

Humanizing Child Welfare:
A New Legal Approach for Children and Families

By

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Abstract

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The child welfare system has historically been characterized by one tension and two apparently competing goals: protecting children and preserving families. This tension is sustained in part by an essentialist philosophy about development of high-risk children and families (i.e., through the medical model that focuses on pathology and deficiency) and is reflected in the system's continuing practices. It is also maintained by the Family Court system, in which disenfranchised parents with few resources receive suboptimal legal representation and support. Traditional theories have dominated the practices of the child welfare system for decades. While some traditional theories such as attachment theory and trauma theory have made important contributions to our understanding of individuals and families in the context of child welfare, others such as the intergenerational hypothesis have perpetuated essentialist views of development. Many such traditional theories have undermined the need to address colossal issues such as poverty and race, cast aside for the sake of protecting children. Unfortunately, the child welfare system has engaged in little critical reflection of how theory influences its practice. The result has been a system that has failed thousands of children and families and seriously impeded development.

There are few organizations whose practice aims to shift away from the traditional

legal and social service process for these families. Through an applied developmental psychology approach framed within a (bio)ecological, dynamic, and socio-cultural perspective, this study examines the interface between theory and practice, including strategies of legal representation, advocacy, and training by the Center for Family Representation (CFR), a nonprofit legal organization providing representation and support to respondents in child welfare proceedings. Through their comprehensive legal representation, interdisciplinary strategies, and a family-centered philosophy, CFR's approach to practice has led to both a shift in the developmental trajectories of the families and children they serve and simultaneously some of the practices of child welfare in New York.

This study is concerned with identifying the theories underlying CFR's practice using the lens of both traditional and more recent systemic and dynamic socio-cultural (hereby termed *progressive*) theories of development. The aim of this research is to examine whether CFR's practices are reflective of progressive theories of development and the ways in which they reflect key tenets of these theories. In this way, theory is used as a means to conceptualize CFR and the child welfare system. There are three research questions in this study, developed to uncover the theoretical underpinnings of the organization:

1. What is CFR's approach to child welfare cases? This question is addressed in part through the historical context in which the organization operates and highlights what is unique about their practice.
2. What are the philosophies and practice methods of individual staff members? Questions about the way in which staff view individual clients are included in

this section.

3. What are the experiences of parents in the child welfare and Family Court systems? This includes the way parents perceive and feel they are perceived by those systems, as well as how they experience representation by CFR. The way in which these experiences shed light on the organization will be highlighted.

Few studies have given primacy to the stories of the predominantly poor, marginalized population involved in the system. Further, the majority of research in the field has been conducted using theories that present development as predetermined and fixed. These views underestimate self-determination and devalue practices that target positive family development and transformation. Many child welfare organizations practice under the guise of traditional theories and fail to evaluate how these theories impact practice. The broad purpose of this research is to unravel and explore the hidden layers of theory implicit in CFR's work and to re-conceptualize those theories in coherent and explicit ways. This study represents a new approach in the field. By exposing the limitations of current theories of development in the child welfare and Family Court systems (i.e., use of the medical model in the field of child abuse and neglect), it is my hope that this research sheds light on the way in which new theory-driven concepts and ways of thinking can inform psychological research and child welfare practice. Study participants are CFR staff members (lawyers, paralegals, social workers, supervisors, parent advocates, and the directors of the organization) and their clients. Two separate semi-structured interviews were conducted for staff and parents. Questions for staff were developed in order to gain an understanding of how the Center for Family Representation operates and to highlight the theories that underlie their practices. Parent interviews

focused on the experiences that parents had with CFR and with the child welfare and Family Court systems generally.

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Chapter I: Background and Theoretical Perspectives

Introduction

The concept of a state-sanctioned child welfare system dates back to Plato's Republic. In Book 2 of *The Republic*, Plato said children belonged to the state and argued to abolish family as guardians in order to best serve children's interests. Today, the formal system through which society responds to abuse and neglect of children is governmental (Scheine, 1998). The phrase *child protection* is used to describe a set of governmental and private services designed to both protect children and encourage family stability. These encompass investigation of alleged abuse (physical, sexual, and emotional), neglect, child protective services (CPS) (removal and family support programs), foster care, and adoption. In addition, the child welfare system provides preventive and family preservation services focused on keeping families intact. Federal laws dictate certain operating principles in child welfare systems across the country. Federal legislation provides a foundation for states by identifying a minimum set of acts or behaviors that define child abuse and neglect. However, each state maintains its own definition of child abuse and neglect based on these minimum standards. The Federal Child Abuse Prevention and Treatment Act (CAPTA; 42 U.S.C.A. §5106g), as amended by the Keeping Children and Families Safe Act of 2003, defines child abuse and neglect as, at minimum, "Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm."

Although CPS in the United States has shifted to serving at-risk children, Plato's notion that children are better off in state custody is still a matter of debate in the field of protective services. While federal laws establish standards of child welfare nationally, child welfare programs and practices vary from state to state. Decisions to remove children or to keep them at

home with preventive services are determined by trends affected by political and social climates as well as differing philosophies in child welfare settings. During my stint as a child protective investigator, I experienced a vast change in investigative strategy in two short years. Initially I worked in a unit with a risk-averse supervisor who encouraged all of the unit workers to remove first and determine services later. My first 9 months as an investigator were spent going to Family Court at least once a week to testify about removals. After transferring to a larger unit where the supervisor was both more seasoned in the field of child welfare and philosophically bent toward keeping families intact, I immediately went from removing children weekly to removing them once or twice a month if at all. The underlying principle of our unit was that removal should always be the last resort, and family preservation was considered paramount. This philosophy was reflected in the mandated reports written for the State's Attorney on each case and by unit statistics on families kept together with services. This experience illustrates both the differences and fluidity of practices within child welfare organizations.

History of Child Welfare

Throughout the history of the child welfare movement, there have been continuous shifts between the poles of emphasizing public versus private forms of responsibility of taking care of children. In the late 18th century, children who were poor, abandoned, or unsupervised were considered public responsibility. Children of the "unworthy poor" were saved from idle ways by separation from their parents—through indenture or placement in an institution (Scheine, 1998). In addition, under English Common Law children were considered property of their fathers until the late 1800s and during the 17th and 18th centuries, American colonists carried this tradition to the early years of the United States (Retrieved from www.enotes.com/family-law-reference/child-abuse-safety-discipline). By the beginning of the 19th century, such children

were sent to institutions run primarily by charitable organizations. These included founding hospitals and almshouses, many of which released children by age 10 to become indentured servants. In the latter half of the century, the public view that these types of institutions were detrimental to children led to the development of orphanages across the country. The care of such children was financed with public money while private agencies provided care.

Orphanages and group homes dominated care of abused and neglected children until the turn of the 20th century. In the early 1900s, a new political and social movement was born. The Progressive Movement, led by Theodore Roosevelt, Jane Addams, and others, focused on preventing problems in a family rather than waiting for problems to emerge. Progressive reformers led campaigns to create juvenile courts, social services, public health programs, and more extensive public school systems. At the same time, orphanages began to fade (Keiger, 1996). Private agencies started paying and supervising foster parents committed to taking care of children. The Progressive Movement was instrumental in the child welfare system as it exists today in the United States.

The current child welfare movement emerged out of private anticruelty societies of the 19th century. It was in fact the founders of anticruelty societies who created heightened awareness about physical cruelty to children, which was translated into action (Pleck, 2004). In the early 1870s, a visiting nurse discovered Mary Ellen Wilson, an orphan who sustained routine beatings in her foster home. The nurse publicly called for the same intervention for a severely abused child that would be given to an animal in similar circumstances (Scheine, 1998). With no organization in existence to protect Mary Ellen Wilson, her case was given to attorneys for the American Society for the Prevention of Cruelty to Animals (ASPCA). The case gained national attention. In 1875, the New York Society for the Prevention of Cruelty to Children was formed.

It was the first child protective agency in the world (ASPCA; retrieved from <http://www.nyspcc.org/nyspcc/>). New York State then passed a law protecting children from abuse and neglect and outlining punishment for those responsible for their maltreatment (Scheine, 1998). By the early 20th century, anticruelty societies emerged across the country and began investigating reports of abuse and neglect, filing legal complaints against perpetrators, and working toward prosecution. Around the same time, anticruelty societies came under the influence of modern social casework. Influential leaders of anticruelty societies in the 20th century believed that curing social ills would eliminate abuse and “lobbied for mothers’ pensions, juvenile court, laws protecting illegitimate children and child laborers, and segregating the feeble-minded” (Pleck, 2004, p. 86). The goal at the time was to alleviate the plight of the poor so that child abuse would no longer be an issue (Pleck, 2004). Anticruelty societies created the groundwork for modern-day child protective services in the United States.

Today, each state has its own child welfare system. In most states, child welfare offices reside within counties or districts. In New York City, the Administration for Children’s Services’ (ACS) Division of Child Protection (DCP) is responsible for both child protective and foster and kinship care placement. Workers in field offices in each of the five boroughs investigate allegations of abuse and neglect. Emergency Children’s Services deals with investigations after normal business hours, and the Office of Special Investigations is responsible for reports involving foster parents, childcare providers, and ACS staff.

The majority of states, including New York, have a state central registry, a central office that handles initial reports of abuse and neglect. The registry then forwards the information to the appropriate child welfare office in the district or borough in which the alleged abuse or neglect occurred. Details of the pathways of child protection can be seen in the child welfare

hierarchy chart for New York City (see Appendix A). Several states have contracts with private agencies to provide preventive and case management services as well as foster care and adoption. In New York, multiple contract agencies (e.g., Children's Aid Society and Jewish Board of Family and Children's Services) handle preventive services, foster care, and adoption cases. Contract agencies manage cases based on several factors including the borough in which a family resides, religious considerations, and specialized services (i.e., medically fragile children).

System Deficits

For the last century, the societal response to abuse and neglect in the United States has been marked by two tensions. The first is an emphasis on rescuing children from abusive or neglectful families and the second on efforts to support and preserve those families (Scheine, 1998). The notion of "rescuing" children is reflected in a philosophy of seeing child maltreatment as arising from poverty and poor parenting. Thus, the government has encouraged and sometimes mandated removal from homes to protect children from both abuse and neglect and the issues that cause them. In some ways, this could be seen as a step to support families since it focuses on the social and environmental factors that lead to abuse and neglect: poverty, substance abuse, unemployment, and homelessness. Unfortunately, the movement that once dominated the early 20th century of ameliorating these issues has received scant focus in the present-day child welfare system. It is not the intention of this researcher to presume or suggest that every family can and should stay together. What is important, however, is a close examination of the issues that lead children into foster care. The child welfare system is mercurial. In many ways, its only consistency is inconsistency. Several researchers in the field have echoed this idea. Daro and Connelly (2002) wrote, "Over the past 30 years, the political

response to child maltreatment in the U.S. has experienced periods of frantic activity, often followed by long periods of benign neglect” (p. 732). Krugman (1999) refers to this as *waves*, in which progress is minimized by an inability to sustain political commitment to a specific reform. The child welfare system is often politically driven and financially burdened, a combination that makes long-term, effective change extremely difficult.

Historically, concern for the protection of children has been marked by several recurring themes. These include respecting the privacy of families, intolerance with the perceived failings of poor families, and the strategy of removing mistreated children from their homes and neighborhoods “to be raised in government-sanctioned (though often inadequate) environments” (Larner, Stevenson, & Behrman, 1998, p. 7). Parents living in poverty are 44 times more likely to be accused of neglect than parents with resources. According to CFR, this is largely due to the fact that parents with financial means are able to afford to get the help they need as soon as a problem occurs (e.g., before an investigation and court proceeding could take place) (CFR; retrieved from http://www.cfrny.org/new_legal.asp). The following statistics cited by CFR highlight this issue:

- In Manhattan, 83% of the children in foster care come from the city’s 5 poorest neighborhoods.
- Children from the 15 poorest neighborhoods account for more than half of the total foster care population in New York City.
- More than 90% of official allegations of “abuse” are not abuse but are cases of “neglect.” Most of those cases are related to poverty: impoverished schools, substandard housing, a lack of high-quality child care, and unemployment.

Investigations

When an abuse or neglect allegation is made, the focus of any child welfare report is on the child. In most states, workers are mandated to investigate allegations within 24 hours in order to ensure that no child is left in imminent danger. Very often, however, little attention is paid to the factors that have contributed to the abuse or neglect. For example, homelessness is a significant issue for families at risk for child welfare involvement. If a family has lost their apartment, a child can be removed until the housing issue is rectified. While there is no question that housing is a crucial issue for child safety, the process of locating a home generally takes months. Children can spend long periods of time in foster care, separated from family members and often out of their school district and subsequently away from peers. The children are “protected,” while families with little resources are left to deal with the monumental task of locating housing and securing funds for security deposits and a first month’s rent. This example is one of many that illustrate concrete issues that emerge in the lives of at-risk children and families, with the child welfare system often failing to work within communities to address these problems on a more systemic level. Homelessness is not separate from poverty or the factors that contribute to keeping families in a cycle of impoverishment. That said any child who is at imminent risk of abuse and neglect should be removed from the situation in which this risk is present. Concretely, however, who is being removed and why these removals are taking place must be considered in child welfare practice. Further, the impact of removal and foster care must also be considered. The following statistics provide insight into this issue:

- Thirty-seven percent of youth leaving foster care are neither employed nor in school.
- Sixty-five percent of foster youth experience seven or more school changes from elementary through high school.

- Foster-care children are twice as likely to suffer from mental illness and post-traumatic stress disorder (PTSD) as the general public.
- As adults, people with a background in care make up 26% of the homeless population (and 61% of the homeless population between the ages of 18 and 19), are 15 times less likely to finish college than the general public, and are 3 times more likely to live in poverty (Retrieved from www.cfnny.org).

Mission of the Administration for Children's Services

The website for the Administration for Children's Services in New York City states, "ACS' mission is to ensure the safety and well-being of New York City children." In an attempt to understand some of the major issues in child welfare, the word *children*, when used alone in the absence of any mention of families, is a red flag. What is not reflected in the title or mission of these agencies is the notion of the *family system*; specifically, *strengthening* families and *preventing* abuse and neglect. The title, which includes "children's services," places an emphasis on the individual child separate from the families and communities in which they reside and develop. In essence, this reduces issues of abuse and neglect to merely individual issues. ACS's philosophy and mission is practiced in child welfare organizations across the country. Children are protected but viewed as separate from their families and communities. In many ways, it is a philosophy that ignores the issues that contribute to abuse and neglect since the practice and theory work against one another. Unfortunately, the system that exists to monitor and protect is distinctly separate from the people it serves. Lack of intervention before abuse and neglect occur impacts both individual families and communities in high-risk areas. Thus, the title of a social service institution speaks volumes about what it does and who it is. The title Administration for Children's Services reflects the notion that families are not included

in the equation. Rethinking that title and changing it into the Administration for Children and Families or the Administration for Child Protection and Family Preservation would signify a move away from the individual to instead focus on family and community systems.

Preventive Services

When a family is found to be at risk for abuse or neglect, caseworkers often implement *preventive services*. These might include parenting classes, therapy, or psychosocial evaluations for therapeutic intervention. One cannot overlook the irony of “preventive services” being implemented only after risk has been identified or abuse and neglect have already occurred. Prevention programs could be preventive in the form of early-intervention and community-based programs. Yet ACS defines preventive services as those “designed to ensure that children remain safe in the home and to prevent children from entering foster care” (ACS; retrieved from http://www.nyc.gov/html/acs/html/support_families/preventive_services.shtml). Society continues to invest significant resources in child protection programs even as it fails to invest comparable resources in addressing problems impacting a far greater number of children (Thoma, 1996). A review of preventive services programs in New York shows few services provided before a family becomes involved in the child welfare system.

In addition, the preventive programs that do work should be maintained and replicated with equanimity. In the 1970s, a preventive program called Home Builders was created in Washington State. The very term *family preservation* was invented specifically to apply to this type of program, which has a better track record for safety than foster care (National Coalition for Child Protection Reform, 2000). The program offered highly intensive at-home services by a trained social worker. What made it unique was that families had access to a social worker 24 hours a day, in a crisis or during a time of need. Workers had a maximum of three cases at a

time and were available to provide assistance in a broad range of areas, from nutrition and grocery shopping to instruction on discipline and suggestions on how to create a family schedule. The program worked well and kept families intact. But it was expensive, at least according to local and federal governments. So it was replicated in a modified form, with social workers assigned too many cases at one time to adequately provide the attention that at-risk families needed. Not surprisingly, Home Builders failed. Since then, there have been some attempts to recreate it in several places in the United States. Currently, the largest program of this sort is called Families First in Michigan.

Additionally, successful programs such as those offered by the Harlem Children's Zone (HCZ) could become models for prevention across the country. What makes HCZ unique is its fundamentally socio-cultural philosophy and mission: "For children to do well, their families have to do well. And for families to do well, their community must do well. . . . HCZ works to reweave the social fabric of Harlem, which has been torn apart by crime, drugs and decades of poverty" (Harlem Children's Zone; retrieved from <http://www.hcz.org/programs/the-hcz-project>). One program, Baby College, is an intensive, hands-on parenting series for parents expecting a child or raising children between the ages of 0 and 3. A collaborative effort between HCZ and T. Berry Brazelton, Baby College covers subjects from brain development to parental stress and has a proven success rate.

Lastly, preventive services programs that do not work should be reevaluated. One of the most widely used preventive programs in child welfare is parenting skills classes. At least 400,000 child welfare recipients participate each year in voluntary or court-ordered parent training programs. Close to 30% of parents whose cases are closed following a child welfare investigation will have parenting classes provided, referred to, or arranged by a child welfare

agency (Barth et al., 2005). Any parent identified as lacking a basic understanding of the fundamentals of child care, discipline, nutrition, or other crucial issues related to child rearing is mandated to take this course. Parent training programs appear to be the linchpin of governmental responsibility. In theory, this seems to be a logical step in protecting at-risk children and empowering parents with more knowledge and better skills. However, as Barth et al. (2005) suggested, courts frequently order parents to complete parent training programs sometimes to test parents' commitment, cooperation, and organization as much as to increase parenting skills. And when participation in parent training is court-ordered, the emphasis of public child welfare agencies and the courts tends to be on successful completion of a program, not on improvements in parenting skills. ACS has not conducted a formal evaluation of parenting skills classes in order to determine either short- and long-term efficacy, and the only tracking that exists is recidivism. Further, the classes are inherently flawed. Unlike the program at Harlem Children's Zone, many of the instructors have little or no experience in teaching and have scant knowledge of child development. In addition, many possess views of child rearing that may undermine those issues that required parents to attend the course. Lastly, there is little understanding of the classes' effectiveness. As Jones-Harden (2007) suggested, the biggest issue is that they do not work.

It is important to note that the purpose of this study is not to undermine the necessity of a child welfare system. From its inception, the system has played a vital role in protecting children who are not able to protect themselves and in providing families with life-altering interventions. Thus, despite numerous problems, there is no question that the existence of the system is crucial. But protection has come with a price. The role of the child welfare system has changed and has had serious consequences for children and families. While children are vulnerable and many

require protection, I maintain that the mission of the system could transcend the goal of ensuring the safety of children and could instead be more comprehensive, preventive, and strength-based. These are not individual issues but deeply complex social problems that are socio-cultural in nature. Child welfare services represent a multifaceted set of policies, regulations, and service initiatives at the federal, state, and local levels. In this regard, they have failed to create initiatives that encompass the complexities of the families that they serve. It has been argued that child protection has dominated child welfare services over the past few decades to the exclusion of more broadly defined efforts targeted toward the well-being of the children and families who are served in the system (Dale, Kendall, & Schultz, 2001). One of the primary problems with the child welfare system is that, ironically, it depends on abuse and neglect for its livelihood. There is no child welfare system in its absence. Preventing abuse and neglect would negate this. There are preventive programs that work and that could be implemented in high-risk communities across the country. In a recent study, researchers examined the records of 595 children in the United States, all at similar high risk for abuse or neglect, and tracked them from ages 4 to 8. In those 4 years, CPS investigated the families of 164 of those children suspected of abuse or neglect, and researchers then interviewed each family 4 years later, comparing the investigated families with the 431 families that were not investigated. Poverty, social support, family functioning, maternal depression, child depression, anxiety, and aggressive behavior (all known to increase the risk for abuse or neglect) were considered. Researchers found no differences between the investigated families compared with the uninvestigated families in any of those areas, with the exception of maternal depressive symptoms that were worse in the investigated homes. They concluded that CPS investigations had little or no effect (Campbell, et al., 2010). The researchers suggested that even when services are offered, they generally focus

on immediate risks and do not attend to abiding problems like poverty or poor social support. Thus, the interventions failed to reduce the risk for future child abuse.

The Legal System in Child Welfare

Child welfare investigations have varying courses. Depending on the circumstances of a family, a caseworker may feel a child is unsafe at home and should be removed or have court-ordered supervision. When this occurs, a parent is required to attend Family Court. Until recently, respondents in New York child welfare proceedings who were unable to afford private legal representation were assigned 18-B attorneys, named for article 18-B of New York State County Law, which mandates counsel for indigent parents. Also known as public defenders, 18-B attorneys can be assigned only to eligible defendants or respondents by a Supreme Court Justice or Family Court judge. Generally speaking, being unemployed qualifies respondents for free legal representation in any case to which 18-B applies. The attorneys who provide 18-B representation are private practitioners. Historically, the attorneys have received very little compensation for representing clients. Until recently, they made an hourly wage of \$40 for in-court work and \$25 for out-of-court. This was considered problematic for several reasons, among them that there is significantly more work on cases out of court than in court. Currently, 18-B attorneys make \$75 for both in- and out-of-court fees. While this is an improvement, it is still considered a nominal fee because of the high level of specialization and complexity required in child welfare cases. And though there are many skilled 18-B attorneys, the panel is generally considered suboptimal. Many parents feel underrepresented and complain of unprepared and unknowledgeable attorneys.

The Impact of Poor Representation in Child Welfare

Poor representation is not only an injustice to parents, but it has profound consequences

on children. Appel (2007) noted that the spotty representation of 18-B lawyers contributes to the long time many children spend in foster care before being reunited with their families or placed in a permanent home. According to the Child Welfare Organizing Project (CWOP), the legal system fails parents from the very beginning of their involvement with the Family Court system. Initially, a 72-hour mandated hearing often takes place a week or more after a removal. Then the legal representation issue emerges:

On one side is an ACS lawyer who has had at least 72 hours to prepare a case. He works in a fully-staffed office with secretaries, computers, caseworkers and any other source of expertise he needs. Attorneys representing children work for the Legal Aid Society—again, an institutional provider, which gives the lawyers support staff and resources. On the other side is typically an overwhelmed, impoverished birth parent who, if she has a lawyer at all, just met him in the hallway five minutes before the case was called. That lawyer’s “office” may be his briefcase. He has no institutional “provider” to back him up. He has no social worker to evaluate the city’s case and offer alternatives or even talk to the parent. He has no money for expert witnesses. He probably doesn’t even have a secretary. (CWOP [Document 3](#), n.d., para. 1)

Without the benefit of any background information or investigation, the attorney must make monumental decisions, only the first of which is whether to request a hearing to challenge the removal. According to a report from the New York City Public Advocate, “The [18-B] attorney is faced with a Hobson’s choice: proceed with the hearing without sufficient time to prepare, or seek a continuance and require the child to stay in foster care in the interim. More often than not, a good lawyer will opt for the continuance” (CWOP, n.d., para. 1).

As a result of the failing 18-B system, New York City has changed the way low-income

parents are represented in abuse or neglect cases where ACS is involved. In 2007, the city issued a request for proposals (RFP) for outside agencies to become the institutional providers for indigent parents. This occurred after years of significant problems within the legal system. Institutional providers represent all the other parties in the family justice system, and many organizations requested that the city create one in Family Court. The goal of the new system is to make the legal proceedings in child welfare cases more efficient and to make parent representation on par with that of children and the city.

