

Ms. Brooks asked me to elaborate on a point in my spoken testimony in which I said:

Even worse, as other states are at last starting to come to grips with child welfare's ugly legacy of racial and class bias, this commission is seriously considering making it even easier to confuse poverty with neglect.

As I said, the process is just beginning, but a few states have bills pending that would narrow definitions of neglect and, in some cases, bolster due process protections for families. There is a similar bill in Congress. Bills in at least two states specifically target racial bias.

This bill passed the Texas House of Representatives almost unanimously – with three Democrats as cosponsors: <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00567L.pdf#navpanes=0>

A similar bill is pending in Nevada: <https://www.reviewjournal.com/opinion/nevada-views-dont-criminalize-kids-independence-2285662/>

Also Colorado: https://coloradosun.com/2020/02/12/child-abuse-neglect-politics-buckner-ransom-opinion/?utm_source=The+Colorado+Sun&utm_campaign=5dfbc7ffad-Sun-Up&utm_medium=email&utm_term=0_2e5f9a0f1b-5dfbc7ffad-66385373&mc_cid=5dfbc7ffad&mc_eid=c76e97a29b

And Oklahoma, where supporters have made an explicit link to curbing the confusion of poverty with neglect. https://www.enidnews.com/oklahoma/editorial-a-first-step/article_c7034f14-9243-11eb-9c11-23c76819860b.html?utm_medium=email&utm_source=govdelivery

In Congress, Democratic Rep. Gwen Moore has sponsored the Poverty is Not Child Neglect Act: <https://gwenmoore.house.gov/news/documentsingle.aspx?DocumentID=4711>

Diane Redleaf, co-founder of United Family Advocates and a longtime family defender, can provide more information on each of these bills. I'd be glad to provide contact information.

In addition: The Minnesota Legislature is considering the African American Family Preservation Act <https://www.house.leg.state.mn.us/members/profile/news/15551/31423>

And New Mexico is considering enacting its own state version of the Indian Child Welfare Act – with the support of that state's equivalent of DCF: https://navajotimes.com/ae/culture/leaving-no-native-child-behind-state-proposal-strengthens-indian-child-welfare-act/?utm_medium=email&utm_source=govdelivery

I have contacts who are familiar with the bills in each state if you'd like to know more.

What is crucial here, and the reason I raised this in my testimony, is the direction in which all these states are just beginning to move, and the stark contrast with Massachusetts.

I would never presume to know what's happening in every state, but I am aware of no state – other than Massachusetts – where there are proposals to make it easier to confuse poverty with neglect.

And no, the fact that this would be a new definition especially for mandated reporters does not mitigate the harm. The message of your proposal is that it's right and proper to refer someone to an agency that can take their children just because those children are poor. See a child who seems hungry? Call DCF! Dirty clothes? Call DCF! Worried about the condition of the house where the child lives, Call DCF! That's what this commission is proposing. As I said in my written testimony, that is obscene.

In 2021, with all we've learned about racial justice, class bias and policing, I can't imagine anyone suggesting that as soon as certain professionals have a "gut feeling" about a Black man walking through a white neighborhood, they should be required to call 911. Similarly, neither a gut feeling nor the simple fact that a family is poor should ever be a reason to call the family police.

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