



Child Welfare in New Mexico

The New Mexico Race Matters Coalition works to eliminate structural racism so all New Mexico children may reach their full potential.

New Mexico is a minority/majority multicultural state where 67% of the children are racial minorities: 51% are Hispanic, 12% are Native American, 2% are African American and 2% are Asian, while only 33% are white non-Hispanic. Despite their high numbers, children of color in New Mexico tend not to fare as well as their white counterparts due to the numerous disparities they face.

Disparities are often created and maintained both intentionally and inadvertently through policies and practices that contain barriers to opportunities. We call this structural racism. Structural racism is evident in New Mexico as unequal outcomes in the health, success and wellness of children of color. Because of its negative impacts on behavioral health across generations and along the life span, structural racism should be eliminated in New Mexico.

National Data:

- In most states, African-American children are over-represented in the child-welfare system at rates from one and a half to nearly four times higher than they should be given their proportion in the general population. Nationally, African Americans and Native Americans are about three times more likely to be in the child welfare system than non-Hispanic whites. Latino children are over-represented in foster care in selected states and cities. In states with large Native-American populations, Native children are disproportionately represented, comprising between 15% and 65% of the foster care population.¹
- Children of color enter foster care at higher rates, even when they and their families have the same characteristics as comparable white children and families. They remain in foster care for longer periods of time than white children, with a median stay of 17 months for African-American children versus 9 months for white children. Longer stays in foster care by children of color contribute to racial disproportionality in the system in any given year. Families of color receive fewer services and have less contact with child welfare staff members than do white families. Children of color experience lower reunification rates than white children.²
- A study by researchers at The Children's Hospital of Philadelphia found that when doctors examined children, "toddlers with accidental injuries were over five times more likely to be evaluated for child abuse, and over three times more likely to be reported to child protective services if they were African American or Latino."³
- A study of decisions to "substantiate" allegations of maltreatment after they are reported found that caseworkers were more likely to substantiate allegations of neglect against Black and Latino families, and the only variable that could explain the discrepancy was race.⁴

More National Data can be found at:

- The Child Welfare League of America www.cwla.org;
- The U.S. Department of Health and Human Services Administration for Children and Families www.acf.hhs.gov, including information on The Multiethnic Placement Act of 1994;
- The Child Welfare Information Gateway www.childwelfare.gov;
- Adoption and Foster Care Analysis and Reporting System (AFCARS) of the National Data Archive on Child Abuse and Neglect http://www.ndacan.cornell.edu/NDACAN/Datasets/Abstracts/DatasetAbstract_AFCARS_General.html

New Mexico Data:

- While Black children comprise 1.8% of all children in New Mexico, they made up 4.6% of those in foster care and 5.7% of those children waiting to be adopted in 2005.⁵
- While Hispanic children comprise 51.8% of all children in New Mexico, they made up 55.4% of those in foster care in 2005.⁶
- Meanwhile, white non-Hispanic children comprise 31.3% of all children in New Mexico, but were only 29.1% of those in foster care in 2005.⁷

Foster Care and Race: A Personal Story

A child welfare case manager tells this story:

Tracy, an African-American girl, was 11 years old when she was introduced to New Mexico's child welfare system. Tracy's mother is also African-American and is disabled due to serious heart problems. Because of her mother's illness, Tracy helped take care of her two-year-old sister while maintaining a 4.0 grade point average in school. Then about two years ago, during the frustration of doing homework, Tracy called her mother an obscene name. Tracy's mother slapped her and Tracy began yelling and causing a scene outside their apartment complex. Someone called the police, who responded to the scene 45 minutes later, by which time Tracy was calm and the family was eating dinner. The police came into the apartment and began questioning Tracy's mother. She told the police the truth and they immediately had Tracy taken into custody. This was the first time she had been removed from her home.

The state placed Tracy in a temporary foster home in Rio Rancho with a Caucasian woman and was unable to see her mother and baby sister for six weeks. During this time, Tracy's foster mother neglected to maintain Tracy's hair because she was unfamiliar with the special needs of African-American hair. When Tracy and her family saw each other at a treatment foster care center, Tracy's mother expressed concern about her daughter's appearance. Due to the lack of care, a large amount of Tracy's hair had broken off. The social worker indicated that there was nothing that could be done about it at that time. When it was time for the family to leave, Tracy and her sister cried hysterically. From then on they would only be able to see each other once every other week.