Poverty and Minority Representation in Child Welfare

The basic definition of poverty is a lack of necessities. Bradshaw (2006) suggested, “basic food, shelter, medical care, and safety are generally thought necessary based on shared values of human dignity” (p. 3). The vast majority of families in the child welfare system are poor. Roberts (2002) suggested, “There is a high and well-established correlation between poverty and cases of child abuse and neglect” (p. 29). The relationship between income and child maltreatment is supported by considerable research, including all three National Incidence Studies (NIS) conducted by the U.S. Department of Health and Human Services in 1996. The Third National Incidence Study of Child Abuse and Neglect (NIS-3) compared families with an annual income of under \$15,000 to families with an annual income over \$30,000 (Sedlak & Broadhurst, 1996). The study found that abuse is 14 times more common in poor families, and neglect is 44 times more common in poor families. The NIS-3 further revealed that the incidence of child maltreatment in families with annual incomes under \$15,000 is 47 per 1,000, while the incidence falls to 2 cases per 1,000 in families with annual incomes above \$30,000. Thus, the incidence rate is 26.5 times higher in lower-income families. Children from these families were 18 times more likely to be sexually abused, 56 times more likely to be

educationally neglected, and 22 times more likely to be seriously injured. As Roberts (2002) noted, “Although child abuse occurs in families across income levels, severe violence toward children is more likely to occur in households with annual incomes below the poverty line” (p. 29).

Theories of Socio-economic Status and Rates of Child Maltreatment

There are several suggested hypotheses to account for the relationship between socio-economic status and rates of child maltreatment. One is the parent absence hypothesis (Gelles & Conte, 1990). A lack of social support and the subsequent social isolation increases the stress on the care-giving parent to meet the demands of childcare. This economic deprivation hypothesis reflects the inability of parents to meet basic needs (e.g., housing), which creates instability and leads to increased stress on adults. This subsequently leads to violence that suggests a change in the rate of child maltreatment is consistent with the change in character and structure of the family and shifts in the economy (Gelles & Conte, 1990). Stress related to economic hardship can lead to parents to being more aggressive toward their children. Poor mothers often experience greater levels of psychological depression and distress, and poor parents lack the resources that more affluent parents have to alleviate that stress (Roberts, 2002).

A second hypothesis is that government agencies are more likely to detect abuse and neglect in poor families due to more intense supervision by legal and social service organizations (Roberts, 2002). Further, “the disproportionate representation of poor parents in the child welfare caseload . . . may reflect a higher incidence of reporting of child maltreatment in poor families rather than a higher incidence of maltreatment itself” (Roberts, 2002, p. 30).

A third hypothesis formulated by Krishnan and Morrison (1995) tested ecological theory to understand child maltreatment and situated child abuse within a broader social context. The

authors found that abuse is not an individual or isolated family problem but rather a community problem usually related to the social and economic situation of the locale. They noted that increases in poverty, typically reflected in a greater number of single-parent, female-led households also indicate increases in social isolation and compromised abilities to meet basic child care needs.

In sum, poverty is an integral part of the child welfare system. The question is how poverty plays a role and in what ways is it addressed. There is a great debate in academic and popular circles about how poverty should be treated. W. J. Wilson (2009) and others have suggested these issues must be seen within the context of a culture of poverty. The culture of poverty is a social theory coined by the anthropologist Oscar Lewis in his 1959 ethnographic book, *Five Families: Mexican Case Studies in the Culture of Poverty*. The author suggested that poverty is cyclical and that poor people remain that way as they adapt to the burdens of impoverishment. He wrote that poverty “suggests class antagonism, social problems, and the need for change. . . . It becomes a dynamic factor which affects participation in the larger national culture and creates a subculture of its own” (Lewis, 1959, p. 2). In this vein, W. J. Wilson (2009) suggested, “Culture refers to the sharing of outlooks and modes of behavior among individuals who face similar place-based circumstances (such as poor segregated neighborhoods) or have the same social networks (as when members of particular racial or ethnic groups share a specific way of understanding social life and cultural scripts that guide their behavior)” (p. 4).

The Culture of Poverty

Historically, the concept of a culture of poverty has been a heated issue, both academically and politically. The politician Daniel Moynihan wrote a 1965 report to the public describing urban black families as caught in a “tangle of pathology” of unmarried mothers and welfare dependency (as cited in Cohen, 2010, p. A1). His paper caused a rift in the political landscape. At the same time, the term *culture* became an important issue in social sciences, and the notion of a culture of poverty was rejected. W. J. Wilson’s view of culture in this sense was viewed as an essentialist one that was focused on blaming the victim. In a recent article in the *New York Times*, Cohen (2010) suggested that psychologists, sociologists, and anthropologists have begun speaking openly about the culture of poverty, “conceding that culture and persistent poverty are enmeshed” (p. A1).

In a rejoinder in response to an issue of the *Annals of the American Academy of Political and Social Science* entitled “Reconsidering Culture and Poverty,” Steinberg (2011) offered an opposing view on the culture of poverty. He suggested that theorists make the mistake of “inverting cause and effect” of poverty (p. 2). He is critical of Moynihan’s view that pathology is capable of perpetuating itself “without assistance from the white world. . . . [and] the cycle can be broken only if these distortions are set right” (p. 2). He also took issue with W. J. Wilson’s (2009) stance that there has been a movement toward political correctness about racism that has hindered important research in the field. In response, Steinberg wrote:

If the cultural practices under examination are merely links in a chain of causation, and are ultimately rooted in poverty and joblessness, why are these not the object of inquiry? Why aren’t we talking about the calamity of another generation of black youth who, excluded from the job markets, are left to languish on the margins, until they cross the

line of legality and are swept up by the criminal justice system and consigned to unconscionable years in prison where, at last, they find work, for less than a dollar an hour, if paid at all? (p. 3)

Steinberg suggested that social issues are mistakenly confused in cultural terms, an idea he rejected because of its equivalence to blaming poor people for their poverty. “The question is not whether culture matters, but whether it is an independent and self-sustaining factor in the production and reproduction of poverty” (Steinberg, 2011, p. 2).

Bradshaw (2006) suggested there are five competing theories of poverty in the United States that impact how antipoverty programs are developed:

The first example is that poverty is perpetuated by individual or family irresponsibility which should be stopped by stiff penalties; the second example addresses subcultures of poverty and tries to acculturate poor children in mainstream values; the third sees poverty not as an individual problem but a social one that needs to be addressed politically and structurally; the fourth addresses regional or geographic concentrations of poverty through spatially targeted benefits; and the final addresses poverty in a comprehensive and cumulative way. Each example reflects a different theory of what causes poverty and how to address it. (p. 4)

Bradshaw (2006) broke down culture of poverty into three categories. The first is that culture of the poor is a dysfunctional system of beliefs and knowledge that deem it necessary to replace that culture with a more functional one. This culture would support rather than undermine productive work and social responsibility. The second is that poverty is a nonproductive, opportunistic subculture perpetuated over generations. This necessitates the focus to be on youth in order to

end the cycle and recreation of the detrimental culture. Finally, the third category suggests that addressing poverty requires groups to work within the culture to redefine “culturally appropriate strategies” aimed at improving the group’s well-being (pp. 9–10).

Theories of poverty often converge. Although social welfare organizations generally subscribe to a particular theory, they are all interrelated. In my view, it is possible to reconcile the culture of poverty with the idea that poverty is a greater social and political issue. Lewis’s (1959) notion of a culture of poverty and W. J. Wilson’s (2009) theories about the roots of poverty as culturally situated do not have to be seen in absolute terms (which I suspect was not their intention). Culture is important. And so is Steinberg’s (2011) contention that there is a need to think critically about our objects of inquiry and to take structural issues into serious consideration. In fact, W. J. Wilson (2009) even argued for Bradshaw’s (1996) theory that it is structural issues that are most likely to bring about the quickest changes in low-income neighborhoods. What is important is to acknowledge that poverty is at the forefront of social issues and that these philosophies offering varying explanations for the causes of poverty do not have to be mutually exclusive.

Race

Race, like poverty, plays a primary role in the child welfare system. Roberts (2002) contended, “The alarming rates of black childhood poverty are directly related to the racial disparity in the foster care population” (p. 47). The National Child Welfare Resource Center reported in 2004 that minority children are consistently over-represented in the child welfare system and in the population of children and youth whose parents’ rights have been terminated. Roberts (2002) suggested that poverty is the “dominant explanation of researchers in the field for the inequitable representation of Black children in foster care. The high level of Black

involvement in child protective services . . . simply parallels the high level of poverty among Black families” (Roberts, 2002, p. 26). In her research on race in child welfare, Roberts (2002) examined numerous empirical studies, court decisions, interviews, and newspaper articles that suggest that race plays a major role in child welfare decision-making. “Child welfare workers and judges find it easier to break up Black families than any other families . . . even without definitive proof of racial bias on the part of these individuals, it is accurate to say that the overrepresentation of Black children in the child welfare system results from racism” (Roberts, 2002, p. 47). The greater incidence of maltreatment among low-income families combined with the over-representation of families of color living in poverty is an indication of the disproportionate representation of minority children in the child welfare system. Being a minority plays a key role in terms of reporting of abuse, substantiation of abuse, and placement into foster care. As Anderson (1997) noted, the percentage of African-American children who enter the system and remain in out-of-home care is greater than their proportion of the country’s population. African-American children comprise 45% of the total number of children in foster care (U.S. DHHS, 1999). Further, minority children are likely to remain in care longer. There are divergent views among researchers, practitioners, and policy makers about this phenomenon. Among them is the disproportionate need for services or of systematic racial influences on decision-making at any number of points along the continuum of child welfare services, including reporting, investigation, substantiation, and placement (Chibnall, Dutch, Jones-Harden, Brown, Gourdine, Smith, Boone, & Snyder, 2003).

Theories are often left unexamined or cast aside as unimportant in child welfare practice. Rarely are they considered in terms of applicability to practice. This study focuses on two categories of developmental theories: traditional and progressive. Traditional theories in this

work are those that have been used to describe and explain human development as focused on isolated individuals and that have been dominant in social sciences over the last century. It is the premise of this study that traditional theories held in high regard for decades have succeeded in perpetuating essentialist views of development, views that have ultimately contributed to a system that has failed children and families. One of the primary aims of this research is to introduce a new outline for child welfare, one that will shed light on the potential and limitations of more progressive developmental theories to inform child welfare research and practice. The following defines the traditional theories described throughout this dissertation.

Theoretical Underpinnings of Child Welfare

Medical Model

In the last several decades, the medical model has become the underlying approach to children and families in the child welfare system. This model, rooted in the dominant, strongly deterministic models of neurobiology, is evident both in medical influence and treatment. Technical innovations in medicine, particularly radiology, have enabled physicians to detect bone fractures (Dibble, 1982). Kempe, Helfer and Krugman (1997) developed the concept of the *battered child syndrome*, in which children 3 and under present unusual injuries inadequately explained by parents. An easy medical explanation, battered child syndrome was quickly adopted by the mass media and influenced the medical approach to child welfare (Dibble, 1982). The very word *medical* carries with it the notion of treatment, since we are inclined to fix medical problems by treating them. Like the child welfare system, the medical field is primarily focused on problems at the individual level, maintaining an essentialist point of view. The term *essentialism* is defined in various psychology disciplines. Gelman, Heyman, and Legare (2007) wrote that essentialism is the belief that some characteristics may be unchanging, likely to be

present at birth, somewhat stable, and biologically based. In *The Essential Child*, Gelman (2003) suggested, “Essentialism is the view that categories have an underlying reality or true nature that one cannot observe directly but that gives an object its identity” (p. 3).

Classifying certain forms of personal conduct as illness enables practitioners to respond as if patients had a medical disease (Szaz, 1978). Medical influence on the treatment of child abuse has had several significant consequences. First, its essentialist basis has led to the focus on the disease model of child abuse, which stresses the physical aspects of abuse while locating the cause of the disease in the personality dispositions of the abusing parent. The error of applying medical terminology to mental life causes erroneous thinking and responses since the emphasis is on discovering psychopathological characteristics of the parent rather than studying the larger social context in which the abuse occurs. Second, the disease model has led to legislative action that requires physicians to report instances of abuse that have come to their attention rather than to legislative action concerning the well-being of all children. Szaz (1978) wrote, “The disease model . . . has paved the way for child abuse or the ‘battered child syndrome’ to become the basis of a self-sustaining professional enclave” (p. 182). Szaz also suggested that the disease model, the prestige of the medical profession, and legislative action responding to the needs of that profession have influenced social workers to set aside their earlier societal orientation (Szaz, 1978). Such individuals have hugely complex social and personal issues that cannot be “fixed” with traditional medical solutions. The medical model fails to answer the questions asked of it, does not provide good service, and leads to the isolation of a large population. The following case example from my experience as a child protective investigator illustrates this:

A mother is reported for drug use and neglect of her 10-year-old daughter. An investigator visits the home and finds the child alone while the mother is downstairs

getting high. The child has missed several weeks of school and is behind in her homework. The house is in disarray, and while there is food in the refrigerator, there is no place to cook since electricity has been turned off.

There are several possible approaches to this scenario. One is to remove the child, place her into foster care, and force the mother into a drug treatment program and parenting skills class. Once those have been completed, the child returns home. The second is to work with the family intensively and to approach the case with the belief that drug abuse is a disease and should be treated as such. Addressing the mother's addiction is crucial, but the need to work with her on the issues surrounding her drug use is also paramount. This is a mother who requires intensive work in the home, as well as inpatient drug treatment, and who will need to have long-term services established for her and her daughter in order to effectively manage her addiction and parenting.

The latter approach is the one most commonly utilized in the system. This study seeks to highlight how this essentialist medical model has contributed to the failure of child protection in New York by focusing on the theories that emphasize the social and environmental interactions that contribute to child maltreatment. This perspective coincides with the shift in neurobiological research about brain development. Four decades ago, the dominant model was strongly deterministic and largely influenced by maturational models of embryological development (Stiles, 2009). Thus, brain development was viewed as the result of genetically predetermined maturational pathways (Stiles, 2009) (see also Gottlieb, 1976; Johnston, 2001). However, Stiles (2009) wrote that new evidence in the field of neurobiology has suggested that there is an "ongoing interaction of the organism and the environment that guides biological, and specifically brain development" (p. 197) (see also Gottlieb, 2007; Keller, 2000b; Lehrman, 2001;

Morange, 2001; Moss, 2003; Stiles, 2008). Several other studies concur The field of neuroscience has made tremendous advances in understanding the role of brain development in individual development; that is, parsing what is innate and what is learned. In the last several decades, the models that have gained favor suggest that development is “dynamic and, from the very beginning involves the continuous interaction of genetic, organismic, and environmental factors” (Stiles, 2009, p. 196). Yet, the medical model so widely relied upon in child welfare is outdated. Although it remains the central theory underlying the practice of identifying abuse and neglect, there has been little focus on its relevance to current research in the fields of psychology and neuroscience. New research in the field has suggested a strong relationship between brain and behavioral development, as addressed by Stiles (2009):

[Development is] . . . one of interdependence and reciprocity: Behaviors influence brain development and the brain mediates all behavior. Thus, the key to understanding the origins and emergence of both the brain and behavior lies in understanding how genetic, organismic, and environmental factors are engaged in the dynamic and interactive processes that define development of the neurobehavioral system. (p. 194)

Intergenerational Hypothesis

The long-term effects of abuse are well documented. Effects such as self-harm, isolation, drug and/or alcohol addiction, criminal behavior, suicide, and the risk of perpetuating the abusive behavior have been researched extensively. The premier hypothesis in the field of child welfare is the intergenerational hypothesis (Widom, 1989). The intergenerational hypothesis purports that individuals who have been abused abuse their own children. This hypothesis has led to research on the psychological mechanisms through which abuse is transmitted from one generation to the next and on those factors that may mediate the risk of the transmission of abuse

(Gelles & Loseke, 1994). Approximately one-third of all physically abused children perpetuate the cycle of abuse with their own children. Few empirical investigations support this, however (Egeland, Jacobvitz, & Sroufe, 1988). Kaufman and Zigler (1987) reviewed literature supporting the hypothesis and found that being maltreated as a child puts one at risk for becoming abusive, but the path does not always lead to the cycle of abuse. Many papers cited in support of the intergenerational hypothesis have merely asserted its validity without providing any substantive evidence. They differ in the subjects studied, such as identified abusers versus high-risk populations versus nationally representative samples. Most notably, several studies were found to have discrepancies in their definitions of *history of abuse* and *current abuse* in the experimental design (retrospective versus prospective), as well as in the sources utilized to substantiate claims of past and current abuse (Kaufman & Zigler, 1987). Based on these findings, the authors concluded that the hypothesis's unqualified acceptance is unfounded. Similarly, Elster, McAnarney, and Lamb (1983) suggested that "a lack of rigorous, well-controlled studies" has made conclusions about parents' propensity to perpetuate the cycle of abuse "tentative at best" (p. 494). The authors warned that variation in the research design is often overlooked when making claims about the cycle of abuse. Mirabella-Beck (2000) questioned the intergenerational hypothesis, ultimately finding that having a history of abuse alone does not predict the transmission of abuse. The impact of one's current life circumstances (e.g., support and nurturing), combined with a history of childhood victimization, is an important determinant. Finally, a study identifying variables that distinguish mothers who broke the cycle of abuse from mothers who were abused as children and subsequently abused their own children found that despite the significant impact of early relationship experiences, change is possible with intervention (Egeland et al., 1988).

The intergenerational hypothesis has been widely criticized by psychologists and social theorists as methodologically and theoretically flawed. Like the medical model, the intergenerational hypothesis has been defined as inherently essentialist and deterministic. Croghan and Miell (1999), for example, wrote that it is “the implicit determinism of the intergenerational hypothesis and its emphasis on psychological rather than cultural and socio-political factors [that] seriously underestimates the role of gender and economic deprivation through a focus on the ‘abnormal’ or pathological . . . rather than on ways in which abuse is sanctioned and facilitated through relationships of power” (p. 315). Others agree. One example of this is poverty. Poverty is strongly associated with a higher incidence of abuse and generally extends across generations (Egeland, Jacobvitz, & Sroufe, 1988).

According to Antaki, Condor, and Levine (1996), a seminal question for social identity theorists is the *plasticity of identification*. In child welfare, this refers to the way in which those involved in the system take issue with and dispute the inferences implicit in the intergenerational hypothesis—that their early experience of abuse increases their propensity to abuse (Croghan & Miell, 1999). Parents are caught in what can be described as a “catch-22.” Croghan and Miell (1999) wrote, “Those who identify themselves as having been abused in childhood place themselves at the center of a debate in which they are simultaneously positioned as victims and as potentially abusive parents. Such an identification is . . . likely to have important implications for their ability to establish their credentials as parents” (p. 316).

Subscribing to the intergenerational hypothesis results in yet another catch-22 for parents involved in the child welfare system. On the one hand, the system perceives many parents, based on their histories, to be abusers and thus perpetuating the cycle of abuse. Yet turbulent histories aside, there are also high expectations placed on respondents. If an investigation is

substantiated, parents are mandated to complete services that are often numerous and overwhelming. Some parents may be asked to complete a time-consuming parenting class while others are required to undergo extensive psychological evaluations or educational or psychological testing for their children, or they are required to find immediate housing. Though they are unquestionably high risk, if there is hope for these clients, then they must be viewed outside of the deterministic framework in which the system holds them. Continuing to view these families in the context of the intergenerational hypothesis or as “beyond help” perpetuates their condition. In many ways, the institutional perception of this at-risk population is in itself a contributor to the cycle of abuse and neglect. Thus, it is crucial to transcend our thinking about the risk factors that contribute to child welfare involvement.

Developmental Psychopathology and Resilience

Child maltreatment exerts a profound influence on the course of development and sends the child on a journey that may have significant turning points in either positive or negative directions (Cicchetti & Lynch, 1995). While this idea is true for many people in the child welfare system, it also suggests that there is a fixed path for some children and that psychopathology is inevitable. Resilience literature on both children and adults echoes this idea. Resilience is determined by the presence of risk factors in combination or interaction with the positive forces (protective factors) that contribute to adaptive outcomes (Masten, Hubbard, Gest, & Garmezy, 1999). Resilience undoubtedly plays a role in the lives of those involved in the child welfare system, but it does not end there. Those who are not resilient in the traditional sense are not necessarily destined for a life of continued child welfare involvement. It is possible to lack the positive forces and still have interactions that can contribute to positive outcomes.

Attachment and Trauma

It is important to note that traditional theories of development have an important role in child welfare and provide valuable insight into the way in which at-risk populations are viewed in the literature. In *Social Policy for Children and Families*, Jensen and Fraser (2006) suggested five approaches related to child development theories that are relevant in child welfare practices: attachment theory, trauma theory, the ecological perspective (as delineated by Cicchetti (2004)), risk and protective factor frameworks (with the utility for explaining resilience in children), and Erikson's stages in child development. Attachment theory is one of the most important theories in child development. Bowlby (1969) described it as a "lasting psychological connectedness between human beings" (p. 194). Ainsworth (1968) contributed the idea of the attachment figure as a secure base from which an infant can explore the world. Infant mental health is dependent on a healthy attachment relationship with a caring adult. Attachment-related disorders due to neglect or lack of constant care by one person have damaging effects that can permeate adulthood. Trauma theory is also important in understanding this population. Studies of young children under stress due to maltreatment show a marked difference in size of the temporal lobe and exceedingly high levels of cortisol. Such stress can change the structure of the brain as well as neurochemistry (Jones-Harden, 2007). Thus, these traditional theories are important considerations in the field, but many carry considerable limitations and are not the only means to understand child welfare. So while this study does not aim to supplant all traditional theories of development, it does intend to expand on them with more dynamical views of development and progressive theories in the field.

Overview of the Center for Family Representation

“Kids do well when their families thrive and they suffer when their families struggle. We are learning—at long last—that helping disadvantaged children means strengthening and supporting families.” (Douglas Nelson, President, Annie C. Casey Foundation)

Through a request for proposals (RFP) from New York City, the Center for Family Representation (CFR) was chosen in 2007 as the legal institutional provider in the Borough of Manhattan. CFR is an interdisciplinary nonprofit law and policy organization that provides free legal representation to parent or guardian respondents in child welfare proceedings. The history of this RFP is an important element in the story about CFR. Beginning in the 1990s, lawyers in legal clinics at New York University and Columbia University among others were working on a small scale to represent at-risk parents in child welfare proceedings. At the same time, social workers at those clinics were working on the additional needs of the families. This collaboration proved successful. Lawyers were effective in helping to keep families together and in reducing time spent in foster care, while social workers were able to connect families to necessary services in order to minimize or end their involvement with ACS. Those lawyers and social workers ultimately raised money to start organizations such as Brooklyn Legal Services, Harlem Defenders, and CFR. The practice of each of those organizations grew. Problems with the 18-B panel were highlighted. Ultimately, the City took notice. While the lawyers behind organizations like CFR were concerned with the constitutional rights of clients, they knew that rights and justice were not the factors that would convince the City to expand their model. Instead, they had to demonstrate that their model could also reduce the costs of child welfare. The City was concerned with finding the most economical way to represent families and avoiding the long-term expense of foster care. Ultimately, those organizations showed that they

were able to represent families and reduce the time spent in foster care for less money than the current system. The RFP was developed in order to use their model on a larger scale. What is striking, however, is that the philosophy tacit in the RFP was in fact shaped by organizations like CFR. The “Program Goals and Objectives” section of the RFP illustrates this:

1. To ensure that constitutionally mandated representation of indigent respondents in Article 10 proceedings pursuant to §262 of the Family Court Act of the State of New York be provided throughout the City;
2. To ensure the use of a multi-disciplinary service model, including social workers, paralegals, investigators, experts and parent advocates, if applicable;
3. To enhance accountability through supervision, training and data collection;
4. To ensure continuity of representation through final case resolution;
5. To ensure the institutional flexibility to respond to family law matters and other issues that may arise in conjunction with Article 10 proceedings;
6. To increase the amount of out-of-court time spent on cases;
7. To decrease the number of adjournments;
8. To have the opportunity to assess different models for providing representation of indigent respondents in Article 10 cases;
9. To address the unique characteristics endemic to the client population in each county. (2006; CFR Response to The City of New York Criminal Justice Coordinator’s Office RFP: Request for Proposals for indigent Family Court legal services for respondents in Article 10 cases).

