison industrial complex abolition and family policing abolition require us to acknowledge that we are all capable of harm, that survivors too can abuse, and that violence and separation do not facilitate healing. Understanding the harm that the child welfare system can inflict is already a given for Black and/or low-income communities of color. Belief in a safer world beyond prisons and family policing is not a new idea, but a result of the organizing and work of Black activists and scholars such as Dorothy Roberts, whose writings on family policing I draw heavily from. If social workers are already the first point of contact for many families into the family policing system, defunding the police and funneling that money toward social workers is yet another of the endless reforms that do not attack the basis of much of the problems these families face already - racial capitalism, colonial genocide, and fundamental distrust in our most marginalized communities to care for their own children. The neoliberal logic family policing now happens under means that family separation of majority Black, Indigenous, and communities of color is legitimized, as is the weakening of their cultural identities and practices. The reasoning has changed, but the violent results remain the same, and the insidiousness of family policing reform means that abolition of the prison industrial complex - including family policing and the child welfare system - are the only way to envision safe, healthy, and unified futures for all families within the United States.

The Cyclical Violence of Family Policing

To fully grasp the effects of the child welfare system, we must understand family policing as part of a larger system of cyclical violence against Black families and Black women in particular. Policing and prisons, surveillance, foster care, and juvenile detention work in tandem to terrorize Black people at all stages of life - even before they are born. In California, racial disparities within the foster care system are especially egregious - the rate of Black children in foster care is four times higher than the percentage at which Black children make up California’s child population.³⁴ Many children are introduced to the foster care system when one or more of their caretakers is incarcerated and subsequently become incarcerated themselves, either in juvenile detention or tried as adults. Black children growing up in the child welfare system, especially girls, are more likely to be viewed as deviant or unruly for ‘acting out’ and sent to juvenile detention centers, producing “an astounding level of state supervision of Black children”.³⁵ According to a Corona-based nonprofit, half of all youth aging out of foster care do so without a place to live, and nearly a third of unhoused people have spent time in foster care. Over 70% of people in state prisons have spent time in foster care, and parents who have spent time in foster care are nearly two times more likely to have their children brought up in foster care as well.³⁶ The foster care to prison pipeline in conjunction with the prison to kids-in-foster-care-pipeline creates a vicious cycle, denying Black communities the possibility of wholeness or healing.

³³ Davis, Angela Y., and Cassandra Shaylor. “Race, Gender, and the Prison Industrial Complex: California and Beyond.” *Meridians* 2, no. 1 (2001), 2.

³⁴ Department of Health and Human Services. “The AFCARS Report.”

³⁵ Roberts, Dorothy. *Shattered Bonds*, 200.

³⁶ Inspire Life Skills Training. “The Problem.” <https://inspirelifefskills.org/the-problem/>.

Pregnant women joining programs for prenatal care and help for pressing difficulties such as domestic violence and/or substance addiction often have their newborns confiscated and placed in foster care. Instead of supporting these mothers as they get the help they believe they need to create safe and healthy spaces for their children, they are placed under heightened scrutiny, charged with child endangerment, and separated from their newborns.³⁷ “Newborns are often removed by child protective agencies without regard for the fact that they suffer significant negative effects when taken from their parents, and especially when taken from their mothers [...] physical contact and proximity to their parents is therefore crucial for infants”.³⁸ Women then can be and are punished for having their children taken from them, which is often due to substance use or experiencing domestic violence and/or poverty. Dorothy Roberts notes the significant overlap between the child welfare system and the prison industrial complex: “About one-third of women in prison are black and most were the primary caretakers of their children. About one-third of children in foster care are black, and most have been removed from black mothers who are their primary caretakers [...] I argue that this statistical overlap is evidence of a form of punitive governance that perpetuates social inequality”.³⁹

Only 16 years old, Ma’khia Bryant was murdered by Columbus police less than a month ago, living in her fifth foster home in two years. She and her 14 year old sister were taken from their mother after she was charged as negligent, and were instead living in a strange home after their grandmother lost custody of Makhia and her sister due to an eviction.⁴⁰ Ma’khia’s death should be understood as a result of the violence of family policing, not because of the individual choices of one officer, or of her mother. Neither the child welfare system nor the police provided any kind of relief, safety, or resources for Makhia and her sister, denied the ability to live with a family member capable of loving and caring for them. Would their family be whole today if their grandmother was provided with the same amount of aid that nonrelative foster parents are? If kinship care was valued and cherished, instead of believing that strangers make better caregivers than one’s own community members?