After six months, Tracy was allowed to come home for temporary visits. The caseworker would bring her home to spend two hours with her family. Eventually, the state decided that Tracy could come home but that the state would retain temporary custody. Tracy and her family followed the state's protocols, which meant completing all the programs recommended by the state under the supervision of the social worker. The social worker was a large white male, and Tracy felt very threatened by him and had a hard time obeying him. As a case manager, I witnessed the social worker speaking down to the family.

Tracy had been home for two weeks when she had another altercation. The kids at her school were making fun of her hair and Tracy and a Caucasian 12-year-old female got into a physical altercation. The social worker came the school and placed Tracy back in foster care. This time she was placed in a group home where she learned several bad habits such as shoplifting and became progressively more violent. Tracy's family continued to visit her twice a week even though the city bus schedule made such visits very challenging. This cycle continued for the next two years and then the state took permanent custody of Tracy. Tracy remains in the foster care system and to this day she has not been adopted.

Policy Success: The Indian Child Welfare Act

The Indian Child Welfare Act (ICWA) is a federal law that regulates placement proceedings involving Indian children. If a child is a member of a tribe or eligible for membership in a tribe, the family has the right to protection under the ICWA. These rights apply to any child protective case, adoption, guardianships, termination of parental rights action, runaway/truancy matter, or voluntary placement of children. The ICWA was created in 1978 by the federal government in order to re-establish tribal authority over the adoption of Native-American children. The goal of the act was to strengthen and preserve Native-American families and their culture.

Before the ICWA was passed, a very high percentage of Indian families were broken up because non-tribal agencies removed children from their homes. One reason for the high removal rate was that state officials did not understand or accept Indian culture. Today, the ICWA sets minimum standards for the removal of Indian children from their homes. The ICWA requires that placement cases involving Indian children be heard in tribal

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courts if possible, and permits a child's tribe to be involved in state court proceedings. It requires testimony from expert witnesses who are familiar with Indian culture before a child can be removed from his or her home. If a child is removed, either for foster care or adoption, the law requires that Indian children be placed with extended family members, other tribal members, or other Indian families. (Wabanaki Legal News- Online <http://www.ptla.org/wabanaki/icwa.htm>)

Recommendations:

- Cultural sensitivity training for service providers, case workers, social workers, law enforcement and foster parents to better meet the needs of children of color and reduce the unnecessary removal of children from their homes and their involvement in the protective services system.
- Just as federal policy mandates the reduction of disproportionate minority confinement in the juvenile justice system, so should the child welfare system. This would require the compilation and tracking of racial disparity data at all key decision points in order to set benchmarks, develop practice strategies, monitor progress and ensure racially equitable treatment and outcomes.⁸
- The adoption of specific practices such as community partnerships, family group decision-making, and structured decision-making can minimize bias where discretion exists. Other promising practice strategies include subsidized guardianships for relative care and greater access, incentives and resources for home-based services.⁹
- Make the placement preferences in the Indian Child Welfare Act of 1978 apply to all children and all ethnicities, to ensure cultural preservation and appropriate care for every child.
- At the federal level, shift the focus to prevention and family support services (such as the Families & Schools Together program) instead of early intervention, to keep families intact and keep children out of protective services.

Endnotes

¹("Unequal Opportunity within the Child Welfare System," Race Matters Tool Kit, Annie E. Casey Foundation, 2006)

²(Ibid)

³(www.nccpr.org/newsissues/7.html)

⁴(Ibid)

⁵(New Mexico Child Welfare Outcomes 2004-2005, Annual Report to Congress)

⁶(Ibid)

⁷(Ibid)

⁸("Unequal Opportunity within the Child Welfare System," Race Matters Tool Kit, Annie E. Casey Foundation, 2006)

⁹(Ibid)

This fact sheet was developed by members of the New Mexico Race Matters Coalition. The New Mexico Race Matters Initiative is funded in part by the Annie E. Casey Foundation and the New Mexico Children, Youth and Families Department (CYFD). This fact sheet, as well as others, is available online at www.nmvoices.org.