CFR considers their practice to be a groundbreaking new model for legal services in child welfare. In addition to assigning experienced and highly trained attorneys for each client, CFR

combines advocacy and social work assistance early on in each case and provides extensive support to families in crisis. The organization maintains the core belief that effective advocacy for parents and strong families for children is crucial. They believe that all families have strengths and are their own experts. On CFR's website, they have highlighted the importance of being vigilant about strengthening parents as a means of building safe and healthy families: "We know that competent, interdisciplinary advocacy ... helps [to] find faster, more effective ways to address a family's needs . . . [and] gives children the chance to grow up with the people and communities that matter most to them" (Retrieved from <http://www.cfrny.org>). In addition, the importance of working with families on vital issues that will keep them out of the system in the future is emphasized. Their mission is "to guarantee that every family that can remain safely together has the opportunity to do so" (CFR; retrieved from: <http://www.cfrny.org>).

Each CFR case is assigned a Community Advocacy Team (CAT). CAT offers families the assistance of an attorney, a paralegal, a social worker, and a parent advocate (a parent who has had the personal experience of having a child placed in foster care and successfully reunified with him or her). Extensive legal and social work supervision within the agency assures that each case receives optimal attention. In addition, CFR partners with a host of community organizations in reaching families early on, often avoiding both foster care and unnecessary litigation. Whenever possible, they problem-solve by partnering with the very same parties they may litigate against: foster care agencies, law guardians, and prosecutors. Most importantly, CFR has an excellent relationship with the Administration for Children's Services. On their website they have written, "We bring parents and community agencies to the table to break the code on long-standing problems that undermine families" (CWOP; retrieved from: <http://www.cfrny.org>).

Another aspect of CFR's practice is their training of caseworkers, judges, and service providers in order to enhance the system's ability to build on what they term best practices in a coordinated way. They have created training materials in the multiple aspects of their approach and have trained child welfare and legal agencies throughout the city on supporting families. This training has recently extended to agencies throughout the United States. In addition, CFR advocates at the city, state, and national levels and challenges systemic factors that keep families apart. They also do research to demonstrate that their approach can save the public money and preserve families.

Economic and Human Incentive

CFR represents individuals who are primarily poor, have few resources or support, and are from the minority population. While some CFR clients are working and have adequate support, most have profound social problems ranging from unemployment and homelessness to substance abuse and mental illness. They are a disenfranchised population that receives little attention unless an egregious event of abuse or neglect occurs and ultimately leads to public attention (and often outrage). Many critics have argued that providing high-level legal representation is "wasted" on these families. CFR believes that ignoring the population has enormous implications for children as well as for society. For children, the cost is incalculable. Attachment disorders are not uncommon in this population, and a removal means that a child must cope with the trauma of separation from parents and siblings, extended family, friends, teachers, churches, and teams. These lost connections and compromised relationships have a significant impact on a child's development. This is often compounded by the foster care system. While most foster parents try to do the best they can for the children in their care, the rate of abuse in New York City foster care is nearly double the rate in the city's general

population (CWOP, n.d., retrieved from www.cwop.org/issues). Children are routinely abused and neglected in foster care, and they are often at greater risk than in the homes of their biological parents. Said one former foster child at CWOP, “I know that there are good foster families out there. . . . But I also know that every foster kid that I have ever talked to, including myself, have been abused in foster homes. And I’m talking physically, emotionally and sexually” (CWOP, n.d. retrieved from: <http://www.cwop.org>). In a longitudinal study on foster care, Lawrence, Carlson, and Egeland (2006) found that children placed in out-of-home care exhibited significant behavior problems in comparison to children who received adequate care, and using the same pre- and post-placement measure of adaptation, foster care children showed elevated levels of behavior problems following release from care. Similarly, the authors found that children placed into unfamiliar foster care showed higher levels of internalizing problems compared to children reared by maltreating caregivers, children in familiar care, and children who received adequate care giving. In addition, it is important to note that the juvenile justice system comprises largely former foster children, many of whom also end up in the adult justice system. The financial consequences of inappropriate removals and long stays in foster care are staggering. New York City spends hundreds of millions of dollars annually on foster care. According to CFR, it is four times more than services for a family whose children are at home (retrieved from <http://www.cfnny.org/>). The yearly cost for one child in foster care varies from \$12,000 to \$50,000, depending on the needs of the child (e.g., specialized medical care). The cost of CFR to represent a parent and assist in keeping children safely at home is roughly \$6,900 per year (CFR; retrieved from <http://www.cfnny.org/>).

One of the most challenging problems in the field of child welfare is that the majority of families who become involved in the system do not necessarily belong in the system. According

to the Child Welfare Organizing Project, out of every 100 children in the United States investigated as possible victims of abuse, 6 are substantiated victims of all forms of physical abuse; and from the most minor to the most severe, about 3 more are victims of sexual abuse. Many of the rest are false allegations or cases in which a family's poverty has been confused with neglect. While it is the cases of parents who beat and torture their children that make headlines, the most common cases are those in which children are removed because of lack of decent housing or child care (CWOP, retrieved from <http://www.cwop.org>). One such case highlighted by the Child Welfare Organizing Project is that of a young foster mother with two biological children. This case occurred in December 1997, during the height of the foster care crisis in New York City. The mother had a new job as a toll collector, and she was desperate to keep it. Her babysitter was running late but promised to be at the home any minute, so she left her 11-year-old daughter and 10-year-old son at home with the foster children. The sitter arrived minutes after she left and called the police after finding the children home alone. The mother had to fight ACS for more than two years to get her children returned and to get criminal charges against her dropped (CWOP; retrieved from <http://cwop.org/>). Such cases are not aberrations, particularly in poor minority communities. CFR's practice assumes that with early intervention and well-coordinated services, most families like this one can be strengthened and children can remain safely at home. They work to make the child welfare system more accountable and maintain the philosophy that families should be offered services before a crisis occurs. This is reflected not only in CFR's practices but also in the trainings they have created for the social service and legal communities, as well as their advocacy work on the local and state levels. CFR has an innovative approach to cases, policy, and training.

Progressive Practices and Theories in Child Welfare

In the last century, traditional theories of development have had a profound impact on at-risk children in the child welfare system. Theories in the field are presumed by practitioners or are presented as part of practice guidelines within organizations, and are subscribed to by institutions that have considerable influence. What is often overlooked by the child welfare system is the interconnectedness of practice and theory. Practice is always permeated by theory, and theory is grounded in practice. In this vein, Stetsenko (2008) wrote, “Broad theories and visions of human nature and development are . . . always intimately related, in a bi-directional way, to ideologies and policies of research and practice and have immediate practical ramifications in real life, worldly contexts, and everyday matters” (p. 473). A major objective of this research is to highlight the need to bridge the gap between theory and practice, and to explicate the hidden layers of theory implicit in the practices of CFR. The following progressive theories of development are reviewed for this purpose.

Dynamic Systems Theory

The way we think about development critically impacts research methods and interpretation. This study relies heavily on a dynamic approach to development, which considers a broad range of models and psychological theories. The underlying premise of dynamic systems theory is that there is no way to determine what issues or systems have caused a specific behavior, but rather that the entire system is “mutually embedded and interdependent,” with multiple influences from past experiences and current activities (Thelen, 2005, p. 259). The developmental systems theoretical model is the most cutting-edge approach to the study of the human life span (Lerner & Overton, 2008). It provides an opportunity for researchers to view development as transformational. According to Lerner and Overton (2008), the model is

informed by a post-positivist, relational meta-theory that is transformative in nature. Dynamic systems theory as described by Thelen (2005) emphasizes the way in which a theory can alter views about intervention. Instead of focusing on one cause of maladaptive behavior (e.g., genetic predispositions and environmental influences), this theory presents a flexible, time-dependent, and emergent view of behavioral change. Thus, theory matters. Thelen (2005) wrote, “Assumptions about the nature of development profoundly affect how one treats children and how one interprets childhood” (2005, p. 256). Any intervention is based on the notion that activities in the here and now will affect long-term change. Further, Thelen (2005) suggested, “A useful developmental theory must account not just for the final outcome of development, but also for the mechanisms that engender change . . . and a good developmental theory must encompass all outcomes, individual and atypical as well as universal and typical” (pp. 258–259). The author noted that there are three principles of dynamic systems theory: complexity, continuity in time, and dynamic stability. Specifically, the complexity of development must be understood as the continuous interaction of all the levels of the developing system, from the molecular to the cultural (Thelen & Smith, 1996). These systems are “composed of very many individual elements embedded within, and open to a complex environment” (Thelen & Smith, 1996, p. 343). Continuity of time refers to development as a set of multiple processes that unfold over many timescales from milliseconds to years (Thelen & Smith, 1996). Further, the notion of dynamic stability is a departure from traditional theory of development, which “implicitly presumes an ‘end-state’ before the developmental process even begins” (Lewkowicz & Lickliter, 1995, p. 512). Instead, development is about the processes that underlie change, which can be described as dynamic, self-organizing systems (Thelen & Smith, 1996).

Thelen (2005) used the metaphor of a mountain stream to describe development.

Development is continuous—whatever has happened in the past influences what happens in the future:

The stream . . . has patterns . . . whirlpools, eddies, and waterfalls, places where it is still. Like the stream, development also has recognizable patterns: milestones and plateaus and ages and stages at which behavior is quite predictable. In the mountain stream, there are no programs or instructions constructing those patterns . . . just water and natural parts of the stream and the environment. . . . The patterns reflect not just the immediate conditions of the stream . . . they also reflect the history of the whole system, including the snowfall on the mountain last winter, which determined the incline of the stream and its path through the mountain. . . . It is not possible to say what directly causes what, because the whole system is so mutually embedded and interdependent. (p. 259)

Thelen (2005) said that depending on the conditions of the stream, similar actions may have very different results. Developmental patterns have a similar nonlinearity to mountain streams. It is not possible to predict the outcome of the process for any child in any situation. Thelen (2005) writes, “Chance events [may] have large consequences; at other times they may have little impact” (p. 259). A theory, according to Thelen (2005), must be able to handle all aspects of development, predictable and otherwise. Dynamic systems theory is one of the lenses through which I have researched CFR’s practice. The metaphor of the mountain stream will be used as an analytical tool.

Socio-cultural/CHAT Theory

This study will be framed within the context of socio-cultural theory. The origin of socio-cultural theory lies in the socio-historical work of Lev Vygotsky who viewed social interaction as central to individual development. According to Vygotsky (1978), “Every

function in the child's cultural development appears twice: first, on the social level, and later, on the individual level; first, between people (inter-psychological) and then inside the child (intra-psychological). All the higher functions originate as actual relationships between individuals" (p. 57). Social interaction genetically underlies higher (mental) functions and their relationships (Wertsch, 1998). Primary to this theory is the idea that individuals are best understood in relation to the contexts in which their experiences are embedded. The self is "profoundly social and relational" (Stetsenko & Arievitch, 2004, p. 475). Vygotsky focused on the connections between people and the socio-cultural context in which they act and interact in shared experiences (Crawford, 1996). Central to this theory is the relevance of resources and support as essential to development. Socio-cultural theory has wide applications for this research. Clients in the child welfare system cannot be seen outside of the social context in which they live or the activities in which they are engaged. Cultural historical activity theory (CHAT), initially formulated by Vygotsky, Leontiev, and their collaborators, "can be employed as a foundation for conceptualizing the self as an important agentive dimension within a profoundly social and relational view of human life and development" (Stetsenko & Arievitch, 2004, p. 476). Vygotsky (1978) argued that human development cannot be understood simply by studying the individual but that we must also examine the external social world in which that individual life has developed. Stetsenko (2009) wrote that through the:

collaborative process (involving development and passing on, from generation to generation, the collective experiences reified in cultural tools, including language), people not only constantly transform and create their environment, they also create and constantly transform their very life, consequently changing themselves in fundamental ways while, in and through this process, becoming human and gaining self-knowledge

and knowledge about the world. Therefore, human activity—material, practical and always by necessity social, collaborative processes aimed at transforming the world—is taken in CHAT to be the basic form of human life, that is, of human relation to the world. (p. 137)

This idea re-conceptualizes human development from the notion that it is located “under the skull” to the focus on the processes of ongoing social transactions (Stetsenko & Arievitch, 2004, p. 476). In a similar vein, Cole and Wertsch (1996) wrote that “higher psychological functions are transactions that include the biological individual, the cultural mediational artifacts, and the culturally structured social and natural environments of which persons are a part” (p. 253).

Applying socio-cultural theory enables researchers to expand their inquiry from the individual to the social. In her work on conflict and development, Daiute, et al., (2006) wrote, “The scholarly focus [is] to broaden from interpersonal conflicts to conflicts in society” (p. 208). Dodge (2008) described this idea in his research on teenagers and violence, suggesting that neither nature nor nurture *alone* explains why some teenagers grow up to be violent. It is in fact the interplay between behavior and environment that creates a *cascade of influences*. In this case, socio-cultural theory provides a platform in which to see parents and families as embedded in their communities and in the institutions in which they engage. Indeed, development of individuals cannot be understood and studied in isolation from the interpersonal relations in which they are immersed (Bearison & Dorval, 2001). One of the goals of this project was to give respondents in the child welfare system an opportunity to tell the story of their own lives as it relates to their involvement in the system and then to look at the way CFR has impacted their development. One way to do this is to examine the ecosystem of the individuals as they are

embedded in it. The ecosystem impacts the processes in families through conditions that exist in society (Baumrind, 1994). Stetsenko (2008) expanded on this:

Human development, from this perspective, can be conceptualized as a socio-historical project and a collaborative achievement . . . a continuously evolving process that represents a “work-in-progress” by people as agents who together change their world and, in and through this process, come to know themselves, while ultimately becoming human. (p. 483)

In addition, the interviews conducted in this study will focus in part on Vygotsky’s notion of tools. Vygotsky (1978) believed that humans use tools that develop from a culture, such as speech and writing, to mediate their social environments. Initially children develop these tools to serve solely as social functions (e.g., as a way to communicate needs). Internalization of these tools leads to higher thinking skills. Bruner (1987) described instrumental action as central to Vygotsky’s thinking. He suggested that individuals utilize both nature and the toolkit of culture in order to gain control of the world and of the self, and that tools enable humans to alter both themselves and their culture. Our tools emerge by way of the socio-cultural contexts in which we live, and they transform our mental processes (Cole & Wertsch, 1996). Stetsenko (1999) wrote that Vygotsky asserted our cultural tools enable “the mastery of psychological processes just as technical tools allow for the mastery of labor” (p. 236). On a basic level, life circumstances such as the cultural transmission of poverty may lead to the development of tools that differ from those living in more advantageous circumstances. However similar, appropriation accounts for the unique way in which humans individualize cultural tools, and “learning how to employ them in the processes of acting and thinking—can lead to two types of developmental

outcomes” (Stetsenko, 2009, p. 240). That said, the cultural tools of those living in suboptimal conditions should not be perceived as a deficit. On the contrary, existing tools should be acknowledged, understood, and then capitalized on and strengthened in order to promote healthy development. The child welfare system does not approach clients from the perspective of how a system should understand and work with the tools of the population that it serves. Requirements made by the system often lead to generalizations about the cultural tools of a particular population. In some ways, they necessitate a new set of tools rather than interacting with clients in order to enhance and in some cases redirect what already exists. In this study, I have attempted to show how this contributes to child welfare involvement and provide insight into the way that CFR is shifting this paradigm.

Finally, Vygotsky’s notion of the zone of proximal development (ZPD) plays a prominent role in this research. Vygotsky (1978) explained development as a transformative collaborative practice involving the influence of individuals, culture, and tools. The emphasis on developmental learning is collaboration leading to the ZPD. Vygotsky (1978) defined the zone of proximal development as “the distance between the actual developmental level as determined by independent problem solving and the level of potential development as determined through problem solving under adult guidance, or in collaboration with more capable peers” (p. 86); that is, where a child currently is and where a child is able to be with the help of a more capable adult. He wrote, “What a child can do with assistance today she will be able to do by herself tomorrow” (Vygotsky, 1978, p. 81, 1978). This assisted performance is known as scaffolding (Stetsenko, 2009) (see also Wood, Bruner, & Ross, 1976) and is an important part of CFR’s practice. The role of the zone of proximal development will be addressed in terms of the interaction between CFR and its clients.

(Bio)Ecological Theory

Bronfenbrenner (1979) described the individual's experience "as a set of nested structures, each inside the next, like a set of Russian dolls" (p. 22). Strongly influenced by Vygotsky, Bronfenbrenner placed development in an ecological framework and posed the relationships between individuals and their environments as mutually shaping one another. Human development requires one to see within, beyond, and across several systems (Bronfenbrenner, 1979). One of the goals of this study was to do this through in-depth interviews of clients and staff of CFR. Clients described their individual lives, family, and community contexts, and they were asked to share perspectives on the child welfare system and CFR. CFR staff members were interviewed about their individual philosophies within their work and the population they serve, their views on the child welfare and legal systems, and the culture and practices of the organization. Bronfenbrenner's (1979) (bio)ecological model of development provided a framework for this. Ecological theory is divided into four systems that analyze the influences on multiple levels. The *microsystem* is the layer closest to the individual and contains the structures with which the child has direct contact. This system encompasses the relationships and interactions a person has with his or her immediate surroundings (family, school, neighborhood, or child care environments). The *mesosystem* provides the connection between the structures of the individual's microsystem (e.g., the connection between a person's church and neighborhood). The *exosystem* defines the larger social system in which the individual does not function directly. The structures in this layer impact the person's development by interacting with some structure in his or her microsystem. And the *macrosystem* is considered to be the outermost layer in the child's environment. While not being a specific structure, this layer is comprised of cultural values, customs, and laws. The effects of larger

principles defined by the macrosystem have a cascading influence throughout the interactions of all other layers (Berk, 2000).

Standpoint Theory

The way in which we obtain our knowledge about at-risk populations is an important consideration in psychological research. Knowledge is socially situated. Starting research from the lives of marginalized people illuminates critical questions that do not arise from dominant lives (Harding, 1993). Feminist standpoint theorists acknowledge that their own lives are not the best starting points for knowledge but that the lives of other women can provide insight into the distorted way that dominant groups conceptualize their social worlds. The majority of people in the child welfare system are conceptualized by non-dominant groups as abusers, neglectors, drug addicts, or indigent. Thus, marginalized lives are a better place or “site” from which to start asking critical questions about the social order and to understand these lives from a non-dominant perspective. This epistemological approach challenges members of dominant groups to engage in collaborative, democratic enterprise with marginal people (Collins, 1986). It also privileges the marginalized voice. By giving credence to multiple perspectives, those conducting research in this field become both more informed and objective compared to those engaged in traditional positivist methods (Harding, 1993). In addition, examining the practices and philosophies of those working with a marginalized population is an important component to developmental research. Two of the goals of this study were to privilege the voice of clients in the child welfare and Family Court systems and to examine the theories and philosophies of the people who provide their legal representation. The lawyers, social workers, and parent advocates at CFR all maintain *theories* of development that get enacted in their practice—often without conscious knowledge of what those theories are. Conceptualizing the work of CFR and

identifying the individual philosophies of staff and clients is the broad methodology employed in this study.

Applied Developmental Psychology

This study is based on the principles of applied developmental psychology (ADS). ADS is a unique integration of science, application, and practice, and it is the integration of these that distinguishes it from most other sciences (Fisher, 2005). ADS is focused on understanding the correlates and consequences of the practical problems facing individuals. It places emphasis on continuity and change as well as on the interactions that occur between life stages and socially constructed interventions. Of great importance is that ADS focuses on normative development, prevention, and the promotion of positive development across the life span. It is the synthesis of both research and application, focused on how the application of knowledge about development can be utilized to enhance the lives of individuals, families and communities (Fisher, 2005). Applied developmental science's singular character is reflected in its methods (Fisher, 2005). Thus, qualitative methods are given primacy. This study has used ADS as a framework to qualitatively reflect on the way in which CFR, through a strength-based approach, is influencing the practices of the child welfare system and ultimately the trajectories of the children and families they serve.

Interpretative Phenomenological Analysis: Overview

The long-term suboptimal legal representation of parents involved in the child welfare system has received little attention in both legal and psychological research. Organizations providing an alternative to 18-B representation in Family Court have also received little focus. Most studies on representation in child welfare proceedings have been in the form of position papers. Research in the field is most dominated by positivist methods that focus on the incidence

of pathological traits and characteristics of individuals (Connor, Miller, Cunningham, & Melloni, 2001). These studies privilege the essentialist perspective of marginalized families by failing to shed light on the way in which context-specific issues impact individual lives, both positively and negatively.

The majority of research in the field of child welfare is quantitative. There are few qualitative studies that focus on the practices (and theories underlying such practices) of organizations working to support individuals in the system. Similarly, few studies focus on the personal stories of individuals and families and on the long-term trajectories of their children. Most qualitative studies in the field of child welfare focus on issues relating to foster care experiences, identity formation, attachment, psychopathology, and the intergenerational hypothesis. While many make important contributions to the field, a number of these studies are by definition essentialist in nature since their focus is on the individual as developing alone, separately from surrounding processes and influences. Many studies fail to address theory as an integral and crucial part of practice, and when they do so, they are often framed within the context of traditional views of development. This study seeks to make a new contribution to the literature by focusing on implications for legal practice stemming from theory and, specifically, the ecological, socio-cultural, and dynamic approach to development. Using qualitative methods, this study aims to uncover the philosophy of CFR staff and help to theorize the practice of the organization. I will provide a detailed account of the experiences of parents in the system, including how they feel ACS, the Family Court, and CFR perceive them and how they would like to be viewed. This research aims to alter the widespread view about the deterministic and essentialist fate of at-risk families—views that lead to ineffective child welfare practices, services, and legal representation of an already underserved and disadvantaged population.

Unlike quantitative research, qualitative research focuses on “meaning, sense-making and communicative action” (Smith, Flowers, & Larkin, 2009, p. 45). I have employed a qualitative approach in this study in part because of the subject matter. Harry, Sturges, and Klinger (2005) wrote, “It is the question that drives the methods, not the other way around” (p. 3) (see also Feur, Towne, & Shavelson, 2002). In helping to theorize CFR’s practice, I felt it was crucial to understand who comprises the organization as well as the recipients of their services. Theory must be seen in the context of practice (and vice versa). Thus, analyzing CFR’s practice was an essential way in which to understand the theories that guide their practices. To get at this, interviewing individual staff members and parents was paramount to reveal intricacies of their understanding of how the organization operates—individually and collectively, and with one another and with their clients.

In this research, the theories drive the method. CFR is a complex legal and social service organization. The population that the organization serves is equally complex. For that reason, interpretative phenomenological analysis (IPA) and narrative analysis will be employed in this study. In my search for understanding the theories underlying CFR’s practice, it seemed logical to use IPA and the narrative approach in tandem. Interpretative phenomenological analysis (IPA) has its origins in Smith’s (1996) paper that argued for an approach to psychology which was able to “capture the experiential and qualitative, which could still dialogue with mainstream psychology” (Smith et al., 2009, p. 4). IPA is a qualitative research approach informed by concepts from three areas of the philosophy of knowledge: “ideography, phenomenology, and hermeneutics” (Smith et al., 2009, p. 11). Ideography is concerned with the particular (this contrasts with the nomothetic approach, which is concerned with generalizing about a group by establishing general laws of behavior). Phenomenology is the philosophical approach to the

study of experience. Hermeneutics is the theory of interpretation. IPA enables researchers to examine how individuals make sense of major life experiences. Further, IPA was intended to be a qualitative approach centered on psychology (rather than other disciplines), as envisioned by William James (Smith et al., 2009). While it was originally utilized in clinical and counseling psychology, the key constituency for IPA is “applied psychology, or ‘psychology in the real world’” (Smith et al., 2009, p.5). As previously discussed in Chapter 1, my interest in developmental psychology stems from my own practice in child welfare. I went into developmental psychology wanting to understand the practice of child welfare in a deeper way. It was the real world that sparked my interest in psychology, and these methods have enabled me to study the real world of child welfare.