Considering the US government’s process of cutting social programs and other safety nets while cracking down on crime with harsher sentencings and heightened policing - combined with the treatment of Black mothers and youth as unruly or deviant - it becomes clear that family policing is but one arm of a systemic attack on Black Americans that denies them the possibility of family, community, healing, and the ability to thrive. Heightened policing and the dismantling of social safety nets does not allow families, children, and communities the space to thrive and grow. Family policing contributes to a cycle of violence that re-punishes people for their class status, for being domestic violence survivors, for growing up in unstable homes, and for past interactions with the prison industrial complex. The effects of family policing are intergenerational and much of their basis is in to Indigenous genocide, chattel slavery, and white supremacist assimilationist desires. To break this cycle of violence, we do not need to develop a more effective way to re-punish people for experiencing and/or committing harm, but to address the causes of violence and poverty. Calls for prison industrial complex abolition must include the harms of family policing in their analysis as we strive for a more compassionate, caring, and equitable world.

³⁷ Roberts, Dorothy. *Shattered Bonds*, 4.

³⁸ Trivedi, Shanta. “The Harm of Child Removal”, 529.

³⁹ Roberts, Dorothy E. “Prison, Foster Care, and the Systemic Punishment of Black Mothers”, 1477.

⁴⁰ Bogel-Burroughs, Nicholas, Ellen Barry, and Will Wright. “Ma’Khia Bryant’s Journey Through Foster Care Ended With an Officer’s Bullet.” *The New York Times*, May 8, 2021, sec. U.S.

The Family Reunification, Equity, and Empowerment (FREE) Project

The Family, Reunification, Equity, and Empowerment (FREE) Project, based in Southern California, is one of few programs offering unconditional support for parents and family members. It is organized by parents who themselves are familiar with policing, the court system, and child welfare cases. FREE Project organizers and parents meet every Friday to discuss best practices for family reunification, including writing social biographies, offering material resources like housing and food, and advice on understanding and navigating the complex court process. FREE is a project of Starting Over, Inc., also led by system-impacted individuals, which provides formerly incarcerated people with housing, peer support, and other services. FREE and Starting Over build movement power by providing families and community members with material support, as well as guidance and a sense of community, as they confront the violence of the child welfare system and prison industrial complex.

Support spaces like for families like this are essential to building healthier, safer, and more empowered families and communities, without falling back onto neoliberal productivity and individual blame logics. The FREE Project comes from a place of understanding that is hard to find in many places for system-impacted parents and family members to find. The specific stigma that family policing impacted parents and Black mothers in particular face finds a rare judgement-free reprieve led by other parents who are system-impacted themselves. It is made clear from attending FREE's weekly meetings that there is an immense amount of surveillance and pressure upon these parents, who not only are rendered heartbroken by the state's taking of their children, but also must police their own behavior online and even sever ties with friends and family members deemed negative influences.

These weekly meetings utilize Silicon Valley De-Bug's participatory defense community organizing model, empowering those affected by family policing to rally together on behalf of their loved ones in the face of a taxing and normally extremely isolating court process. Instead of prioritizing the cruel, unproductive model of blame and suspicion employed by the child welfare system, FREE centers family reunification - specifically, for parents and family members who face barriers to reunification due to past convictions. During FREE's weekly meetings, parents and family members create social biographies and compile letters, videos, certificates, and other resources for usage in dependency court. Parents also participate in policy advocacy projects, providing input and attending meetings/facilitating outreach for legislation that reduces the harm of family policing.

Of the staggering number of children experiencing family disruption and separation, only 32% were placed in homes with relatives - the rest sent to live with strangers, in group homes, and institutions.⁴¹ "Doctors say family separation yields "catastrophic" results, with the trauma of being taken from one's parents having long-term effects on children's brains. Over 13,000 mental health professionals signed a petition which states that "[to pretend that separated children do not grow up with the shrapnel of this traumatic experience embedded in their minds is to disregard everything we know about child development, the brain, and trauma".⁴²

⁴¹ Department of Health and Human Services. "The AFCARS Report".

⁴² Trivedi, Shanta. "The Harm of Child Removal", 525.

It is only within the last decade that many child welfare agencies have adopted the language of family wholeness, but foster and adoptive families still take precedence over children's kin. FREE's work to uphold the importance of kinship care undermines decades-long attacks on the family, in particular those which are Black and Indigenous. One of FREE's current California bills makes more family members eligible to be children's caregivers who are separated from their parents by making more past convictions exemptible. Kinship care has demonstrably better effects on children who are removed from their parents, and extended family members often are re-punished for past convictions and rendered unqualified to care for their family members sent to live with strangers.