Narrative Analysis: Overview

The field of narrative analysis has roots in social constructionism (Smith et al., 2009) (see also Bruner, 1987), and overlaps with many aspects of phenomenological psychology (Smith, et al., 2009). In this study, narratives have been used to help interpret the questions that I ask. In this case, the phenomenon is the theory underlying the practice. I chose IPA for two reasons. First, in IPA, it is assumed that our data tells us something about an individual’s involvement in and orientation toward the world as well as how individuals make sense of this involvement. As a method, it focuses “upon people’s experiences and/or understandings of particular phenomena” (Smith et al., 2009, p. 46). IPA researchers interpret, describe, and explore how participants make sense of their experiences. Participants are then able to provide a view of the phenomena under investigation (Smith et al., 2009). Second, IPA researchers are interested in perceptions and views of participants in their quest for the interpretation of meaning (Smith et al., 2009). Thus, it is important to note that the processes of IPA are designed to elicit a reflective

engagement with the participant's account. However, it is inevitable that the analysis is a joint product of the participant and researcher. Though IPA is concerned with the lived experience of a participant and his or her meaning of that experience, the researcher's account of what the participant is thinking is paramount (Smith et al. 2009, p. 80). Because of this inevitability, IPA has a subjective bent. It is also "dialogical, systematic and rigorous in its application" (Smith et al., 2009, p. 80). The authors suggested that the IPA researcher is engaged in a double hermeneutic:

because the researcher is trying to make sense of the participant trying to make sense of what is happening to them. This captures the dual role of the researcher. [She] is employing the same mental and personal skills and capacities as the participant, with whom [she] shares a fundamental property—that of being a human being. At the same time, the researcher employs those skills more self-consciously and systematically. As such, the researcher's sense making is second order; he/she has only access to the participant's experience through the participant's own account of it. (p. 3)

The narratives of staff and clients of CFR have helped to uncover the theories behind the practice. Narratives are among the most powerful instruments for ordering human experience (Bamberg, 1997) (see also Hermans, 1997). Narrative is the approach that enables researchers to examine the dynamical world of individuals. It emphasizes the richness and complexity of personal stories (Daiute & Lightfoot, 2004) (see also Alexander, 1988; Lieblich, Tuval-Mashiach, & Zilber, 1998). Narration is used as a way to make sense of experience, construct the self, and create and communicate meaning (Chase, 2003). Josselson and Lieblich (2003) suggested, "In narrative, as opposed to paradigmatic modes of thought, the aim is to create

interpreted descriptions of the rich and multi-layered meanings of historical and personal events” (p. 259) (see also Bruner, 1987). In this sense, the emphasis is on content and its meanings, to do what is necessary to capture the lived experience of people in terms of their own “meaning-making” (Josselson and Lieblich, 2003, p. 260). In addition, “storytelling is an activity that integrates the values and material circumstances in social history and individual lives” (Daiute, et al., 2006, p. 209). It can also be transformative as an interpretive process. As Daiute, et al., (2006) suggested, “Simply changing facts in a retelling does not change events, but the portrayal of those events conveys the meaning of the events and thus defines causes, consequences and future action” (p. 219). The way that participants portray both the child welfare system and CFR is of primary significance in this study. These firsthand accounts will not only help to theorize CFR but may also offer insight into future action in child welfare.

The personal stories of parents—including how they position themselves, the way they feel they are perceived, and how they would like to be viewed by those two systems—are critical. In this way, storytelling “fosters the development of individuals and society” (Daiute, 2006, p. 206) (see also Bamberg, 1997; Hermans, 1997; Polkinghorne, 1991; Spence, 1982). Further, “[because] storytelling . . . is a means of social positioning, addressed to audiences and to one’s self . . . [we] use it to perform identities and reflect on them” (Daiute, 2006, p. 209) (see also Bamberg, 1997). Researchers have increasingly turned to narrative in social sciences. Narrative is used as the “organizing principle for human action” (Riessman, 1993, p. 1) (see also Bruner, 1987). When individuals are engaged with an experience of an important event in their lives, they are able to reflect on the significance of that event. IPA research aims to engage with these reflections (Smith et al., 2009) and will be used in this study to uncover and interpret the theories that underpin CFR’s practice. That said, although the processes of IPA are designed to

elicit a reflective engagement with the participant's account, it is inevitable that the analysis is a joint product of the participant and researcher. As Smith et al. (2009) suggested, "The end result is always an account of how the analyst thinks the participant is thinking" (p. 80).

The analysis of individual narratives usually derives from several theoretical and methodological perspectives (Daiute & Lightfoot, 2004; Lieblich et al., 1998; Ochs & Capps, 1996; Richmond, 2002). Narratives can be meaningfully analyzed along numerous dimensions. One way is through categorical analysis (Lieblich et al., 1998). Categorical approaches usually analyze sections of narrative separate from the text. Specific constructs may be parsed out and examined. In addition, narratives can be analyzed by what the authors term a *holistic* method in which a person's story can be evaluated using several approaches. In this study, I will utilize a categorical approach to understand the general philosophy and ideology of CFR, and a holistic approach to capture how clients feel they are perceived by the Family Court and child welfare systems, how they would like to be viewed by those institutions, and their relationship with CFR. Table 1 provides a framework for this categorical analysis.

Research Questions and Expected Outcomes

There are three primary research questions in this study, all of which were developed to uncover the theoretical underpinnings of the organization:

1. What is CFR's approach to child welfare cases? This question is addressed in part through the historical context in which the organization operates, highlighting what is unique about their practice.
2. What are the philosophies and practice methods of individual staff members? Specific questions about the way in which staff view individual clients have been included in this section.

3. What are the experiences of parents in the child welfare and Family Court systems?

That is, how do they perceive and feel they are perceived by those systems? How do they experience representation by CFR? And most importantly, how can these experiences shed light on the organization?

Identifying the theories underlying CFR's practice both helps to underscore how and why organization operates in the ways that they do and, from a research perspective, demonstrates how identifying and naming theory can contribute to a better understanding of practices within a particular organization.

CFR has demonstrated efficacy in its representation of respondents in the child welfare system. The organization's practice consists of intensive support by social workers and lawyers. This practice has proven to lead to a significantly reducing the number of children entering the foster care system or to significantly reducing their stay if they are already in care. This research aims to find out how CFR is able to do this. Since the goal of this research was to "excavate" the underlying theories of CFR, I did enter the research with some expectations. These included uncovering a strong emphasis on ecological and socio-cultural theory.

Chapter II: Methodology

Study Plan

This study employed two semi-structured interviews, one for Center for Family Representation (CFR) staff and the other for clients of the organization. A list of questions was used as orienting guides for the interviews (see Appendix B). These questions were developed to elicit responses that tap into the theoretical underpinnings of the practices of individual staff members and to address the ways in which their clients perceive their own lives and their relationship with CFR.

Interpretative Phenomenological Method

This study combines the methods of interpretative phenomenological analysis (IPA) and narrative analysis. IPA generally employs a relatively small number of participants and aims to reveal something about the experiences of each individual involved in the study. That is, this method can also be used in evaluating the experiences of members of an organization and specifically to help identify the theoretical approaches underlying their practices. “IPA is committed to understanding how particular experiential phenomena (an event, process or relationship) have been understood from the perspective of particular people, in a particular consequence” (Smith, Flowers, & Larkin, 2009, p. 29). One of the reasons for utilizing IPA is that it is a method that is congruent with the work of CFR. As IPA is focused on these unique perspectives, so is CFR in its practice with families. IPA was used in this study to capture CFR both as an organization and in relationship to the child welfare and Family Court systems. Interviews should start with questions that allow participants to recount fairly descriptive episodes or experiences (Smith et al., 2009). IPA is a method conducive to providing a platform for parents to talk about their experiences in the system and as clients of CFR. This method was intended to highlight the theories implicit in CFR’s practice.

Narrative Method

In addition, the use of narrative analysis was employed to identify these theories. Narratives can be analyzed in multiple ways. One of these ways is through categorical analysis (Lieblich, Tuval-Mashiach, & Zilber, 1998). Categorical approaches usually analyze sections of narrative separate from the text. The qualitative data in this study is analyzed using the categorical Table 1 provided above. I have paid particular attention to the view of development by way of personal and organizational philosophy, views of the population, and the use of metaphor. Interviews were transcribed with a focus on the experiences and practices of participants that highlight the theories underpinning the practices of the organization. These categories are based on the developmental theories discussed in the literature review section of this study. Traditional theories in this context are those that provide an essentialist premise about phenomena in the social world, while progressive theories are those that do not isolate individual development from the dynamics of their collective activity and history. Specifically, this refers to theories tapping into “*the realm of relations and interactions* [emphasis added]—that is, embedded, situated, distributed, and co-constructed” (Stetsenko, 2009 p. 13). Simplified reductionist notions about human nature and development have grave implications for psychology (Stetsenko, 2009, p. 12), and this study has aimed to explicate and explore “in practice” more inclusive, dynamic, and meaningful notions about development.

One goal of this study was to sort out the complex interaction between the institutional narrative, that is, the story that is told by the institutions that parents are involved in (and subsequently bought into by society) and the parents’ own story (which in turn is also a reflection of the institutional narrative). While it is implausible to suggest that parent narratives can be developed independent from the narratives of institutions, they can be examined in terms

of individual experience and perception. Nelson (2003) wrote, “Narratives situate action in time and place, introduce agents and connect events through mental and physical causal and temporal sequences moving towards a goal or outcome” (p. 126). Throughout this study, I have discussed the parent counter-narrative and have focused on worldview and positioning. Parents were given a platform to describe their lives and their relationship with the institutions in which they are embedded. Interviews were transcribed and analyzed based on how parents understand their own lives and specifically on how they position themselves within the child welfare and Family Court systems and as clients of CFR. This is best described through the framework of *positioning theory*. Positioning theory is a way of conceptualizing social relationships through the manner that individuals position themselves and others in discourse (Harre & Gillet, 1994). Positioning can be both interactive, when individuals position others through discourse, or reflexive, when individuals position themselves (Davies & Harre, 1999). The narrative in this sense comprises a site to examine people’s lives based on how they position themselves reflexively. Storytelling is “an activity that integrates the values and material circumstances in social history and individual lives” (Daiute, et al., 2006, p. 209), and “[it] embeds institutional values, power relations, circumstances of the physical environment, and individual motivations” (Daiute, 2006, p. 209) (see also Harre & Van Langenhove, 1999). One of the primary reasons for utilizing this type of analysis is to explore the compatibility between CFR’s philosophy and practice on the one hand and progressive theories of development on the other, as well as to show how those theories get enacted through practices and activities of the organization.

The method used for this study was based on my hypothesis that CFR practices are de facto underwritten by progressive theories of development. The questionnaire was developed to compel participants to be reflective about the organization and about their experiences,

subsequently providing me with an opportunity to parse out the theories hidden and implicit in their practice. That is, I prompted participants with questions intended to get at their implicit notions and theory. The analysis, in accordance with IPA, began with listening to the transcripts (in my case, three times each) in order to immerse myself in the original data. I focused on similarities and differences among the answers and categorized the data in order to understand how the descriptions may or may not fit into theoretical categories. As I listened for the third time, I searched for key words and shared experiences of parents and staff. Ultimately, I identified emergent phenomena and made connections between them. Throughout this process, I juxtaposed the traditional theories implicit in the practices of the child welfare system with more progressive theories of development.

Metaphorical Analysis

The metaphorical analysis in this study is twofold. Metaphors are commonly used in human communication. According to Dodge (2008), listeners as processors of information are bombarded with so many stimulus cues that they cannot possibly encode them all. Speakers use metaphors as heuristic devices to help the listener comprehend an idea. Metaphors invoke scripts about how the world operates (Dodge, 2008 as cited in Schank, 1998). In communication, metaphors subtly create new realities and shape listeners' views and beliefs (Dodge, 2008). Metaphor is used widely both by lay people and in the world of child welfare and Family Court. A horrendous case of abuse spurs familiar metaphors to describe the child welfare system (i.e., "incompetent" and "unprofessional") (Gudgeon, 1989) and "throwing good money at bad." They are also used to describe the families involved in such cases (e.g., "intergenerational abusers"). Unfortunately, metaphors drive public perception, policymaking, and scientific research on etiology and prevention in often misleading ways (Dodge, 2008).

Metaphors are powerful and profoundly influence the way that child welfare is perceived in this country. Rather than eliciting concern for problems associated with abuse and neglect, such as poverty and substance abuse, metaphors create stereotypes and social welfare policies that are detrimental to those involved in the system. The use of metaphors by CFR staff and their clients was examined in order to understand how they influence practice within the organization as well as the experiences of those involved in the system. My intention at the beginning of this study was to identify metaphors that have been traditionally used to describe clients within the child welfare system and those that depict a more progressive view of this population as described by CFR. However, my results in this category were unexpected. This and the way metaphors influence policy in child welfare and law are discussed in terms of the theoretical categories, as well as in the way they influence public perception and policy.

Study Participants

This study was based on 12 interviews (n = 12). These included 9 CFR staff members: 1 executive director/president (a lawyer), 1 deputy director (a lawyer), 2 social work supervisors, 1 social worker, 2 supervising attorneys, 2 parent advocates, and 3 parents who are clients of the organization. [The following initials are referred to in identifying each participant: ED (executive director), DD (deputy director); SWS (social work supervisor 1 and 2), SW (social worker), LS (litigation supervisor 1 and 2), PA (parent advocate 1 and 2), and P (parents 1, 2, and 3).] These participants were selected in order to provide a broad range of responses and perspectives that address the multifaceted aspects of the organization's practices and activities. Parent participants came from diverse backgrounds. All were female. Parent 1 was 45 years old from the Dominican Republic; parent 2 was 28 years old from Puerto Rico; and parent 3 was 35

years old and African American. Staff participants were all female except for 1 male and ranged in age from 25 to 55.

All but one interview of staff members in this study were conducted in a private office or conference room at CFR. One staff member was interviewed in a restaurant near the Manhattan courthouse. All parents interviewed for this study chose the place in which to meet. One parent was interviewed in a bookstore café; the remaining participants were interviewed in a café or restaurant. All participants were told that their participation was voluntary and were informed that they could stop the interview at any time.

This researcher took steps to maintain the anonymity of participants. Parents who volunteered in this study were given my contact information and were not required or requested to disclose their participation to CFR. Multiple CFR clients were given the flyer for my study. The anonymity of staff members was also of concern. All staff members were given an opportunity to participate in this study and were not required to report their participation. Obviously, the small number of employees of the organization makes anonymity a more complicated issue since there are limited job titles.

Motivation and Researcher's Positioning

"How we think about development affects how we approach treatment." (Esther

Thelen in Dynamic Systems Theory and the Complexity of Change, 2005)

I have been committed to the field of child welfare since completing my master's degree in social work in 1994. I started my career as a child protective investigator in a county-run state Department of Children and Families. I learned firsthand about abuse and neglect, preventive services, Family Court, and the foster care system as I removed children and placed them into care. I also learned about the perils of poverty, substance abuse, unemployment, and mental

illness, so prevalent in child welfare. Upon moving to New York, I worked in an innovative nonprofit organization called C-PLAN: Child Planning and Organizing Now in the office of the New York City Public Advocate. This was a shift from child protection as I became an advocate to families involved in the system. At first it was difficult. I had spent years investigating similar parents and felt strongly committed to protecting their children. But as I heard stories from my clients about the issues they were having with the system and as I attended fair hearings and meetings at the board of education, I realized how unfair the system was to the families that it served. Children were removed from their homes and often had little or no visitation with their biological parents, and there was little focus on the devastating effects of this separation. Many children lingered in foster care, some in abusive foster homes. Adolescents aged out of the system, many with no place to live or go to school. Some parents voluntarily placed their children in care to avoid court involvement for abuse or neglect. Parents lacked the resources and knowledge to navigate the child welfare system, let alone work toward reunification. In some cases, parents relinquished custody of their children. Subsequently, the state would provide to foster parents the same services it denied to parents (Roberts, 2002). Termination of parental rights was commonplace. Parents involved in the system needed an interpreter (staff at C-PLAN) just to navigate through the system. The racial and socio-economic disparities were palpable.

In addition, my advocacy work in the Public Advocate's office made me aware of the crossover between the child welfare and mental health systems. So many of my clients became involved with the Administration for Children's Services (ACS) because that was the only place they believed they could obtain mental health services for themselves and for their children. Private health care and difficulty in accessing public services make it difficult for middle-class

parents to get treatment for their children, let alone parents living in poverty (Roberts, 2002). I was struck by the difficulty clients had in obtaining appropriate services and by the lack of coordination between the two systems. Roberts (2002) wrote, “For many children, then, the only way to qualify for publicly funded mental health services is to enter the child welfare system” (p. 86). A significant amount of my advocacy work was focused on coordinating services between the child welfare and mental health systems. This led me to work on a task force with staff from the Office of Mental Health and ultimately to help develop policy related to improving the relationship between the child welfare and mental health systems in New York City.

These two distinct positions afforded me the opportunity to work on two ends of the spectrum. While it was curious to me that I could feel so strongly about protecting children and then equally passionate about helping (and protecting) their parents, I realized that the two are intrinsically linked. Both are about family. Child welfare is a complex web whose core is wrought with serious social issues. When I began my studies in developmental psychology, I had come to the realization that the system is so polarized that it fails to recognize the vital issues that contribute to abuse and neglect. It was important for me to actively participate in a capacity that could help institute change in the system. In 2005, I became a board member of the Center for Family Representation. For the first time, I felt optimistic that these two issues could finally be reconciled. CFR does not believe in keeping children in homes in which risk is imminent. But they do believe in family and keeping its members together when at all possible. They work on the social and political issues that contribute to involvement in the child welfare system and maintain a focus on keeping children safely at home while ensuring that families stay out of the system permanently.

When I made the decision to write my dissertation about CFR, I knew that I had to step

down as a board member. I did not want any link that would bias my thinking or contribute to inaccurate research. What led me to the organization is that statistically, CFR has a proven track record. They have demonstrated success in keeping families together and in developing effective strategies and policies in child welfare. Despite this success, I was cognizant of my responsibility as a researcher to think objectively and critically about the organization and to question their motives and practices. And while it was my aim to remain impartial and objective in this research, I acknowledge the possibility (and likelihood) that my interpretations are colored by my own experiences and beliefs. I have attempted to be an impartial observer. But I am aware of the limitations of any qualitative research and specifically of interpretative phenomenological analysis (IPA). My central goal was to find out why CFR's practices are efficient in producing successful reunification and long-term stability given the landscape of child welfare. I am committed to investigating the organization's philosophy and beliefs about human development and will espouse their stance. It is up to the reader to form his or her own opinion and conclusions about CFR. It is not my intention to use this research as a forum to place CFR on a pedestal, and I am in no way connected to the organization aside from this research. I am not a paid employee or consultant, and this dissertation is a research project not intended to benefit the organization. I chose to conduct this study because after years of working in child welfare, my interest was in changing the system, not in working within the status quo. CFR has always been about change, and my goal was to determine why and how.

My position is a crucial part of this research. My commitment to child welfare is tacit. But my role as a social worker influences my perception of the child welfare population. Having worked on both sides of the child welfare industry, both in the field as a protective service worker and in the capacity of advocate and policy maker, my position is one of knowledge of the

system and the social factors that contribute to it. It is unrealistic to come into a research study without bias. But my experience does provide a window into the activities surrounding this population that will influence my position as a researcher in this study.

Chapter III: Analysis

Overview of Analysis

“So long as theory and practice are separated then they fall into a distorted one-sidedness; theory and practice can only fully develop in connection with one another” (Retrieved from <http://www.marxists.org/glossary/terms/p/r.htm>)

The following chapter presents an analysis of the semi-structured interviews conducted with CFR staff and clients. Results of this study are discussed in terms of the categorical table 2, which juxtaposes traditional and progressive frameworks of development. Specifically, the interviews are analyzed in order to understand the theoretical underpinnings of CFR’s work and to characterize those theories based on the traditional and progressive frameworks. This study is based on the idea that it is practice that enacts the theory and theory that helps to guide the practice. Practice is highlighted to be purposeful and directed at change rather than a passive observation (Stetsenko, 2008).

Using several theoretical lenses, this analysis has aimed to address the dynamic interactions among staff, between staff and clients, and between staff and clients with external systems. In this way, the analysis is focused not solely on the individual but on the embedded activity of the situated perceiver (Ginsberg, 1990, p. 361). This study is based on the principles of applied developmental science (ADS) to reflect how an organization operates in ways that impact the practices of the child welfare system. In accordance with Fischer’s (2005) notion of ADS as a synthesis of research and application, this work is focused on how the application of knowledge about development can be utilized to enhance lives. Understanding the theories underlying CFR’s practice can enhance the lives of the organization’s clients and others involved in the child welfare system. Throughout this analysis I have also included a discussion of CFR’s website and a video produced about the organization.

The analysis answers three research questions posed in this study:

- (a) What is CFR’s approach to child welfare cases?
- (b) What are the philosophies and practice methods of individual staff members?
- (c) What are the experiences of parent-clients represented by CFR in child welfare proceedings?

The aim is to shed light on the way in which clients are affected by their involvement with CFR and to demonstrate how CFR’s practice is changing the trajectories of their clients while simultaneously impacting the practice of the child welfare system. This study aims to theorize CFR’s practice in concrete terms.

Table 1

Frameworks

Subject	Traditional Framework: Individual	Traditional Framework: Family	Progressive Framework	CFR
“Who” develops	Sole individual acting in isolation	Family acting in isolation—from one another and within the context of their community	Individual and families are part of an ecosystem; never isolated, e.g., family as a unit.	
Process for development	Predetermined/fixed Emphasis on inherited/inborn traits, modules, etc. Non-agentive	Fate is predetermined/fixed Emphasis on culture of poverty, intergenerational hypothesis (cycle of abuse), familial addiction—viewed as genetic.	Constructed/emergent/nonlinear (mountain stream metaphor (Thelen, 2005). Individual and familial traits are constructed rather than predetermined. “Cascade” of influences	

Table 1 (continued)

What is development?	Development as what happens “to you”	Development as what happens “to you as a family”	Development as “accomplishment”	
Model	Disease/medical model: “all in the individual”	<p>“All in the family”</p> <p>Disease/medical model: individuals within a family seen as needing to be “fixed”</p> <p>Stage theories</p> <p>Preventive services after the fact</p>	<p>Socio-cultural model: interface between individual and context; situated nature of phenomena and events</p> <p>Poverty is not genetic.</p>	
View of individual	Immutable	Immutable	Mutable	
Approach to practice	<p>Diagnose in order to blame, change, and/or punish</p> <p>Focus on deficits of the individual</p>	<p>Diagnose in order to blame, change, and/or punish</p> <p>Focus on deficits of the family or one member of the family</p>	<p>Find strengths and amplify them (i.e., on what already exists) by providing and enhancing tools</p> <p>Strength-based</p> <p>Scaffolding</p> <p>ZPD</p>	
Metaphor	<p>Traditional metaphors</p> <p>Policy implications</p>	Traditional metaphors	<p>Progressive metaphors</p> <p>Policy implications</p>	

Table 1 comprises eight subjects and four sections: *Traditional Framework (Individual)*, *Traditional Framework (Family)*, *Progressive Framework*, and *CFR*. The results of this study are discussed in terms of where CFR fits categorically within these frameworks. The traditional framework emphasizes theories that characterize individuals and families as acting in isolation, lacking agency, and whose fate is predetermined. This is a deficit-based model that focuses on the issues that bring clients into the child welfare system and, in many cases, highlights more

specific deficits like substance abuse and homelessness. The progressive framework emphasizes individuals and families as part of a larger ecosystem in which development is contextualized, embedded, and emergent as a collaborative accomplishment. Four of the subjects on the table focus on the way that development is perceived by staff members and clients. *“Who” develops*, *Processes for development*, *What is development?*, and *View of the individual* are categories intended to tap into the theory underlying CFR’s practices. This study is based on the assumption that theories of development matter in child welfare practice. Those theories, whether overtly stated or not, are enacted in institutions and organization. The category *What is development?* addresses whether development is active and viewed as an accomplishment, or passive and considered to be something that just happens to otherwise passive individuals. The *View of the individual* category focuses on how CFR staff perceives clients’ ability to change. Under *Traditional Framework*, I have included both an *Individual* and *Family* category. Individuals are often viewed as acting in isolation, and often families are viewed as systems acting without a contextual milieu. This warrants a separate category for each. Finally, the *Model* and *Approach to practice* subject categories focus on capturing the fundamental archetype of CFR’s practice. These sections are intended to tap into the differences between CFR’s model and approach from that of ACS. The *Metaphor* category was created to elicit current metaphors, both old and new, and to demonstrate how they shape child welfare policy.

To provide a framework for this project, it is helpful to reintroduce the definition of child welfare and describe the function of the Family Court. Child welfare, also known as child protection, refers to a set of government and private services designed to protect children and encourage family stability. This encompasses investigations of allegations of child abuse or neglect, foster care placement, preventive services, and the termination of parental rights to make

children eligible for adoption. Federal legislation provides a foundation for states by identifying a minimum set of acts or behaviors that define child abuse and neglect. The Federal Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C.A. §5106g), as amended by the Keeping Children and Families Safe Act of 2003, defines child abuse and neglect as, at minimum:

Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm.

This definition of child abuse and neglect refers specifically to parents and other caregivers. A “child” under this definition generally means a person who is under the age of 18 or who is not an emancipated minor. (Child Welfare Information Gateway; retrieved from <http://www.childwelfare.gov/pubs/factsheets/whatiscan.cfm>).

The Family Court of the State of New York is a specialized court that deals with cases involving children and families. According to the New York City Bar, Family Court judges hear a range of legal issues. These include child abuse and neglect (child protection), adoption, child custody and visitation, domestic violence, guardianship, juvenile delinquency, paternity, persons in need of supervision (PINS), and child support. ACS and the Family Court handle cases involving children under the age of 18. A child protective proceeding is a court case to decide whether allegations of abuse or neglect are true and, if so, what action the court should take to protect the child. A court case begins when a petition and summons are delivered to the parent or guardian, who is ordered to attend a court hearing to hear the case against them and provide defense. Parents or guardians need a lawyer for Family Court cases. While some are able to hire a lawyer independently, those without adequate income can request that the court appoint one. This is usually an attorney from the 18-B panel. In the last 5 years, nonprofit legal organizations

have also begun to be appointed to represent low-income parents. CFR is one of those organizations and currently has a contract with New York City to represent parents in half of all child welfare proceedings in Manhattan. In January of this year, they were also awarded representation of half of the cases in Queens Family Court.

The first hearing, known as *fact-finding*, determines whether a child has been abused or neglected. A separate *dispositional* hearing is held in order for the court to hear testimony and review it to decide what should be done if abuse or neglect are indicated. An attorney from ACS is present in all hearings, and the court usually assigns a *law guardian* to represent the child in the case. If the court finds that the allegations cannot be substantiated, then the case is dismissed, and if the child has been removed, he or she is returned. If the allegations are indicated, then the court determines what orders to make in the child's best interest.

Results

Disentangling Poverty and Race from Poor Parenting

“If the misery of the poor be caused not by the laws of nature, but by our institutions, great is our sin.” (Charles Darwin)

One of the most significant findings in this study is that poverty is often confused with poor parenting in child welfare cases. The basic definition of poverty is deprivation due to income below the minimum level necessary to meet essential needs. The most common definition of poverty is contingent on “the statistical measure established by the federal government as the annual income needed for a family to survive” (Bradshaw, 2006, p. 4). But poverty is an inordinately complex and nuanced construct involving individual, societal, and cultural influences, and a basic definition is inadequate. This study highlights the need to understand the impact of poverty on one's ability and perceived ability to parent and be parented.

The disproportionate number of poor minority families in the child welfare system has been well documented. Although poverty can increase the likelihood of maltreatment, the majority of poor people in the United States do not abuse or neglect their children. Yet the individuals and families who are primarily investigated by the child welfare system are poor, and the issues that often lead them to involvement with the system are due to poverty. Two study participants illustrate this:

PA1: They are mostly poor. Many don't have support and have no sense of direction.

PA2: They are mothers, women just like you and I who at some point . . . fell back on whatever it is in their life and fell through the cracks. . . . [Many of them have] parents who went through what they went through or had something major in their life . . . who used alcohol or drugs to escape.

Thus the question is not whether poverty is important, but how and why. CFR staff talked about poverty—its causes, conditions, and consequences—as being central in each case. Specifically, they questioned whether living in a poor community and consequently having limited resources means that you will be a poor parent.

Throughout the interviews in this study, the CFR staff position was revealed to be associated with the underlying assumption that client parents exist within an impoverished environment. This environment encompasses families who are poor and who interact with a series of systems and services that are poor. Those systems comprise poorly trained and poorly paid staff that often lack the necessary education to adequately deal with the complex issues of child welfare. Staff emphasized the impact of the micro- and macrosystems of poverty on the lives of their clients. The microsystem concerns where and how parents live, their educational and employment opportunities, their proximity to good schools, and their ability to access

resources and services. The macrosystem of poverty was described in terms of how parents are perceived and responded to if they are poor and what resources (local, state, or federal) are allocated to them. Staff described institutional and societal views of poor families as being enacted in the child welfare system. As one participant stated:

SW: It [ACS] is a bureaucracy that treats poor families differently.

CFR clients are all low-income parents with limited resources. As an organization, CFR consistently asks the question, Why are so many people who are investigated by the child welfare system poor? The executive director emphasized this: “We don’t think enough about poverty.”

Poverty is a complex web in which most families involved in the child welfare system are entangled. It is both income-based and related to a lack of access to services and opportunities. According to the deputy director, 90%–92% of cases nationally in child welfare are due to neglect: “A huge subset of those are really directly linked to conditions associated with poverty.” CFR reports on their website that 83% of the children in foster care in Manhattan are from the 5 poorest neighborhoods in the city (CFR; retrieved from http://www.cfrny.org/new_legal.asp). Further, children from the 15 poorest neighborhoods account for over half of the total foster care population in the city. The executive director suggested there are provisions in place in poor communities that often result in involvement in the system. Staff talked about poverty as both shaping and impeding the development of their clients. CFR’s social worker interviewed for this study described the makeup of most of the organization’s clients:

SW: The majority are people of color, the majority of them are poor—all of our clients make very little money, and some are very destitute. A lot of the parents I work with are

dealing with generations of poverty and issues embedded in race, class, and culture.

None of the issues are isolated. . . . They have been building up over time.

The number of poor people in the child welfare system suggests that what parents are able (or unable) to afford—from the contents in their refrigerator to their housing—is correlated with what it means to be a good parent. CFR challenges this, highlighted by a social worker supervisor:

SWS 1: Being poor does not mean you're bad.

Further, development appears to be viewed by participants not as a fixed state but a dynamic process. According to participants, whether parents have neglected or abused their children does not necessarily set them on an immutable course. The deputy director stressed that they do not want clients to be characterized in ways that suggest they are on an inevitable course to failure:

DD: Because you committed this bad act [we don't want them to be told] that it completely defines your parenthood.

In addition, being poor limits choices. Parent advocates spoke extensively about a lack of structure and support in their clients' lives. They described clients lacking extended families and friends for support as well as families living in unsafe neighborhoods. Both advocates pointed to lack of education and limited options for parents. Lack of knowledge about the system leads to limited choices. The following quotation from one parent participant illustrates this conflict:

P1: [As a child] I had a lot of anger issues . . . [so] my mother put me in the system—[ACS] sent me into a home for children with anger issues. I was voluntarily placed there. She [my mother] told them I was bad. Because I was angry. I didn't do my homework. . . . The house wasn't clean when she wanted it to be.

This parent described her mother as unable to deal with issues associated with the development of an adolescent daughter. Lacking resources, support, or knowledge, she turned to the child welfare system rather than a private counselor or the mental health system for help. If a parent requires a mental health evaluation for a child, this does not automatically necessitate child welfare involvement. For many disadvantaged clients who lack knowledge of the two systems, however, it often leads to unnecessary entry in and long-term involvement with the system. In some cases, this results in foster care or group home placement. For the majority of families in the United States, problems with day care, school, mental health, or drug addiction do not usually lead to a family falling apart. If a crisis arises, resources are located, support systems are accessed, and options are sought to avert or ameliorate the issue. CFR points out that for a disadvantaged parent in an impoverished community, the equation is radically different. A crisis can be the catalyst to an investigation by Child Protective Services and placement into foster care. Because child welfare agencies and Family Court are overwhelmed, this can lead to months or even years of navigating the court system to reunify their family. Parents who live in communities where ACS has a strong presence are more likely to become involved in the system whether it is necessary or not. In addition, very often in child welfare, the treatment does not match the need of the client, and there is little recourse when this occurs. The social worker in this study talked about her clients' choices:

SW: Our clients don't have a whole lot of choice when it comes to the treatment that they need. We have people with a treatment that just doesn't fit. They have an old diagnosis, and it follows them from clinician to clinician. We try to advocate to find a service that really fits so that if there is treatment, then it is going to be meaningful.

One parent advocate suggested that a family's limited options are often used by ACS as a gauge. Lack of access is so often what the child welfare system uses as a meter to determine whether parenting is acceptable or suboptimal. Once on the radar of the system, requirements are regimented and choices are limited. The major issue in child welfare is that parenting exists within the confines of poverty and race. In this vein, Roberts (1999) suggested the child welfare system is designed to regulate, monitor, and punish poor families, particularly poor Black families. Not surprisingly, the majority of children who are taken from parents and placed in foster care come from the poorest and least politically influential families in the country (Guggenheim, 2005). Since the child welfare system consists primarily of poor minority families, CFR confronts issues of poverty in every case. Staff characterized poverty as the most significant factor in child welfare involvement. Issues associated with poverty (e.g., resources, education, employment) are consistently confused with what is expected of and acceptable within a family and consequently with poor parenting. In response, CFR's role, as described by participants, appears to be to continuously disentangle poverty from poor parenting.

Family in Context: From a Medical Model to a Socio-cultural Approach to Practice

Incorporating socio-cultural theory into practice is one way to disentangle poverty from that of poor parenting. Participants in this study portrayed ACS as focusing almost exclusively on safety, separate from the issues that families face. One participant suggested the system consistently overlooks the profound issues that lead to placing children and families at risk. CFR staff talked about the need to differentiate their practice from other organizations and institutions working with families involved in the child welfare system. The executive director emphasized this:

ED: We're very clear. . . . [We] came to do this work because we wanted to do it differently.

Staff's description of the organization's practices demonstrates the fundamental belief that context is critical. The word *formulaic* was used more than 20 times during the course of the interviews. *Formulaic* in this case describes standards and interventions that are applied across the board. These interventions lack both spontaneity and an understanding of the nuanced issues within families. ACS is designed to play a specific role to protect children, and they have designed a formulaic system that responds to protection. As a result, family preservation is often forsaken. No two families are alike. Thus, our interventions with families should not be formulaic. The executive director stressed this in an interview on the CFR website:

ED: We all like a villain in our stories. But in our clients stories, there is often not a villain: neither the City nor the parents. What the City does—what the bureaucracy does is . . . hand the client a formula and expects them to conform to that . . . and that doesn't always work for every family. (CFR; retrieved from www.cfrny.org).

Focusing on context in legal and social work practice and on the nuances of families eliminates this formulaic approach. Thinking contextually was described as crucial to working with the population within the child welfare system. The deputy director of CFR stressed the importance of this even in cases in which children should not remain with their families:

DD: I think that there are some kids that just shouldn't be with their parents. . . . The question is, for how long, for which children, for which parents. Forever? For six months? And for us, that's just the beginning of the story. . . . It's just that the child welfare system . . . casts too wide a net, it's too formulaic. Everybody should be

concerned about the fact that it [the system] is mostly serving children who are poor and children who are of color.

CFR staff participants emphasized the multiple issues that clients face. One of their greatest criticisms of ACS is that in their work to prevent abuse and neglect, they provide services that fail to address and solve the core issues that lead to risk. This was discussed in detail by one legal supervisor:

LS2: Some parents have problems—substance abuse. Or they may have been raised in foster care themselves, or by someone who was not a good parent and never had good role models, or by someone who never thought about other ways to discipline their child. [But] that can be learned. If we give the parent the best chance to learn it and think more about their problems, and if they can make it, then that's a beautiful thing.

The child welfare system, and ACS, was described by participants as investigating primarily poor families, removing poor children, and keeping those poor children in care for long periods of time. The current paradigm in child welfare is to determine who will be involved in the system based on risk management. ACS views poverty as associated with risk. There is evidence that poverty contributes to a higher incidence of risk factors such as maltreatment, substance abuse, and mental illness. But CFR purports that this evidence does not characterize the entire population involved in the system. The problem with this paradigm is that risk in itself is essentialized and consequently equated with poor parenting. Risk is unquestionably important. But the issues surrounding the risk are critical. A socio-cultural approach like that of CFR shifts the paradigm from risk-based to focusing on the child and parent within the context of his or her family, and the family within the context of society—all of which are directly and indirectly impacted by multiple systems. Socio-cultural theories like those developed by Vygotsky (1978)

and others conceive development in ways that are distinctly different from traditional approaches like the one represented in the medical model. Unlike traditional theories that view development as solely individual, socio-cultural approaches situate individuals within a set of unique dynamic systems and activities.

The notion of context as integral to CFR's practice is rooted in socio-cultural theory. This view echoes that of Mills (1968): "The life of the individual cannot be adequately understood without reference to the institutions within which his biography is enacted" (p. 409). CFR's approach takes away the notion that problems are those of an individual living in isolation and focuses on solving problems and meeting the needs of families living within a larger context. In this way, CFR emphasizes that individuals are best understood in relation to the contexts in which their experiences are embedded. CFR emphasizes context and the ability of people, including clients, to change, a perspective that posits development as an emergent and dynamic process. This view represents a shift from the notion that development is imposed on an individual. The socio-cultural approach emphasizes the importance of how we think about poverty since it is directly related to the practical action in and on the world of people, places, objects, events, and structures. From CFR's perspective, "Who develops" is the family within the context of poverty and a system that supports poverty. This resonates with Wartofsky's (1983) presupposition: "The human is understood in its externally embodied modes of cognitive practice, in the activities of social production and social interaction" (p. 196). CFR's practices reflect socio-cultural theory in their shift from thinking about the individual as solely biological to thinking about the individual, the family, and society in a constant "dance"—with poverty, race, and culture viewed as continuously interacting "partners." In many ways, CFR approaches

poverty as caused by cyclical and cumulative interdependencies, best described by Bradshaw (2006):

This cyclical explanation explicitly looks at individual situations and community resources as mutually dependent, with a faltering economy, for example, creating individuals who lack resources to participate in the economy. (p. 14)

This theory has its origins in the work of the economist Myrdal (1957), who described the economy as an “interlocking, circular interdependence within a process of cumulative causation” (p. 23) that helps to explain the relationship between economic underdevelopment and development. Though not overtly stated, CFR practices seem to be permeated with a belief in this circular interdependence.

CFR’s work focuses on unraveling the influences of poverty from poor parenting, and this demonstrates a considerable shift in thinking about development. Rather than something that happens to an individual, development is seen as a work in progress and a collaborative accomplishment. Risk, for example, is not viewed as deterministic but as a factor that could lead to a number of developmental trajectories. One social work supervisor described it in the following way:

SWS1: With the right support, they [clients] can direct what happens in their case.

Further, development is viewed as enhanced by resources and support. CFR describes individuals and families as active players in the process of their own development. The following interview segment from one parent advocate illustrates this:

PA1: We work to keep the family together or put them back together—but not just momentarily—forever. Because we try to help them resolve the issues they have in their lives, like mental health issues or dependency on a man—whatever is not safe for their

kids. We help them find another kind of support system. . . . We do our homework . . . set kids up in day care, make sure they are in school . . . whatever it takes.

In sum, CFR views clients as active participants in their own development. The issues associated with poverty do not guarantee that clients are on a deterministic course of long-term poverty and poor parenting. Instead, clients are malleable and flexible. Using context as a basis for practice in this way is exemplary of socio-cultural theory at work.

The confounding problem between poverty and poor parenting is critical. Yet there are several consequences related to poverty's central place in CFR's practice. The first concerns the notion that poverty is the single most important issue in child welfare, first emphasized by CFR's deputy director:

DD: The biggest problem in child welfare is that our society is not doing enough about poverty.

While this position is reflective of a progressive, socio-cultural approach to practice, it also suggests that curing poverty is the silver bullet necessary to fix child welfare. Child welfare's complexity is lost when thinking about poverty is simplified. It is possible to essentialize the construct of poverty in the same way that ACS essentializes the notion of the individual and family as separate from their contexts. The way poverty is understood and theorized has a direct impact on how it is addressed in child welfare. If poverty is viewed as an individual problem that needs to be "fixed," the child welfare system will follow suit by addressing poverty on an individual level. However, if poverty is viewed as a greater social and political problem, the system's response would reflect a more socio-cultural approach to the issue. This resonates with Thelen (2005), who suggested that assumptions about development impact how children are

understood. Schiller (1989), suggested that society's position on poverty "will have a direct bearing on the public policies we pursue" (p. 4).

As discussed in Chapter II, there are numerous theories about poverty including those defined by Bradshaw (2006). For example, one definition of poverty concerns individual deficiencies that, with harder work and better choices, can be remedied. Another suggests that poverty is caused by a cultural belief system that supports subcultures of poverty. CFR rejects individual theories of poverty. However, the organization does demonstrate support of three other theories of poverty described by Bradshaw (2006), including that poverty is caused by economic, political, and social discrimination and, in many cases, geographical disparities. In some ways, this view neglects the idea that individuals and families have their own unique makeup and set of circumstances and that they are connected to a larger ecosystem comprising multiple influences. Reducing or eliminating poverty is only part of the picture. For example, a mother dealing with a mental illness and subsequent involvement with the child welfare system would not benefit solely from a cure for the social ills of poverty. Societal and institutional stigma of mental illness, access to appropriate diagnosis and treatment, and help with parenting given the constraints imposed by the illness are also critical.

Second, CFR's practice is not focused on addressing poverty in ways that could have a transformative effect in the communities from which their clients come. The organization talks a lot about poverty and work with individual clients and their families on issues related to poverty. But CFR does not work on reducing poverty in the communities that its clients reside in. Failing to address poverty on a more systemic level and working instead only with individuals who are impoverished has limitations. Several staff members emphasized that parents involved in child welfare must be seen in the context of poverty and of issues related to the *culture of poverty*, that

is, that poverty is cyclical and that poor people remain that way as they adapt to the burdens of impoverishment. This perspective, which resonates with that of W. J. Wilson (2009), suggests that culture contributes to the way people develop an understanding of how the world works.

The culture of poverty is a complex, controversial construct. Valentine (1968) suggested three different models of culture of poverty theories that parse out its complexity. Bradshaw (2006) elaborated on these models, focusing on the community approach to poverty that best fits with each of these models. The first relates to viewing the culture of the poor as a dysfunctional system of beliefs and knowledge. This model requires that programs work to replace that culture with a more functional one that supports productive work and overall development. The second relates to viewing the culture of poverty as an opportunistic and nonproductive subculture, perpetuated over generations—a model that requires one to focus on working with youth to stop its recreation. The third model relates to poverty as a cultural phenomenon that necessitates working within a culture to redefine culturally appropriate strategies with the goal of improving a group's well-being (Bradshaw, 2006). This third model best represents CFR's approach. Each case is understood within the context of a client's impoverishment and is addressed by helping clients gain employment and through an ongoing dialogue between CFR and ACS. However, as an organization, CFR works more on an individual family's well-being as opposed to an entire group or community. Its approach to dealing with the culture of poverty does not represent a meaningful contribution to poverty on a larger scale.

Further, raising awareness about poverty's impact on child welfare is only half the equation. If poverty is so critical in the lives of families and has been shown to be strongly correlated to involvement in the child welfare system, then so too is the need to work on the fundamental issues that contribute to it. While trainings conducted by staff focus on poverty, the

effects are limited. A primary role of the organization should include a larger social response. Activism in the form of social welfare policy would reflect a progressive theoretical approach to poverty. CFR acknowledges poverty and addresses it in its work with clients. However, CFR does not seem to work directly on poverty from a systemic perspective.

Finally, emphasizing poverty's prominence influences the way society thinks about and subsequently treats those living in poverty. As Daiute (2011) suggested, "Explanations emphasizing vulnerability could promote passivity, in part because such responses garner financial and political support" (p. 4). Poverty is an enormously complicated and politically charged social issue. Addressing poverty requires a significant amount of time as well as financial commitment both by politicians and by society more generally. It is a burden to live with and to address. But if poverty is important (and we know that it is), then it should be addressed in ways that are sensitive to how it is perceived in the political and societal landscape.

Excessive Stability Related to Poverty

Other progressive theories of development inform some of CFR's approach to poverty. Staff described the majority of their clients as minorities dealing with conditions of poverty and poverty-related issues for decades. Substance abuse, mental illness, and unemployment were all commonplace. On a theoretical level, such maladaptive behavior can be attributed to what Thelen (2005) suggested as excessive stability. Stability in this case is a constant state of poverty and lack of support. Staff participants discussed the need to focus on the core issues their clients face through high-level legal representation, social service support, and an approach described by several staff participants as "humanistic." This is a significant shift from the pattern that most CFR clients are accustomed to and is reflective of the principles of dynamic systems theory. Thelen (2005) wrote, "It is a tenet of dynamic systems that they [individuals]

must lose stability to shift from one stable mode to another. . . . When patterns are very stable, there are no opportunities to explore and reassemble excessive stability” (p. 264). Stability in this case is harmful because it involves a continued state of poverty and disenfranchisement. CFR’s interruption of their clients’ excessive stability through attention to what has been maladaptive enables and often pushes clients to shift from one state to another. In some cases, this leads to meaningful change.

Similarly, participants described ACS in ways that suggest that it too is in a state of excessive stability. Policies and procedures change often at ACS, due in part to shifts in management within the organization as well as changes in the government. However, the approach remains fairly constant. Despite vast differences among its clients both in terms of demographics and personal circumstances, ACS requirements are often formulaic and staff roles are rigid. Once a family enters care, there are specific programs and requirements set in motion.

That said, it is important to note that throughout the course of my interviews, all staff participants conveyed that ACS plays a vital role. There is no question that there are children who require protection and families who need intervention. There are also families who cannot remain intact not only because of imminent risk but because of deeply complex issues that make staying together unsafe. When asked, “What role does the child welfare system play?,” staff all stated that the system exists to protect children. Further, no participant contested whether such a system is necessary. Safety of children is crucial, and some children need to be protected. In addition, most of the staff participants in this study said that that ACS has improved its practices in the last decade. Several staff raised this point, including the deputy director:

DD: They’ve made considerable improvements. . . . We have a very good relationship with them [ACS].

But safety was viewed by CFR as the beginning of the story for a child and for a family, not the final goal. The mission to protect children leads to overlooking many of the crucial issues in families that impact the child's perceived need for protection. In this way, ACS was described as bureaucratic and hierarchical. ACS includes child protective workers who lack education in human development, who are quickly burned out because of high caseloads, and who often have poor supervision. As an organization, ACS contends with political issues that affect its policies, as well as a lack of adequate funding to address the needs of the families it serves. These limitations lead to a formulaic approach that contributes to ACS's excessive stability within the organization.