Abolition and Transcendent Love

The long-existing calls for decreased policing have been largely expanded by intensive organizing and thousands of protests in the wake of George Floyd's murder in May 2020. However, some emerging anti-policing analyses have excluded family policing and the role of social workers, courts, and healthcare workers in their analysis of systemic harm. Family separation is rampant, legal, and ongoing within the United States, and has immeasurable harmful impacts on the marginalized groups most targeted by the child welfare system.

The disproportionate and excessive removals of children in minority groups lead to problems not just for individual families, but also for the entire community. As Professor Dorothy Roberts has argued, "Family and community disintegration weakens [B]lacks' collective ability to overcome institutionalized discrimination and work toward greater political and economic strength." Thus, continued targeted destruction of minority families leads to the devastation of the larger community, which, in turn, has long-term consequences for the children of those communities.⁴³

The child welfare system sets children and subsequently their children and their children's children up to fail, in particular Black and Indigenous families. It encourages community members to view each other with suspicion and apathy, blaming one another for living in a political landscape which does not value the integrity of community and kinship relations, especially those of poor families and families of color. Attacks on family unity are attacks on entire communities - they diminish organizing power, cultural identity, and everything it means to be human. There are far better ways to support each other than to increase surveillance and carceral violence and to cut back on social programs. The cycle of violence family policing produces must be broken by addressing the discriminatory attitudes taken toward families experiencing separation and by addressing the material conditions that cause poverty, violence, and mass incarceration.

The child welfare system is already inadequate at addressing harm and interpersonal violence. It reproduces the very harm it purports to protect children from - punishing women for being abused, penalizing parents for being low-income, for mental illness and addiction, re-punishing parents after time already served in the prison system. When interpersonal harm does happen, transformative justice models that center survivors and the prevention of further harm are what will effectively address it, rather than a

⁴³ Trivedi, Shanta. "The Harm of Child Removal." 541.

cycle of punishment and carceral violence. “Doesn’t it follow that we shouldn’t only support people who have survived abuse but should also support people in learning how not to abuse? When we are able to admit that the capacity to harm lies within ourselves—within us all—we become capable of radically transforming the conversation around abuse and rape culture”.⁴⁴ We can acknowledge harm through methods other than alienation, separation, and imprisonment.

In neighborhoods in which children are protected, there is friendship among neighbors, watchfulness for each other's families, physical safety of the environment, common knowledge of community resources, visible leadership, and, perhaps most critically, a sense of “belonging,” ownership, and collective responsibility.⁴⁵

A deeper, more transcendent love is born in communities that rely on each other to uplift each other and keep each other safe, rather than calling the police or CPS in the belief that punitive measures or family separation will prevent further harm. Transcendent love can be found not only between children and the caregivers they have grown up loving, but also within communities that prioritize strength of relationships and do not rely on carceral violence and the neoliberal extension of blame. Transcendent love is what is found when communities are whole, healthy, and conscious of their collective history, identities, and power. Transcendent love is what is built when people recognize their care for and connections between each other. Transcendent love is when communities can contain multiple intact generations free from incarceration and premature death inflicted by the state. It is recognizing that children do better within their communities and with their families, not strangers who are ‘more capable’ of raising them, and allowing these support structures to survive and thrive.

Prison industrial complex abolition, including the abolition of family policing, and the implementation of transformative justice strategies are the answer to the centuries of violence of prisons and policing that the American settler colonial project has so depended on to diminish the collective power of Black, Indigenous, and low income/communities of color. Adrienne Maree Brown’s conclusion to *Beyond Survival*, a roadmap to transformative justice, encapsulates the love and pain driving the obligation we have to this complicated and invaluable project.

Finally, we became tired of the slaughter, tired of the taste of each other’s shame [...]

We survive, we learn, we have agency about our next steps.

We rise to great kindness, great bravery, rooted in lineage and dream [...]

We surrendered to how deeply we need each other.

All of us matter, to ourselves, to each other.⁴⁶

⁴⁴ Dixon, Ejeris, ed. *Beyond Survival : Strategies and Stories from the Transformative Justice Movement*. Chico, California: AJ Press, 2020, 112.

⁴⁵ Melton, Gary. “Mandated reporting: a policy without reason”, 11.

⁴⁶ Dixon, Ejeris, ed. *Beyond Survival*, 517.

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