The formulaic approach causes the child welfare system to overlook the issues that bring parents in to the system and solutions to keep them out. High rates of child removal, long stays in foster care, and a high recidivism rate among families reentering the system are the result of excessive stability. The consequence of this is that profound problems like poverty and substance abuse do not get addressed in meaningful ways with long-term impact. In the majority of cases, race and poverty are the driving forces behind parents' involvement in the child welfare system. Abuse and neglect are inextricably linked to social problems, but the child welfare system has consistently failed to bridge these two concepts in effective ways through their practice. Child protective services is just that, inherently set up to protect children. Thus, strengthening families is not a primary objective. Excessive stability means working with families in formulaic ways that are seldom effective. On its website, CFR suggests, "Foster care agency workers are often overworked and turnover is high; thus, they prescribe formulaic service plans that are ill-suited to a parent's strengths or needs" (CFR; retrieved from http://www.cfrny.org/new_legal.asp). Staff participants stressed the profound effect that this

formulaic approach has on investigations and foster care placement. These practices are reflective of traditional approaches to development such as the medical model. One must ask if it is possible to truly protect children physically and emotionally without engaging and working with the family on the issues that contribute to their involvement in the system. The findings in this study suggest that it is not.

The need to address child welfare and legal practices differently is the primary reason CFR came into existence. Excessive stability within ACS is a driving force behind CFR's practice. Several CFR staff members suggested that they resist ACS's formulas because the approach has been shown not to work with every family. In addition, very often the effects of child welfare involvement are detrimental. CFR staff emphasize this on their website:

Children who spend extended time in foster care more frequently experience emotional, psychiatric and educational difficulties and as adults often fall victim to poverty, homelessness, unemployment and incarceration. One third of young adults who aged out of foster care faced mental health problems such as depression, substance abuse, and anxiety. One third of male youth had been arrested and 16% were currently incarcerated at age 24. More than a quarter of all youth who had aged out had formal charges filed against them in court by age 24. (CFR; retrieved from http://www.cfrny.org/new_legal.asp)

The belief that individuals can and do change seems to fuel CFR's work. It is a belief that underlies their dynamical approach to practice. Every staff member described a dynamic and ecological approach to working with clients by addressing the major issues that they and their families face. This ecological approach leads CFR staff to engage in a broad array of services and involves working with multiple organizations. In addition, the local and national

trainings they have created, their extensive work on policy with ACS, and their high-level meetings with executives and caseworkers aimed at changing practices within the institution are but a few examples of these approaches. CFR's interdisciplinary team and response represents a major shift in child welfare and legal practices. These practices are both a response to the formulaic, stable practice of ACS and an attempt to force the system to shift from one stable mode to another.

Incorporating (Bio)Ecological Theory into Practice

Shifting a system from one stable mode to another and working with families in dynamical ways requires CFR to think about families and the child welfare system differently. While the system was created for children, the focus exclusively on protection has had detrimental effects on the development of families. Historically, the child welfare system has failed to work with children contextually. Families are part of a greater political, social, and economic system, described by Bronfenbrenner (1979) in terms of (bio)ecological theory. This theory, which stems from the work of Vygotsky (1978), focuses on a child's development within the context of a complex system of relationships within his or her environment. ACS works to stop abuse and neglect through removal or intervention. CFR suggests this is done ultimately to alter parents in ways they deem appropriate for child safety. The theory implicit in this is that children are seen as separate from parents—taken out of context and “protected” as isolated individuals. They are viewed as sole individuals who are abused or neglected rather than part of larger systems of family and community, all of which are influenced by socio-political factors. This traditional approach to child welfare is based on the deterministic beliefs of development as reducible to neurobiology and genetics. The medical model in child welfare and the intergenerational hypothesis are but a few examples of how this approach is utilized. Mandates

for removal of a child are often at the expense of intervention for the family. But context, according to CFR staff participants, is crucial. Continued work with families beyond child welfare involvement is imperative. CFR staff talked about children not as individuals but in the context of their families. The family was described as a system impacted by a myriad of additional structures and systems, both economic and social. In (bio)ecological theory, economic instability of family life is viewed as a destructive force to a child's development. Every CFR client lives in poverty, and this is acknowledged and addressed in the practices of the organization.

In addition, CFR staff interviewed for this research suggested that because of the complex ecosystem that families live in, a primary issue is that families need guidance and, in some cases, intervention even beyond their involvement with the Family Court system and their child welfare cases. As Campbell et al. (2010) suggested, risk factors do not disappear once the imminent issues are addressed by child protective services. The problem is that "we don't know how to deal with what remains" (Campbell, et al., 2010, p. 945). While the child welfare system's role in a child's life is limited if a family is no longer involved in the system, the role of CFR transcends the child welfare and legal systems. One parent advocate described this as an important part of CFR's role as an organization:

PA1: You feel a responsibility, not just to address the removal issues, but to address all the issues that brought them there and could bring them back. It's not just putting on a band-aid. We see this could get infected and think, "How do we prevent that?"

Further, even though poverty and substance abuse are paramount issues in the lives of CFR clients, participants maintained that this does not define who they or what they are capable of. As one parent participant stated:

P2: [CFR taught me] to stay out of the system, to never forget where I came from, to never forget I got where I did, to stay clean, to be financially stable, to make good decisions, and to respect my decisions.

Parents at CFR are viewed as agents in their own lives. This resonates with Swick and Williams's (2006) assertion that most families under stress exhibit courage in crafting strategies that are effective in dealing with immediate crisis, even if they are lacking in the nuances of healthy functioning. It also takes into consideration that there is no deterministic course in a person's trajectory.

Staff participants discussed the need to take into account the personal histories of each client, from poverty to issues around mental health or employment, and then to provide clients with the knowledge and resources necessary to stay together or reunify with their children and to stay out of care. In this domain, staff discussed the need to support clients holistically. One social work supervisor discussed this in terms of support:

SWS1: It's about support. . . . We support our clients holistically. My client knows if they call me, even if it's at 2:00 in the morning and leave a message . . . that I will call back the next day. They know someone is going to check and make sure they're in their program. I almost feel they know that they are accountable to someone, and someone is going to be on their side no matter what. . . . Our clients know that there is someone in this office that is always going to be there . . . to help them pick up the pieces—and I think that gives them something that they may not have otherwise.

While they are not in a position to mandate services, staff at CFR described part of their role as helping to identify the right programs for their clients. Often in cases in which a child is at risk for removal, clients are required to attend parenting skills courses to “fix” their parenting.

Parenting skills classes were described as the de facto requirement of ACS. These courses are based on traditional theories of development, and as one legal supervisor in this study suggested:

LS1: ...they are essentially ineffective.

In many instances, parenting skills courses lack continuity in curriculum and are led by teachers with little training. In some cases, parents are ordered to attend anger management classes to deal with anger, without addressing the root of the issues that may be contributing to it.

It can be argued that administered properly, these courses have relevance, and ACS's use of them could be perceived as a more progressive step toward child welfare practice. But generally speaking, the model used for parents emphasizes their psychopathological characteristics rather than addressing the larger social context in which the abuse or neglect occurs. It is oxymoronically a formulaic deficit model for strengthening parents. In contrast, staff described their approach as strengthening clients through ongoing, intensive support. This support was discussed in terms of reduction of risk. The deputy director emphasized this:

DD: [A colleague] is incredibly articulate on how comparable the underlying tenets of the child welfare system are to the penal system and the prison system, and your bad act defines you. Period. But in some ways, the correction system and the penal system have really moved beyond the child welfare system in recognizing that people shouldn't be defined by one act. That shouldn't be the end of the story. They can be rehabilitated. There are mitigating circumstances.

CFR's approach to practice is reflective of their views of development. As Thelen (2005) suggested, theory can alter views about intervention. CFR rejects the approach that focuses on maladaptive behavior and instead adopts a more dynamic view of its clients.

In addition, staff participants described a diagnosis as part of a client's history—and emphasized the need to ensure that clients are not defined by their diagnosis. One parent participant described a serious problem with substance abuse. Drugs were so critical in her life that reunification was impossible until her addiction was addressed. When caseworkers use an ecological approach, underlying problems like addiction mark the beginning of a CFR case. The following is a partial transcription of the parent's story:

P1: [CFR] treated me differently. I didn't know how to deal with my emotions without doing drugs—I was conditioned to use drugs to comfort myself. . . . [They] helped me get the programs I knew I needed. They cared. [They] helped me a lot because they helped me get my kid back. They remembered my birthday, my son's birthday, Christmas. They took us out. Sometimes they just called to ask how I was. . . . They had a relationship with me and my son. [They helped me] with the legal stuff, the personal stuff. I'm used to being treated like trash.

As CFR addresses the ecological worlds of clients, part of its role is to provide a thorough explanation of each aspect of clients' cases. This includes explaining what is required of them by the Family Court and ACS, as well as providing a thorough explanation of their rights. CFR encourages clients to seek psychological evaluations if there are questions as to the accuracy of a previous diagnosis or if required by ACS or the Family Court. CFR empowers clients to make decisions and provides them with legal and social service options. In cases in which clients are resistant, CFR makes legal recommendations and explains the consequences of inaction or failure to comply with requirements. In the case of the parent with substance abuse issues, her interactions with the organization and subsequent ongoing support helped to break her addiction. This parent has been clean for more than two years. Her son was returned. She is

working. And CFR stays involved as needed. This client, like many others at CFR, grew up with poor parenting and little structure. She had grown into an adult without having had the kind of parenting necessary for her to optimally parent her own child. There were multiple risk factors stacked against her; however, CFR's representation led to a "re-parenting" by setting boundaries, modeling behavior, and providing ongoing support. Through a collaborative relationship, the client was catapulted onto a new path.

Although traditional theories that permeate the practices of the child welfare system are flawed, there are always going to be families that cannot be together because of severe trauma, abuse, or mental illness. A history of child-welfare-related fatalities and severe cases of abuse and neglect are enough to warrant the need for a system. This study was not designed to undermine the need for a child welfare system. But it does aim to shed light on the way traditional theories of development that guide child welfare practices are failing children and families, as well as to demonstrate how progressive theories of development can improve both the child welfare system and the trajectories of the children and families that it serves. In response to the question, What do you think about the child welfare system as an institution?, there was consensus among staff participants that the child welfare system plays a vital role. However, staff emphasized that protecting children should not be confused with discrimination against families who are poor or who have social issues related to poverty. Most cases in the child welfare system are due to allegations of neglect. This was described by a CFR social worker, illustrated in the following interview segment:

SW: The majority of clients I work with are accused of neglect rather than corporal punishment or abuse. [There is] a lot of educational neglect where you have a kid that's

missed a lot of school and then they find out there is a lot of . . . collateral stuff going on . . . [and] there is a good amount of noncompliance with mental health services.

In this same vein, the social worker stated:

SW: We can't just go around removing [children].

As an organization, CFR is concerned with the implications of removal on development. Removal is seen as a last resort, when a child is truly at risk of imminent danger. The word *harmful* was used several times to describe how ACS policies affect children. In discussing this topic, the executive director questioned CFR's role in child welfare:

ED: I really wonder what it's doing. On an individual basis, because it is there, we've made a decision to intervene. And we get criticized by many people for being an operator within that structure because we are not trying to end it.

The executive director conceded that practicing law within the confines of the current child welfare system does in fact play a role in perpetuating the issues that exist in that system. This can be interpreted as a major flaw of the organization. However, staff described their role as using the best possible practices even though they are working within a system that is broken. For example, the deputy director of CFR described one agenda as working with ACS to increase parent-child visitation in foster care in order to maintain continuity and attachment. This work in effect is seen as an attempt to change the system from within. They have also been active in ensuring that parents are included in service plan reviews so that families understand what is expected in their cases. In light of this, I suggest that even if CFR is operating within an inherently flawed system, the work that they are doing—the activity of collaborating with the system, with their clients, and among themselves—contributes to their transforming the system.

Parent Counter-Narrative (Agentive versus Non-agentive)

One of the goals of this study was to sort out the complex interaction between the institutional narrative and the parent's own story. The institutional narrative is what is conveyed by ACS and to society as a whole about the families that are in the child welfare system. We know this narrative from the news: A parent beats a child to death. *Vicious, cruel, a waste.* Indeed, those families are the most difficult in the system and do require intervention. However, as CFR staff emphasized, the majority of families involved with ACS do not commit egregious crimes. As previously discussed, neglect is the primary issue. The institutional narrative has a cyclical effect. The narrative by ACS and subsequently the news has helped to shape the societal definition of the entire population involved in the system and has left them without recourse. The result of this is detrimental. The institutional narrative is perpetuated by and dependent upon traditional theories of development. Being poor and a minority not only increases the likelihood of involvement in the child welfare system; it also stigmatizes families in ways that help to perpetuate the view that they are "beyond help." These views affect decisions about policy and social service programs that directly impact families. Yet this narrative by ACS is not reflective of the way that parents involved in the system view themselves. This narrative defines parents as ill-intentioned and who universally practice malicious disciplinary tactics on their children. The parents interviewed in this study all emphasized that their children are a top priority, as illustrated in the following quotation:

P1: I love my son. I would do anything for him. Anything . . .

Parent participants spoke extensively about the situations that brought them into the child welfare system: specifically limited resources, psychological problems, and abuse as children. They position themselves as impoverished but not as suboptimal parents. The relationship

between the issues that bring parents into the child welfare system and how they are viewed by the system is incongruent with the way that they perceive themselves as parents. One parent described her substance abuse problem as being the main issue that affected her parenting:

P1: I used drugs for 25 years. It was like breathing to me.

As an unemployed long-term drug user living in a poor neighborhood, this client fit the mold for ACS's institutional narrative. This narrative shapes policies within the institution and impacts the programs and requirements that clients are obliged to fulfill. In turn, the worldview of parents is often entrenched in impossibility. This is reflected in the difficulty in navigating the child welfare system and successfully staying out of it.

The institutional narrative maintains a traditional view of development about the population involved in the child welfare system. The profound problem is that it is a narrative that fails to address the complexity of human development understood in its contextual embedding. Rather than focusing on differences, the institutional narrative relies on the belief in the universality of development. This is important since this deficit-focused narrative guides decisions, programs, policies, and laws of those in the system. It also leads to a failure in engaging clients to be active players in their child welfare cases.

Collaboration and Learning

“The important factor is that we don't get burned out because there is a team of us working on every case, supporting each other. . . . If you get burned out, you can't do this work.” (CFR Parent-Advocate 1)

Collaboration, both with clients and within the organization, is a major theme in this study. Historically, ACS has worked within the confines of established policies and hierarchies. A chain of command provides a specific role for each employee, and there is a distinct set of

responsibilities required of each staff member. Those individuals often work separately from one another, collaborating mainly for case supervision. ACS was described as bureaucratic by participants, in part because of a lack of collaboration within the institution. This is characterized in terms of a lack of communication among staff members both internally and with outside organizations. One parent advocate said that preventive services agencies and other legal organizations lack a team of employees charged with responding to urgent needs of clients. She stated:

PA1: You have to wait to get what you need.

In response to the bureaucratic nature of child welfare, CFR staff talked about the need to work in tandem with one another. This was described by a CFR social worker in terms of shared ownership:

SW: [We have] shared ownership of our cases. . . . It's not like they [staff] only call me when there is something that they need. . . . There are times when a lot of what I'm doing is enhancing what they're doing. . . . It's not just one person. There are times when cases are legal-heavy and other times that it is social-worker-heavy—and we always help each other out.

All nine staff members said that consulting on cases is an integral part of the practice.

One parent advocate described it in this way:

PA1: CFR gives parents everything they need for their case—a social worker, a lawyer, a parent advocate. We are a team that collaborate together . . . brainstorm together . . . do inventory together and move forward together. . . . There is more than one person informed of what is going on in a case, and we think of the best way to approach a case together.

Staff relies on the interdisciplinary approach to practice not only with clients but also with fellow staff members. At CFR, there is constant dialogue between staff and administration. This was described in terms of a system of checks and balances within the organization. Lawyers strategize about legal tactics and work with clients to deal with the issues that are affecting reunification. Social workers and lawyers turn to parent advocates for assistance on challenging cases, often to provide the client support and encouragement, either through home visits, attendance at meetings and hearings, or regular phone contact. Supervising attorneys and social workers help to provide a seasoned perspective, offering expertise and experience in each case. Administrators fund-raise, work to ensure that policy and law are followed, and keep trainings on the CFR model up to date.

The theme of collaboration was discussed also in terms of learning within the organization. One legal supervisor illustrated this:

LS2: We are constantly learning as an organization, and we are constantly taking time out to make sure that we keep learning. . . . We have regular organized meetings so we're talking about what works and what doesn't work . . . so it is not always reinventing the wheel every time you do something.

Each week, staff members attend case practice meetings. Some weeks there is a discussion on a relevant topic such as representing teen mothers, and a staff member presents a case on the topic. On certain weeks, outside guests are invited to speak on pertinent issues in the field. On other weeks, staff presents difficult cases in order to get feedback and new perspectives from colleagues. Both the ED and DD described shared ownership in cases among staff and in their relationship to ACS and the Family Court.

In addition, parent participants talked about the importance of collaboration in their individual cases. One parent said that having several people on hand meant she had access to a lot of different kinds of help; another parent said the different people helped to keep her in check. The issues that CFR clients face are complicated and often critical. The collaborative effort is one way to ensure that clients have several areas of expertise at their disposal and are able to be supported in ways that meet their complex needs.

Collaboration through the Zone of Proximal Development

The notion of collaboration was further expanded upon in ways that reflect the notion of the zone of proximal development (ZPD). Developed by Vygotsky (1978), this theory is based on the notion that social interaction involving more capable peers and adults provides the context for a shared construction of knowledge and understanding. In my attempt to understand the theories underlying CFR's practice, I posed several questions about the model of the organization. Staff described their work in terms of modeling and collaborating. This was discussed as important both with clients and among staff members. CFR works with clients in ways that promote development through the ZPD. This is characterized in several ways: Supporting parents is the primary role of CFR. Staff work intensively with clients through modeling and support. They make themselves available throughout the day and often on weekends. Staff are consistent in explaining their client's legal rights and responsibilities, maintaining transparency throughout the process. And they help clients to understand the best ways to navigate through the child welfare and Family Court systems. Parent advocates who have been through the system work with parents by modeling the best way to address their social workers at ACS. They talk about their own struggles and in turn help them with those of their clients. CFR staff collaborates with parents to obtain the services necessary to keep their

children out of care, and they provide extended assistance to ensure that families who can stay together are able to do so. In doing so, they de facto create the ZPD every day in their practice.

CFR also incorporates the notion of the ZPD within the organization's practices and activities by promoting continuous learning and collaboration among staff members. There are weekly case practice meetings in which staff is provided with opportunities to present difficult cases and receive feedback from others in the various disciplines within the organization. Staff learns from peers, outside professionals, and management. There are also professional development opportunities, when experts in fields of interest like substance abuse or domestic violence provide trainings. These enable staff to learn about some of the most serious issues that their clients face. In addition, both social workers and lawyers have weekly supervision on cases. Most CFR cases are complex, and supervision enables staff to learn from the modeling of more experienced professionals in the field. A socio-cultural approach, the ZPD is one of the most important elements of the organization and provides the platform for its practice.

Tools

The significance of tools was understood by participants as applying in two contexts, both for CFR clients and for its staff. As discussed in the literature review section of this work, Vygotsky (1978) believed that humans use tools that develop within a culture to mediate their interactions in social environments. Tools can impact the mind beyond actual use by changing skills, perspectives, and ways of representing the world (Salomon & Perkins, 1998). Cole and Wertsch (1996) suggested that higher mental functions are culturally mediated and “involve not a direct action on the world, but an indirect action, one that takes a bit of material matter used previously and incorporates it as an aspect of action” (p. 252). Tools, then, ultimately transform our mental processes. In this context, I propose that social and cultural conditions of poverty,

substance abuse, mental illness, and involvement in the child welfare system have impacted and ultimately transformed the tools of clients involved in the system. These conditions have been culturally mediated and developed via the process of navigating difficult life circumstances. This resonates with W. J. Wilson's (2009) contention that "[when] individuals act according to their culture, they are following inclinations developed from their exposure to the particular traditions, practices, and beliefs among those who live and interact in the same physical and social environment" (p. 40). These inclinations are enacted through tool use. In some instances, those tools are turned into obstacles. Cultural tools, and ultimately access to concrete tools, play an integral role in child welfare. In addition, participants in this study pointed to basic resources like a metro card for transportation (to work or a court hearing) or clothes to wear for a job interview as major life obstacles. Parent advocates in this study described their clients as consistently having needs that are unmet. As a result, these needs define the ways that clients interact both within the community in which they live and in the child welfare and Family Court systems. As Golden (1997) wrote, "The conditions of poverty are abusive" (p. 103), and this severely impacts the ability of clients to live day to day, let alone parent in the best possible ways. CFR clients lack the tools and understanding of how to efficiently negotiate the child welfare and Family Court systems. Their cultural tools are defined by their own unmet needs.

This idea resonates with the socio-cultural perspective on the role of tools in human development. Cole and Wertsch (1996) suggested that artifacts fundamentally shape and transform mental processes. Further, from a cultural-historical perspective, relations that define the lives of human beings and that lie at its core "are active, transformative, and collaborative—processes best captured by the notion of activity afforded by the employment of collectively created and manufactured cultural tools" (Stetsenko, 2009, p. 127). CFR staff described their

role as understanding the cultural tools of clients, working with clients to strengthen existing tools, and providing new tools, resources, and general knowledge to clients both in relation to their legal case and in their lives once they are no longer involved in the child welfare system. In this way, their practice reflects tenets of the socio-cultural approach. The ability to transform and expand in both societal and institutional settings emerges as individuals are able to gain access to, appropriate, and elaborate the tools with which they act in the world and contribute to social practices (Vianna, 2007). Through collaboration, staff is able to expand the cultural tools of their clients. Ultimately, by mastering cultural tools in collaborative activities, individuals transform the social practices to which they contribute and transform themselves (Stetsenko, 2009).

The focus on tools is further emphasized in terms of importance among CFR staff. The deputy director described tools concretely:

DD: Giving tools to staff enables them to do their best and to maintain high standards. Creating a culture in which staff are supported and guided is reflective of a socio-cultural approach to human development being utilized in the organization's practices. In addition, on every yearly review, the executive director asks whether staff feel they have the tools to do their jobs. The ED recalled in a previous yearly review when staff said they needed BlackBerries in order to work with peers in a timely and efficacious manner. Last year, many requested a texting plan, enabling them to ask questions and receive answers quickly when they are in court. In both cases, the new tools were provided. Although reflective of a more concrete understanding of tools, these are seen as an avenue to help the organization meet two of its primary goals described by the executive and deputy directors: to provide staff with the most adequate technology and support to help them represent parents in the best way possible, and to make it a

place that people want to come to work and to stay. The deputy director of CFR stated on numerous occasions that having “the most information and knowledge to bear” was crucial to the work of the organization. This applies to clients who are given every opportunity to gather information about their cases and to staff at CFR. These tools help to ensure that there are few surprises and no assumptions.

Finally, CFR provides tools to the professional community. The organization’s website contains a portal for Practice Tools and another called Sharing What Works: Local & National Training. In the first, individuals are given access to “tool kits” on legal regulations, permanency bills, and visitation. The organization develops these kits for both the Family Court and child welfare practitioners to provide professionals access to applicable statutes, case law, and regulations to integrate into oral advocacy, written motions, trial strategy, and work with foster care and preventive agencies. In the latter, the site describes CFR’s training and technical assistance program about the delivery of effective services to families:

Before CFR existed, no one organization offered such a wide variety of training and technical assistance. There was no “one-stop shop” assisting with issues ranging from how to find parenting classes for a special needs child to how to draft motion papers to secure needed services for families. (CFR; Para 2. retrieved from http://www.cfrny.org/new_legal.asp).

Training has become a major facet in the practices of the organization. CFR has provided more than 160 training and technical assistance sessions to more than 4000 people (CFR, Para 2; retrieved from http://www.cfrny.org/oth_do_better.asp). These tool kits and training opportunities underscore CFR’s belief that assisting families in staying together or safely

reunified is usually the result of assuring that families obtain services that are well matched to their strengths and needs (CFR; Para 5; retrieved from http://www.cfrny.org/new_legal.asp).

Approach to Practice: Belief in Justice

The question posed to this researcher most often concerns how the Center for Family Representation is able to represent parents who may have abused or neglected their children. The executive director of CFR discussed this in terms of the complexities of clients involved in the child welfare system:

ED: There are subtleties and gradations and nuances in the lives in all of the people that we interact with. But that's not to say that it is not difficult.

While there are many difficult cases with serious allegations, every staff member interviewed for this study emphatically stated that representing tough clients is never an issue. Indeed, many cases involve extremely difficult issues, some of which are so severe that families cannot remain together. But this is a small minority of cases, and staff is cognizant of the fact that their clients represent a profoundly marginalized population. The assumption is that all clients are worthy of high-level legal representation and social services. CFR uses a community advocacy team (CAT) on every case, and CAT is listed as a model used to address three distinct but related realities in the field of child welfare. The following is a list of those assumptions from CFR's website:

- 1.* It is primarily poor families of color whose children end up in foster care, and almost always poor parents who end up charged with neglect.
- 2.* Foster care can have long term, detrimental effects on children of any age.

3. Often (though not always) children who spend time in foster care grow up to become adults whose own children go into foster care, continuing a detrimental cycle that spans generations. (CFR website, A Brief History of CFR's Community Advocacy Teams: from Pilot to Promise; retrieved from http://www.cfrny.org/new_legal.asp).

CFR staff is acutely aware of the issues facing their clients and feel responsible to provide them with the best possible representation and support. The deputy director noted that few clients have had supportive legal and social service support:

DD: I think some of our clients would say that our staff were the first people to listen to their whole story.

In the following segment, one legal supervisor discussed her views of the legal community, based in part on her history as a lawyer, first representing children in the child welfare system and later with children involved in delinquency cases:

LS2: There was a lot of misunderstanding in the non-legal community. . . . People would ask me, "Don't you feel bad getting people off on a technicality?" And my feeling was, no. The Constitution is not a technicality. This is the United States, and I believe that the police and ACS have to proceed in a certain way. And if you think about how many checks there are in the criminal justice system—Miranda warnings, a rich body of law about search and seizures—those checks don't really exist in the child welfare system. ACS does not always do a good job or make the right referrals. If someone has committed an act that they should not have committed, then part of our approach is to get them the services they need so that it never happens again.

The executive director also discussed CFR's approach:

ED: Before we were court ordered, I think we started and maintained a stance that we did not serve the most deserving parents. [We thought] if our approach would work with the most difficult families, then it would work with everyone. That doesn't mean that the approach suggests that we ignore danger to children. And I do think we have had to talk a lot about that.

These implicit assumptions underscore CFR's practices. Further, the deputy director, executive director, and both legal supervisors all noted that there are standards in place to ensure that parents who are abusing or neglecting their children and not working to make the changes necessary to remain with their children are held responsible. The role of ACS was emphasized, as illustrated in the following interview:

LS2: ACS has a job to do, and I am going to make them do it. That doesn't keep me up at night. And decisions clients make . . . it is not for me to tell them how to live. If they don't want my help, maybe because of mental illness or mental retardation . . . and they don't have the right capacity and I have given them the best help that I can, then I don't lose sleep over that.

Because it is a legal organization, CFR staff is subject to attorney-client privilege laws and are not mandated reporters. However, they are still cognizant of child risk and do not hide egregious acts. Instead, they rely on ACS to do the investigations. One legal supervisor focused on the role of the legal system:

LS2: I am not that good of an attorney that I can hide very bad facts from the whole system. It doesn't work like that. There are too many eyes.

Despite the difficulty of the cases and the intensity of the work, it is clear from these interviews that CFR, with the knowledge of the systems in place to protect children, possesses an

underlying philosophy that all parents have a right to be fairly represented and that children should remain at home when at all possible.

Belief in Transformation: A Shift from the Intergenerational Hypothesis

“People can change!” (CFR litigation supervisor on her assumptions about her clients)

A primary goal of this research was to juxtapose traditional theories of development used in child welfare practice with more progressive theories in the field and to discuss how those theories impact practice. To approach this, I asked staff, “Do you believe there is anything predetermined or fixed about your clients?” One participant suggested that mental illness or trauma could prevent a parent from having custody of a client, and several participants were forthcoming in their belief that not all children should be with their parents. But all staff suggested that change was possible. The following illustrates this:

SW: Our clients have had a difficult life. . . . That doesn’t mean they’re not capable of a better one.

The ability of clients to change seems to be a tacit belief underlying CFR’s practices. Thus, in theoretical terms, development is a nonlinear, emergent process. Even in cases in which a client is battling a mental illness, one legal supervisor (LS2) suggested her belief in change: “If they get the right treatment,” the possibility exists. This is a major shift from the *intergenerational hypothesis*, in which the underlying premise is that individuals who have been abused will also abuse their own children. Although several researchers have identified that studies of the intergenerational hypothesis are flawed, there is still a great reliance on the hypothesis in the field of child welfare. The emphasis on implicit determinism provides little room for change on the part of parents in the system. CFR attempts to work even with the most

difficult parents, many of whom have been deemed as a lost hope. As one parent participant stated:

P1: They don't hand you an easy pass. And they don't hand you a hard pass. What they do is treat you accordingly. When I chose to give up, they didn't give up, but . . . they always tried to be real and tell you the truth about what the possibilities are. . . . If you're doing the right thing, they fight for you. . . . They fought for me. . . . To be with my daughter—that's my goal, that's their goal, that's our [future] goal. [My daughter] is the reason I am living. It's easy to give up. But my daughter is the reason why I choose to live life right. After all that I went through, not having my daughter with me was the worst. . . . I know how it felt to be neglected . . . and I don't want my daughter to go through any of that. [CFR] helped me with that.

As I reviewed the interviews, the word *change* emerged more than 50 times. Participants described certain clients as more malleable than others. As SWS1 stated, "Some clients change and others don't." But staff maintained that an underlying philosophy of the organization is that transformation is possible. Contrarily, the child welfare system was described as imposing precepts about their clients and relying on traditional deterministic notions of development in their practices. From CFR's perspective, practicing with the belief that change is possible is crucial, even in the most difficult cases, as illustrated by a social work supervisor:

SWS1: Sometimes I don't think a person can change, and they do!

The notion of change is conceived with the assumption that in general, children and parents should be together. Legal supervisor 1 discussed this at length:

LS1: They want to be together on such a primal level. . . . It's crass to think otherwise.

Maintaining the idea that families should stay together enables staff to guide clients through the system and through a process of change. LS1 continued with a description of the change in her philosophy during the course of her work in child welfare:

LS1: When I think about the way my philosophy has evolved over many years in practice representing kids in abuse and neglect cases, I naively thought that it was a good thing that kids were foster care. . . . They're safe now {laughs} . . . and then a law guardian told me [one day] about a foster child she interviewed who actually said she did not get hit by her foster parent. Kids get abused in foster care!

Parent advocates who have been through the system conveyed a similar philosophy, as described in the following interview:

PA1: We all make mistakes. I abused drugs, and I thought I was doing good by my daughter . . . so I am not judgmental. [At CFR] we try to meet parents where they are, to understand where they are coming from and help them go down better avenues that will better serve them and their families.

Research in the field has suggested that the majority of children who have been abused or neglected want to be with their parents. Many CFR staff interviewed for this study conveyed this, including one social work supervisor with previous experience in a different legal organization charged with representing children:

SWS1: When I worked at JRD [Juvenile Rights Division], kids were always telling me they wanted to go home.

Even in the most extreme cases, this is true. And while neither CFR nor I suggest that children should be in abusive or neglectful homes, a belief in change can lead to better outcomes for

children. Several participants discussed this. In the following segment, one legal supervisor described the difficulties of that aspect of her work:

LS1: Representing kids whose parents rights have been terminated, who sit in the office and ask why my parents “didn’t fight for me harder.” “Where is my mother? Can you find her?” They have siblings. “I know I have a sister; can you find her?” They are in extreme pain. Having that conversation sticks with you. . . . Kids want to know about their parents. It is critical to their identity, to the development of their identity.

In my discussion of the role of ACS, there was a sense of responsibility to treat clients with the highest quality representation possible and, in doing so, with empathy, respect, and kindness. One parent advocate elaborated on this:

PA1: We try to help them set up their lives on their terms but to prosper doing it. We don’t just come in and do their legal work and that’s it . . . and that’s what I love about CFR. We don’t come in and say we’re done with you when you no longer have a case. We do inventory on that parent, help that parent on the inside and out.

This supports the progressive socio-cultural view that the right kinds of relationships and support direct development, as illustrated by the executive director in the following interview segment:

ED: Sometimes I start with people by saying . . . that I am going to say some things that are heretical, because they go so far against what our assumptions are about doing good for kids this way. . . . It goes back to who the children are and who is making decisions about them. And maybe this is a reason that the child welfare system is worse than the penal system—because we are doing all these things in the name of children for whom we really don’t care . . . and who, when they are a little bit older, we are going to put into

the juvenile justice system and the penal system. They are the same kids and the same people.

The theory behind CFR's belief in transformation is socio-cultural and historical in nature. This resonates with the work of Stetsenko (2009), who wrote:

Knowledge embodies past practices, at a given point in history and in a given socio-cultural context, to only momentarily reflect these practices through the lenses of future goals in what essentially are continuously expanding and unbroken cycles of practice-theory-practice. (p. 24)

Systemic Application to Practice

Critical to this study is whether CFR's philosophy and practices are shifting the way that social service and legal organizations think about families in child welfare and in altering the system more generally. There is no universal cure to issues relating to child welfare. However, there are practices that can lead to change. I asked staff whether the model of CFR is encouraging people to think about child welfare differently. Legal supervisor 1 described a change across the board:

LS1: Yes. And Family Court differently. And the practice differently. And families differently. If you represent families, if you provide a voice, if you have a parent advocate say this is completely unfair that this mom is being asked to go to a shelter in the middle of the night because her partner who hit her shows up and there isn't a shelter and she is going to be wandering and they are going to take her kids.

The actions that CFR takes on behalf of their clients and their trainings with the community-at-large are altering the way that ACS does its job. It is also focusing on change that transcends involvement in the child welfare system. The glaring failure of the child welfare system has

been a lack of vision about lasting change beyond the confines of the system as it presently exists. Like the cascade of influences discussed by Thelen (2005), as CFR holds ACS accountable and forces them to address the rights of clients, the system is changing.

In addition, I asked staff whether they believed that CFR's practices could be applied to other organizations in the field. CFR is a legal organization and cannot be run in the same manner as the child welfare system. But incorporating certain practices that embody progressive theories of development can also be done in other agencies and organizations. The executive Director discussed the broad applicability of their practices in the child welfare system:

ED: Yes [it can be applied]. [When you] think about broad strokes. Certainly in running an organization [it is applicable]. The notion that you have high standards, the notion that you have a staff that you want to cultivate and retain, the notion that people understand shared goals . . . we've talked about developing this idea . . . supervisory-rich, resource-rich, data-driven, fiscally managed and sound conservatively. All of those things are principles that nonprofits can and do adopt in the rubric of best practices.

Similarly, a legal supervisor 1 echoed this:

LS1: Nationally, there is a stronger sense that there are people interested in doing child welfare differently . . . [of doing it] in this way. The community that is working with parents can impact the whole system.

Both the executive director and deputy director stated that their model is one they hope will be adopted by other organizations in the field. The DD suggested that their focus on best practices makes their work applicable in the field. The idea is not only to practice using the best possible resources and techniques within CFR but to be a model for others in the legal and child welfare arenas.

Metaphors

“The modern poor are not pitied . . . but written off as trash.” (John Berger, 2001)

As discussed in the literature review section, metaphors drive public perception, policy making, and scientific research on etiology and prevention (Dodge, 2008). Metaphors “inspire and mislead the public” (Dodge, 2008, p. 573). They can be positive, highlighting the qualities of a person or thing, and are used successfully in therapeutic treatment. But they can also create attitudes that are harmful and even dangerous. As D. Wilson (1996) suggested, “Value-laden terms are seen to suffuse everyday language with a constellation of norms and meanings that help to construct social and political knowledge” (p. 78). The people we study in qualitative research use metaphors constantly as a way of making sense of their experiences. In this context, Miles and Huberman (1994) asserted, “The issue, perhaps, is not whether to use metaphor as an analysis tactic, but to be aware of how we—and the people we study—use it” (p. 250).

Metaphors flood our vocabulary. I attempted to extrapolate metaphors by asking staff to list some of the characterizations they hear about the population involved in the child welfare system. I listened to interviews several times with the goal of highlighting metaphors that emerged. I asked staff to talk about metaphors, but they found the task difficult and provided few characterizations. When I pressed them, I heard those ranging from *throwing good money at bad* to *trash* to *typical abuser*. One social work supervisor described the child welfare landscape as a “battlefield.” I suggest two explanations of the difficulty in coming up with metaphors about the child welfare system. The first has to do with the way that metaphors have saturated our language about the system and the population it serves. Metaphors used excessively about poverty become part of our collective perception of the poor. In this vein, Berger (2001) wrote that during the last century, our consumer economy has created the first culture for which a

beggar reminds us of nothing. CFR acknowledges the critical importance of language. The deputy director stressed the impact that language has in child welfare:

DD: We tell staff all the time, “Language matters.” I just said it in Michigan [at a training].

Language is often overlooked, underestimated, or taken for granted in child welfare. But how we talk about families in the system significantly impacts the services they receive and society’s views of them.

Second, the way in which we view and subsequently talk about development is based on a universal idea of what development means for everyone. The belief in universality affects our language and, consequently, our understanding. People involved in the child welfare system are predominantly poor. Yet the metaphors used to describe the child welfare population derive from the privileged. Metaphors in child welfare are by and large pejorative. Many promote stereotypes and fail to take into account the profound role of poverty on development. CFR has demonstrated that they view development in the context of poverty. Poverty is central, and their understanding of language and subsequently metaphors reflects this.

Although it was difficult to discern metaphors for this study, the deputy director described a metaphor that she coined about the system:

DD: The child welfare system is like a blunt instrument. It has too wide a net. It’s too formulaic. Everybody should be worried about the fact that it is addressing children who are poor and who are of color.

Because the underlying belief is that child welfare practices are too formulaic, the response has been to create metaphors that reflect the system. This notion of a blunt instrument suggests that

there is one universal way of addressing families in the child welfare system. CFR's practice is the antithesis of the blunt instrument in their dynamical approaches to practice.

The deputy director's assumption that language matters is profound. Using the term *family* consistently and unrelentingly, and redefining how families are represented can transform the system. She emphasized this during her interview:

DD: I think even the fact that we say family as much as we do matters . . . as opposed to the kid and the parent, the birth parent or the child. . . . [We] just keep saying the "family."

CFR defines family as a unit and a system, not isolated from community. They do not see their task as solving essential problems within the individual. Their notion is that there is a continuous interface between individuals and their contexts and that family should be defined in that way.

This is further highlighted in CFR's film. On their website, they have written, "Formulas don't work for families. And they certainly don't work for children. . . . [They] don't honor parents rights and they can be more expensive than our model" (CFR; retrieved from www.cfrny.org). As an organization, CFR rejects the formulaic approach for a more progressive one in which development is constructed, emergent, and viewed as accomplishment. Dodge (2008) suggested that new metaphors can have implications on policy. He offered new metaphors that he considered both more scientifically accurate and more likely to drive effective long-term intervention and prevention. The first step to changing policy is acknowledging that development is not universal and that how we talk about it matters. While CFR does not focus on the importance of metaphors, the organization does emphasize the importance of language.

The metaphor “people can change” could influence policy and drive the public to view the child welfare population differently.

Additional Phenomena

Time

A number of participants pointed to *time* as a crucial issue in child welfare and Family Court. Time in child welfare is different for each institution involved. There are requirements for child protective investigators to act within 24 hours and to remove promptly if there is a perceived risk. Family Court requires a court hearing based on removal within 72 hours (a requirement not always met). And the time between hearings when children are in care can vary widely. CFR views time as imminent. The deputy director stated that there is a sense of urgency in every case in which a child has been placed in foster care or is at risk of removal:

DD: Removal can be harmful and must be addressed right away.

One parent advocate stressed the damaging consequences of long waits between court dates:

PA1: The long time between court dates is horrible! You are dealing with people and their lives. . . . A judge might feel that 3 months is nothing [between hearings], but that is a lifetime for a parent waiting for answers about their child in the system.

The Adoption Safe Families Act (ASFA), the federal law that mandates action toward adoption, has the unit of time at its core. This was discussed extensively by the CFR social worker:

SW: The time frames [in ASFA] prevent people from making creative solutions [or from seeing] that personal growth is in there somewhere. If a kid is in care and could have a relationship with a parent and everyone is still working together, that should be

considered. . . . But if you put in the time frame, then it is reunification or TPR [termination of parental rights] time. . . . The legal time frame and the social work time frame, specifically the amount of time that one needs to grow and change, are different. According to ASFA, every child in care must have one of five permanency goals (reunification, adoption, guardianship, placement, and a planned permanency arrangement). Issues of “time and temporality have central, but hitherto relatively neglected, analytic importance in understanding contemporary child welfare” (White, 1998, p. 56). According to the Citizens’ Committee for Children (2002), “Fewer than half the Judges interviewed believe that parents are generally well-informed about the implications of the Adoption and Safe Families Act . . . [and] parents are generally unaware of ASFA timeframes” (Citizens’ Committee for Children; retrieved from <http://www.cccnewyork.org/publications/ASFARreport.pdf>).

For CFR, time is always critical. It is used as a way of holding agencies accountable—from enforcing court dates to ensuring that ACS arranges service-planning meetings and home visits. In addition, time is not used as a way of limiting the work of staff at CFR but rather is seen as a flexible entity. One parent advocate described this in terms of fluidity in CFR’s practices:

PA1: At CFR, everyone extends themselves, and no one is saying, “I’m not doing that” after hours. It is always about the families. . . . If it means going on a home visit at 8:00 to help a client, to keep them from getting high, they do that. They don’t look at the clock.

Time is not always a central focus at ACS. The 9-to-5 job is viewed as just that, and families are not 9-to-5. Thus, the “existence of, and need for, an ‘out of hours’ service is a material consequence of the troublesome interface between bureaucratic time and the ‘lived

time' of service users" (White, 1998, p. 63). White (1998) suggested, "Organizational rhythms form temporal patterns, some of which flow directly from the bureaucratic working day. . . . Social workers' activities are affected by events taking place in other spatial and temporal locations, including the legal and political fields, and the life-worlds of the people referred to the service" (p. 56). Like their view of development, CFR's approach to time is more flexible and emergent. This is an inherently dynamical perspective. CFR's notions of time take into account what Thelen (2005) described as "a seamless interweaving of events in time, both internal and external" (p. 265).

Transparency

"We're not hiding anything." (CFR Executive Director)

CFR operates with transparency, both in its relationship to staff and with clients. This has been a part of the underlying philosophy of the organization from its foundation. The budget is made public. CFR's website contains a portal for financial information, which leads to the financial statements of the organization with an independent auditor's report. The statement includes financial position, activities, functional expenses, and information about cash flow. Although staff are not usually involved in fund-raising, senior management are open about budgetary constraints, incoming grants, and general information about the fiscal climate. They are also involved in training, case planning, and advocacy issues. Clients are also provided with a clear understanding of the organization and their rights.

Activist Stance

During the course of my interviews at CFR, staff consistently discussed how they value their work. Every staff member interviewed expressed positive feelings about the organization

and about his or her position. Job satisfaction is very high, and turnover is low. Senior staff emphasized the continual focus on providing an environment that makes staff want to work there. Staff is afforded resources that influence their development within the organization and subsequently their views of development about their clients. The deputy director described the intensity of the work and the need to ensure that staff are consistently supported and rewarded for their efforts. Staff has internalized this. They are committed to their work and optimistic about their ability to help clients and make changes in the system. They have freedom to work flexibly with clients and are active transformers of the child welfare system. In this way, they maintain an activist, transformative stance. Collaboration and support influence how the organization is perceived. They are active as transformers and are subsequently transformed. This resonates with Stetsenko's (2008) conjecture that "people come to know themselves and their world as well as ultimately come to be human in and through (not in addition to) the processes of collaboratively transforming the world in view of their goals" (p. 471).

Flexibility

There are clear advantages of a small organization like CFR versus the larger institution of ACS. Aside from the obvious difference in roles of CFR (representing parents) and ACS (investigating parents and protecting children), there are other important distinctions. As a nonprofit organization that is legally focused, CFR has more freedom and flexibility in its work. One staff participant discussed the significance of the absence of mandated reporting because of attorney-client privilege:

SW: You have this huge bureaucracy where there are people at the top who I think have good intentions . . . but there are a lot of caseworkers who are not far from the clients that we work with. . . . Then there is middle management who have been there for a long

time. They have worked their way up for the most part, from being frontline workers. People on the top didn't work all the way through [usually]— they came from the outside. Middle management's job is to roll out the policies that come from the top to the bottom—they have an old-school model of thinking, and they are the ones who are supposed to be encouraging their staff to embrace a more family-friendly policy or reunification.

Further, CFR collaborates to circumvent the bureaucracy, which one social worker suggested provides CFR with unprecedented opportunities:

SW: . . . to think about healing families and about attachments, about the fact that the kid loves their family even if there have been bad things.

Staff are able to be flexible in their thinking about their work. This enables them to view development as fluid. Cases are not approached with what limitations exist but rather what possibilities can be acted upon. In addition, they are able to hire more experienced staff and pay higher wages.

Success

The meaning of success in the child welfare system and within CFR is of significant importance. The question, what is success?, is not given enough attention or credence in the field. While I did not interview ACS for this study, I presume that success for that organization is assuring that children are not at risk, a presumption based on the underlying mandate of the child welfare system to protect children through investigation, preventive services, and (often) removal. If other organizations are working with the same population as ACS, their ideas of the meaning of success will most likely differ. When asked about how they define success, CFR staff suggested it was dependent on each case. Type of involvement with the child welfare

system and individual differences among clients impact how success is defined. The goal among staff is to find success in some way with each of their clients. One participant described success as keeping a child out of foster care or getting him or her out of care quickly. Another suggested it is about treating clients fairly by providing them with crucial resources and supporting them in their journey through the child welfare system. In addition, part of the way that CFR views success is within the context of the 18-B system. Because CFR is a small organization, it is able to work with clients in a more intensive way. This is illustrated in the following interviews:

LS2: In the aggregate, it is different from the 18-B system because it is small. And the organization is comprised at top levels of very smart persons who have been committed to this kind of work probably their whole careers and who are constantly thinking about how to do it better. [They are] smart enough to trust the people who are on the ground doing the work to come back with their own experiences and enrich the body of knowledge.

PA1: [One of the reasons that] CFR works [is] because we have a lawyer on hand who we can access at the drop of a hat . . . and the lawyers have social workers on hand to help them see what is happening with a client—and to work with those clients to encourage them to do what they need in order to keep their families together.

The deputy director talked about success in terms of foster care placement and money saved. According to the CFR website, there are over 16,000 children in foster care in New York City. Although foster care is by no means determinative, children who have spent time in care are twice as likely as the general public to suffer from mental illness and PTSD. The average length of time a child stays in foster care is nearly three years. It costs the government \$24,000 minimum per child per year spent in foster care. At CFR, the average length of stay in foster

care is reduced to 4 months and is \$6000 per family. This is considered success. Further, although winning a case is obviously a goal, humanizing the practice of child welfare was described as success within the organization. Like development, success at CFR is viewed as emergent. It is not essentialized, as in winning a case, but rather considered a fluid concept with many outcomes.

Chapter IV: Discussion, Limitations, and Conclusions

Discussion

This study was conducted with the assumption that theory and practice are mutually supporting and bi-directional. Historically, the child welfare system has failed to recognize that theory is deeply ingrained in their practices. Further, traditional theories have dominated the practices of the child welfare system for decades. Some theories, such as attachment theory and trauma theory, have made an important contribution to our understanding of human development. However, others such as the intergenerational hypothesis and the medical model, have led to conceiving development through a narrow lens that focuses on the individual acting in isolation or the family operating as a sole entity. The way in which theory is conceptualized by psychologists, social workers, and others in the human service field has a direct impact on interventions. Many of the theories implicit in the practices of the child welfare system essentialize human development by undermining the relevance of colossal issues such as poverty and race, cast aside for the sake of protecting children. As a result, the system has failed to engage in practices that target positive family development and transformation.

Table 1 was formulated as a means of understanding the theoretical underpinnings of CFR's practice. Traditional and progressive theories of development were juxtaposed and interviews with CFR staff and clients were analyzed in order to identify practices, themes, and phenomena that could be categorized as either traditional, progressive, or both. Several researchers in the field of child welfare have identified the failure of single-factor theories and the need to adopt theories that capture the complex ecological frameworks in child abuse practice and policy debates (Daro & Connelly, 2002). Yet the system has been most dominated by traditional theories of development. This has had several consequences. Abuse and neglect are by and large inextricably linked to poverty. The families who are in the system are primarily

poor: they live in poor communities, have little access to resources, and are susceptible to a host of related complex social issues. Poverty affects the life experiences of every client. Yet the magnitude of poverty is consistently overlooked. While there are unquestionably internal forces that shape the lives of those in the system and varying developmental trajectories for different people, experiences related to poverty are highly influential. Failure to incorporate theories that acknowledge the complexity of human problems has resulted in excessive removal, long stays in foster care, and great financial expense, not to mention a significant toll on the physical and mental health of children.

There were several important findings in this study. Table 2 below illustrates these findings:

Table 2

CFR Framework

Subject	Traditional Framework: Individual	Traditional Framework: Family	Progressive Framework	CFR
“Who” develops	Sole individual acting in isolation	Family acting in isolation—from one another and within the context of their community	Individual and families are part of an ecosystem; never isolated, e.g., family as a unit.	<p>P: Family is a system; poverty is embedded in the system.</p> <p>T: Understanding of family in some ways fails to identify the interactive role of the individual with the environment.</p> <p>T: Do not deconstruct</p>

				<p>family.</p> <p>Each aspect of a client's life is a consideration; poverty, race, culture are all part of the context.</p>
Process for development	<p>Predetermined/fixed</p> <p>Emphasis on inherited/inborn traits, modules, etc.</p> <p>Social issues are genetic and definitive.</p> <p>Non-agentive</p>	<p>Fate is predetermined/fixed.</p> <p>Emphasis on culture of poverty, intergenerational hypothesis (cycle of abuse), familial addiction—viewed as genetic</p> <p>Non-agentive</p>	<p>Constructed/emergent/nonlinear (mountain stream metaphor (Thelen, 2005). Individual and familial traits are constructed rather than predetermined.</p> <p>“Cascade” of influences</p> <p>Agentive</p>	<p>P and T: De-essentialize some aspects of human development but not all.</p> <p>Dynamic approach to practice with clients; nonlinear cause and effect; no silver bullet</p> <p>T: Focus on inborn traits such as race</p> <p>P: Agentive</p>
What is development?	Development as what happens “to you”	Development as what happens “to you as a family”	Development as “accomplishment”	<p>P: Development is active and collaborative.</p> <p>P: Experience, resources, and support shape development.</p>
Model	Disease/medical model: “all in the individual”	<p>“All in the family”</p> <p>Disease/medical model: individuals within a family seen as needing to be “fixed”</p> <p>Stage theories</p> <p>Preventive services after the fact</p>	Socio-cultural model: interface between individual and context; situated nature of phenomena and events	<p>P: Consistently address issues that are social in nature.</p> <p>P: Holding clients and organizations accountable</p> <p>P: Destabilizing essentialist,</p>

				monolithic practices
View of individual	Immutable	Immutable	Mutable	<p>P: Understand people can and do change</p> <p>P: Poverty does not equal poor parenting.</p> <p>T: Culture of poverty plays a role in poverty and its relationship with the child welfare system.</p>
Approach to practice	<p>Diagnose in order to blame, change, and/or punish</p> <p>Focus on deficits of the individual</p>	<p>Diagnose in order to blame, change, and/or punish</p> <p>Focus on deficits of the family or one member of the family</p>	<p>Find strengths and amplify them (i.e., on what already exists) by providing and enhancing tools</p> <p>Strength-based</p> <p>Scaffolding</p> <p>ZPD</p>	<p>P: ZPD provides opportunities for parents to work toward optimal parenting and improvement of other areas of their lives; strengths are emphasized; re-parenting through modeling and support.</p> <p>P: One size fits approach supplanted by holistic practice focused on the uniqueness of each client. No “universal” requirements</p> <p>P: Access of tools is crucial to development</p> <p>P: Questioning of theories</p>

Metaphor	Traditional metaphors Policy implications	Traditional metaphors	Progressive metaphors Policy implications	P: Language matters. P: Traditional metaphors ingrained in our language; new metaphors are critical and simultaneously transformative. They have the power to influence policy.
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Summary of Findings

During the course of interviews, the Center for Family Representation (CFR) presented poverty as the most critical issue in child welfare. Specifically, they highlighted that structural and political influences of poverty are often confused with poor parenting. Traditional theories of development that influence child welfare practices do not take into account the intricacies and difficulties of human lives. Thus, the role of poverty is either devalued or taken for granted. CFR staff described poverty not as a construct that defines the lives of their clients but an important part of their ecological framework. Each family is a system, and poverty is embedded in that system. In this regard, poverty does not necessitate poor parenting. CFR's focus on the ecology of development supports the organization's belief in the complexity of human issues.

In addition, the practices that rely on traditional theories of development define *family* in ways that fail to take into consideration the profound importance of history and context. The child welfare system was designed to protect children. While the need for such a system is not in question, the way in which the system utilizes theory in its practice is problematic. The Administration for Children's Services (ACS) fails to fully reflect upon and evaluate the theories that underlie their practices for both relevance and applicability of these theories. In turn, the

system applies formulaic approaches to services and fails to deconstruct the notion of family as being a social construct rather than a universal given of human nature. Families are perceived out of context and pigeonholed into a universal idea of development. Although CFR does not deconstruct the notion of family entirely, its practices seem to incorporate a more fluid definition of family. By focusing on issues such as poverty and homelessness, CFR eschews the notion of assuming and characterizing the individual or family as living in isolation and focuses on the relevant social issues and systems that impact them. Staff re-conceptualize family in their acknowledgement of the sophisticated, multilayered systems in their clients' lives. This view is socio-cultural and historical in that it places context and history at the forefront and rejects the universality of the family structure and subsequently of development. As an organization, CFR questions whether it is truly possible to protect children physically and emotionally without engaging and working with families within the specific context in which they live.

Excessive stability, as characterized by Thelen (2005), was another construct that emerged in this study. The stable patterns in the child welfare system reflect those in the lives of their clients. Traditional theories that support the idea that clients' lives are predetermined promote excessive stability. This has a profound effect on the services clients receive and on their long-term developmental trajectories. No two families are alike, yet the approach in child welfare is to provide families with the same interventions across the board. CFR staff reject the traditional idea that being born into a particular family is determinative and that biology is destiny. Rather than rely on theories of development that presume there is an *end-state* before the developmental process begins (Thelen & Smith, 1996), staff maintains that all clients have the ability to change and to be transformed. This belief is grounded in dynamic systems theory, which emphasizes the way that theory can alter views about intervention. Practices utilizing

dynamic systems theory approach development of behavior in ways that “focus on the processes underlying change in dynamic, self-organizing systems” (Lewkowicz & Lickliter, 1995) (see also Thelen & Smith, 1996). Through its practices, CFR questions the stable, reified practices of the child welfare system. The organization has questioned what has for so long seemed unquestionable and in doing so has begun to de-stabilize child welfare practice.

Collaboration was an important theme in this research. ACS was characterized throughout this study as both hierarchical and bureaucratic and as failing to support clients holistically. It was also described as lacking coordination and collaboration among staff and outside organizations. CFR staff highlighted the need to not only understand the history of each client but to consistently collaborate with clients in order to provide them with the knowledge and resources necessary to stay together or reunify with their children. Specifically, collaboration through support was identified as an essential part of the practice. CFR views development as the product of experience, created through resources and support. In Table 2, CFR’s view of development is discussed in the progressive category since staff view development as accomplishment promoted through guidance, teaching, and training of parents. They work with parents on strategies and requirements rather than imposing a universal standard based on fixed notions of development. Parents are active collaborators in their own cases, and CFR provides the scaffolding for this to occur.

Collaboration was also discussed in terms of the zone of proximal development (ZPD). This is illustrated in multiple ways, notably in the role of parent advocates at CFR. These staff members have been through the child welfare system as parents (and often as children) and have been able to reunify with their children, manage their addictions, and gain employment with the help of the very organization that provides representation and advocacy to those in similar

circumstances. In turn, parent advocates collaborate with clients, using their own understanding and experiences of the child welfare system to help other parents. CFR provides the resources for parent advocates to be gainfully employed, the support and training necessary to do their jobs, and ultimately the opportunity to do the same with CFR clients.

By promoting learning and collaboration internally, the ZPD is also practiced among staff at CFR. Supervision is central to the structure of the organization. Staff have opportunities to meet with supervisors on an as-needed basis and are also provided with set meetings each week in order to effectively manage and strategize cases. Weekly case practice meetings enable staff the chance to present complex cases and receive feedback from others in the various disciplines within the organization. There are also professional development opportunities, including conferences and in-house trainings.

Finally, the original idea for this work emerged out of an interest in the stories of parents involved in the child welfare system. Rather than relying on the institutional narrative, I was interested in how parents' conceptions of their own lives could shed light on the theories underlying CFR's practices. Parent participants highlighted the differences between how they are perceived by the system and the way that they perceive themselves. CFR's approach was discussed in terms of how parents are valued and supported within an ecological and dynamical framework. Collaboration and the belief that clients are capable of change were highlighted.

Limitations

The Center for Family Representation (CFR) and the Administration for Children's Services (ACS) have two distinct roles. CFR is a legal and social service organization representing families. ACS is a child protective organization charged with ensuring that children are safe from abuse and neglect. The organizations are not intended to provide the same

services, and one limitation of this study is that the two have been juxtaposed without acknowledging the differences in their roles. In addition, I have not interviewed staff at ACS or non-CFR clients who are involved with the system. Further, this is a small study. I did not interview every staff member of CFR or a significant percentage of the clients. CFR is a relatively small organization, and ACS is a large institution. Comparing them in view of the vast differences in size is a limitation. I do argue, however, that both organizations have a responsibility to understand the issues that clients in the child welfare system contend with. Both ACS and CFR deal with poverty, race, and concurrent factors such as substance abuse and mental illness in their practices. They are two sides representing the same parents. Thus, how these two organizations understand the issues clients contend with and how they practice with those families are of profound importance.

A second, more significant, limitation relates to the methodology of this study. Unknowingly, this work was originally conceived along the lines of an essentialist view of development. When I created the table for this study, I initially included only “Who develops” without differentiating individuals from families. Once brought to my attention, I subsequently changed the table to include two categories under the traditional framework—individuals (parents and children) and families. But it was not until I began my analysis that I realized that even this was an essentialist approach. It is not enough to juxtapose traditional and progressive theories. Although I have a predilection toward progressive theories, I do not believe that any theory has the “silver bullet” to answer our questions about development or about child welfare. It is just as important to understand and apply theories in meaningful ways as it is to choose a camp. Development itself is a fluid concept and not an essentialist construct. It is not the same for every individual. The idea of viewing development in categorical terms could be interpreted

as essentialist since it tacitly implies that my unit of analysis and approaches to human development are defined as universal and applicable “once and for all.”

Finally, although CFR is doing arguably good work, it is doing so in a system that has significant flaws. CFR is operating within the confines of the more traditionally grounded child welfare system, for example in that they become involved only after allegations of abuse or neglect have been made. By participating as legal providers to respondents in the child welfare system, they are in effect endorsing the system. Yet it is important to recognize that there is no viable alternative to this in the present situation. Working to change a broken system from within it is often the only way to effect any change at all.

Conclusion

“Theory and practice cannot be ever thought of as separate realms; instead they inevitably and necessarily appear as belonging together and as forming inherent aspects (or dimensions) of one and the same process of people collaboratively engaging with and transforming the world” (Stetsenko, 2009, p. 22).

During the last two decades, there has been an emerging shift toward developmental research that addresses pressing issues about human problems (Lerner, Fisher, & Weinberg, 2000). This project was conceived in response to the deep-rooted, complex problems that permeate the child welfare system. While there have been numerous waves of ideas and programs that have positively contributed to the system over the last several decades, many have been focused on controlling abuse and neglect without considering the role of human ecology and socio-cultural influences on human development. This study is based on the premise that

theory can shed light on and improve the practices of the system. Theory and practice are intrinsically linked, and theories of development are highly influential in child welfare.

The broad purpose of this research was to unravel and explore the hidden layers of theory implicit in CFR's work, practices, and beliefs, and to re-conceptualize those theories in coherent and explicit ways. It identifies the connection between two classes of theories, analyzed through the lens of CFR's practical work. Connecting theory and practice and reflecting on both can help to elucidate how theory can inform and transform practice, and how practice both conceptualizes and transforms theory. Theories implemented in practice should be grounded within the context of the population they are intended to reflect and serve. The table presented in the beginning of this chapter and developed throughout the course of this project demonstrates the theoretical underpinnings of CFR. Although there are some traditional theories at play, this study has highlighted the dynamical, ecological, and socio-cultural assumptions embedded in the practices of the organization that reflect groundings in progressive theories of development. No organization is capable of solving either the social issues that plague the system or the system itself. Further, no organization is grounded in only one theory. This study was not designed to present CFR's approach as a panacea. However, its novel approach shows how some progressive theories can lead to better outcomes for parents and children.

The use of progressive theories in psychology research can contribute to de-essentializing human development. The principles of dynamic systems theory, for example, focus on novel structure and behavior rather than predetermined notions of development. Similarly, socio-cultural theories focus on developmental processes as emergent; that is, as products of our society and culture rather than solely biological. Theories of human development impact our approach to problem-solving in child welfare. What we ask and how

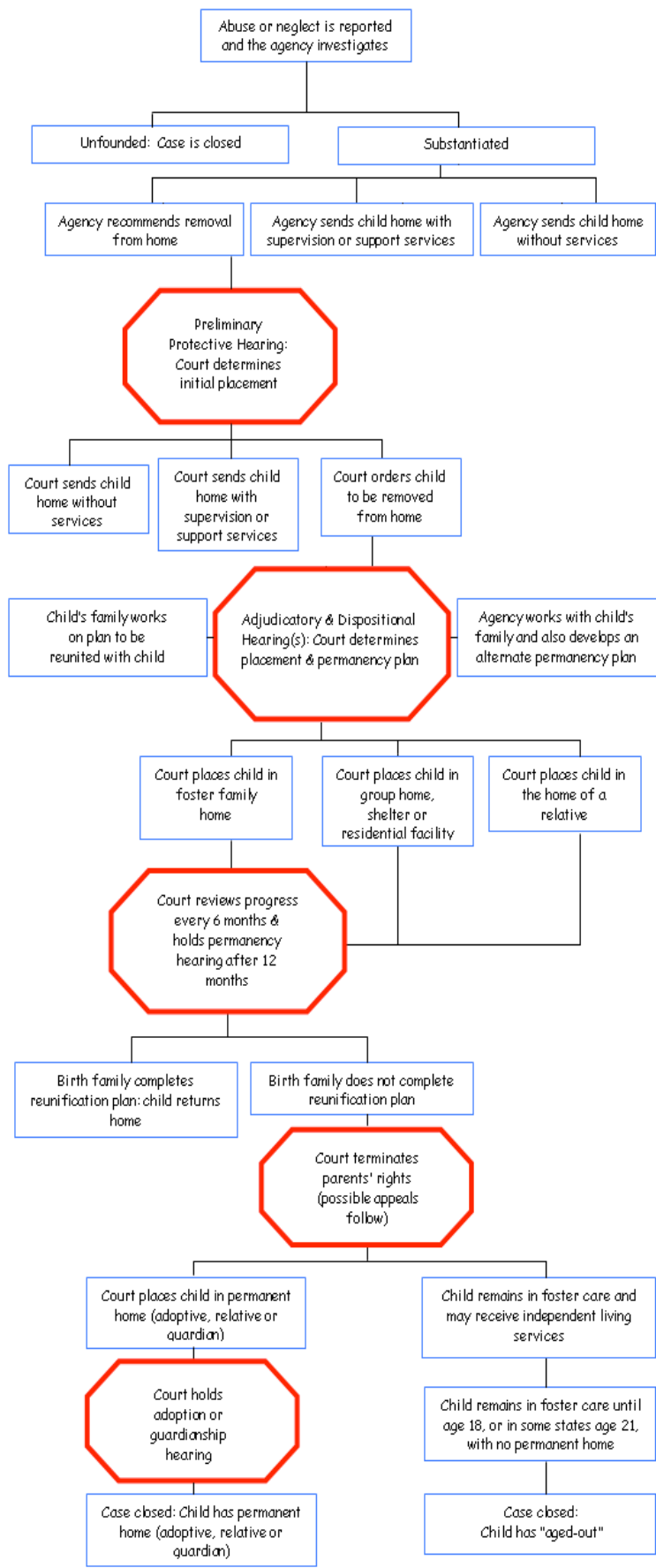
we go about identifying answers is as important as our findings. Connecting theory and practice not only enables researchers to de-essentialize human development but helps to expose deep-seated issues in the landscape of child welfare, and it enables researchers to excavate those issues in new ways.

Implications for Future Research

This research represents a beginning of further study in this field that focuses on the connections between theory and practice and the need to continually evaluate both. While there are considerable differences in the roles of the Administration for Children's Services and the Center for Family Representation, their practices focus on the same population. CFR's work has systemic applicability. Utilizing progressive theories of development can destabilize practices that conceive individuals and families as living in isolation and their development as predetermined and fixed. Practices rooted in progressive theories can help to deconstruct the notion of family and subsequently acknowledge the role of poverty and race as embedded in a multitude of systems and contexts.

Appendix A

Pathways to Child Protection Chart



Appendix B

CFR Staff Question Guideline

- Tell me about your work in this organization.
- Describe the families that you work with.
- How would you describe the issues that these families are facing?
- How do your clients come to CFR?
- How are you able to help these families?
- What kind of help do you think is most important for the families that you represent?
- What kinds of beliefs help you in your work? What is your belief system?
- Is it difficult to work with parents that you believe abused or neglect their children?
- What are some metaphors that you feel are most often used by the child welfare and Family Court system to describe these families?
- What are the flaws of the child welfare and Family Court systems?
- What is different about your work at CFR?
- How do you feel the work of CFR applies to other areas of the child welfare system? Specifically, do you think that CFR's work is applicable to the system generally? Would the same approach work in other areas?
- How has the history of the child welfare and Family Court systems affected your work?
- Do you have a particular school of thought that you subscribe to in terms of development?
- Do you believe that there is anything fixed about the clients that you serve?
- What are your views about the child welfare system? Do you feel that the system is working? If not, what do you think are the major issues in ACS?
- What are your views about the Family Court system?
- Do you feel that you have an impact beyond the court proceedings?
- Describe the culture of the organization. What do you think makes it work?
- Do you believe there is an underlying theory of CFR?
- Define success in a case.

Appendix C

CFR Clients Question Guideline

- Describe your family.
 - Who do you live with? How old are your children?
- Describe your community.
- Tell me about the support systems in your life.
- Tell me about your educational and professional history.
- What do you think is the major reason you are involved in the system?
- Describe your history in the child welfare system. (Please include allegations and whether your children have been in foster care.)
- Tell me about what ACS has required you to do (e.g., parenting courses).
 - Do you feel these have been helpful?
- Have you ever been represented by an 18-B attorney? If yes, tell me about that experience. Did you feel adequately represented?
- If yes to above question, was the experience different from representation by CFR? If so, how?
- How do you feel about the many people involved in your case at CFR?
- Do you feel that CFR has affected your family in other ways aside from representing you in Family Court?
 - If yes, describe.
- What will it take for things to change in a way so that you are no longer involved in the child welfare and Family Court systems?
- Describe the role of the child welfare system.
- Describe the role of CFR.
- Do you have any philosophy or ideas about how kids develop that you believe in?
- How do you think that the workers in the child welfare system describe you and other families like you?

Appendix D

Parent Consent Form

Consent Form

My name is Jennifer Stone-Levine, and I am a student in the Developmental Psychology Ph.D. program at The Graduate Center of the City University of New York (CUNY), and Principal Investigator of a project entitled “Humanizing child welfare: A new legal approach for children and families.” This is a research study about the Center for Family Representation (CFR). This study is expected to help describe CFR’s practice and philosophy, and the experiences of parents who are represented by the organization. There will be 12 participants in this study. I would like permission to interview you about your experiences. The interview will take approximately one hour. I will ask you several questions, and with your permission, I will use a digital recording device so that I can listen to your answers after the interview. You will be paid \$25 for your time and transportation. All information gathered will be kept strictly confidential and will be stored in a locked file cabinet to which only I and my advisor will have access. Your participation in this study is voluntary. At any time, you can refuse to answer any questions or end this interview.

You will not be asked any specific questions about your child welfare case. The details about your involvement with ACS are not part of this study. Our interview is confidential. However, if you share information that a child is being abused or neglected, I will be required to report it.

The risks from participating in this study are no more than encountered in everyday life. You will be asked to share your experiences about the child welfare system and CFR. If at any time you feel uncomfortable, you may stop the interview. The benefits of your participation are that you will be given an opportunity to talk about your experiences with the child welfare system and with CFR. It will also add to the generalized knowledge about individuals in the system and the role of CFR in the child welfare and Family Court systems.

I may publish results of the study, but names of people or any identifying characteristics will not be used in any of the publications. You may ask me any questions about your rights as a participant in this study or anything about the details of this research. If you would like a copy of the study, please provide me with your address and I will send you a copy in the future.

If you have any questions about this research, you can contact me at 646/283-1060 or jennistonelevine@yahoo.com. You may also contact my advisor, Anna Stetsenko, at 212/817-8715 or astetsenko@gc.cuny.edu. If you have any questions about your rights as a participant in

this study, you can contact Kay Powell, IRB Administrator, The Graduate Center/City University of New York, 212/817-7525.

Thank you for your participation in the study. I will give you a copy of this form to take with you.

I agree to participate in this interview (please circle one). Yes No

I agree to have this interview audio taped (please circle one). Yes No

Participant's signature Date

Investigator's signature Date

Appendix E

Staff Consent Form

Consent Form

My name is Jennifer Stone-Levine, and I am a student in the Developmental Psychology Ph.D. program at The Graduate Center of the City University of New York (CUNY) and Principal Investigator of a project entitled “Humanizing child welfare: A new legal approach for children and families.” This is a research study about the Center for Family Representation (CFR). This study is expected to help describe CFR’s practice and philosophy and the experiences of parents who are represented by the organization. There will be 14 participants in this study.

I would like permission to interview you about your experiences. The interview will take approximately one hour. I will ask you several questions, and with your permission, I will use a digital recording device so that I can listen to your answers after the interview. Some example questions are 1. How do you view the families that you represent? Why do you view them in this way? 2. What kind of help do you feel is most important for your clients? All information gathered in this study will be kept strictly confidential and will be stored in a locked file cabinet to which only I and my advisor will have access. Your participation in this interview is voluntary. At any time, you can refuse to answer any questions or end this interview.

The risks from participating in this study are no more than encountered in everyday life. You will be asked to share information about CFR and about the child welfare and family court systems. The benefits of your participation are that you will contribute to the generalized knowledge about CFR and the role it plays in child welfare and family court systems.

I may publish results of the study, but names of people or any identifying characteristics will not be used in any of the publications. You may ask me any questions about your rights as a participant in this study or anything about the details of this research. If you would like a copy of the study, please provide me with your address and I will send you a copy in the future.

If you have any questions about this research, you can contact me at 646/283-1060 or jennistonelevine@yahoo.com. You may also contact my advisor, Anna Stetsenko, at 212/817-8715 or astetsenko@gc.cuny.edu. If you have any questions about your rights as a participant in this study, you can contact Kay Powell, IRB Administrator, The Graduate Center/City University of New York, 212/817-7525.

Thank you for your participation in the study. I will give you a copy of this form to take with you.

I agree to participate in this interview (please circle one). Yes No
I agree to have this interview audio taped (please circle one). Yes No

Participant's signature Date

Investigator's signature Date

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