2009

Rescuing Children and Punishing Poor Families: Housing Related Decisions

Corey Shdaimah

University of Maryland

Follow this and additional works at: https://scholarworks.wmich.edu/jssw

Part of the Inequality and Stratification Commons, Place and Environment Commons, and the Social Work Commons

Recommended Citation

Available at: https://scholarworks.wmich.edu/jssw/vol36/iss3/3

This Article is brought to you for free and open access by the Social Work at ScholarWorks at WMU. For more information, please contact maira.bundza@wmich.edu.
Rescuing Children and Punishing Poor Families: Housing Related Decisions

COREY SHDAIMAH
University of Maryland
School of Social Work

Child welfare policy is not self implementing; an understanding of child welfare policy must therefore include the decision making practices by those whom Michael Lipsky (1980) has called "street-level bureaucrats." This article reports data from a qualitative study exploring perceptions of child welfare professionals about housing-related child welfare decisions. Interviews were conducted with a purposive sample of 18 child welfare lawyers, judges, and masters level social workers from a large city in the mid-Atlantic U.S. All agreed that there is insufficient affordable adequate housing. They held conflicting views, however, on: 1) the standard for adequate housing in the absence of a clear legal definition; 2) who should be held responsible for housing that is deemed inadequate; and 3) the consequences of housing conditions for supervised children and their families. Rationales for decision-making stem from contested understandings of responsibility and the role of the state as protector of vulnerable children. These, in turn, appear to be influenced by a combination of individual factors, including personal values, ideology and life experiences; a response in the face of limited resources and conflicting mandates common to street-level bureaucracy; and professional and institutional mandates that are perceived to proscribe behaviors and activities.

Key words: adequate housing, poor families, child welfare, housing conditions, institutional mandates, child welfare professionals

Adequate housing has long been recognized as an important factor in child well-being (Zuravin, 1989; Freisthler,
With a decreasing stock of affordable housing across the country, families living in poverty are more likely to be homeless or have inadequate housing (U.S. Department of Housing and Urban Development, 2007), just as poor families are more likely to be child welfare involved (Sedlak & Broadhurst, 1996). Eamon and Kopels (2004) reviewed court cases that challenged child welfare agency policies concerning placement of children based on a claim that the child welfare agencies acted improperly "for reasons of poverty." All but one of these cases involved housing.

In their examination of housing in child welfare cases in Milwaukee, Courtney, McMurtry, and Zinn (2004) found a mismatch between "parents' expressed needs for housing assistance and case managers' perceptions and actions" (p. 417). There is no clear standard for determining risk to the health or safety of children related to housing problems. Thus, there are few guidelines that child welfare professionals (CWPs) can rely on to make decisions. This increases both the discretion of CWPs and the responsibility they bear.

This article is based on interviews with 18 CWPs that explored their perceptions of the role of housing in child welfare cases. The author expected to find agreement in this area, and the study was designed to elicit descriptive analysis so as to create a typology of housing problems that would better inform individual and policy-level decisions for child-welfare involved families (Shdaimah, 2009). However, all the CWPs interviewed told me that disagreements often occur with colleagues in their own agencies and other CWPs regarding when the adequacy of the physical home environment constitutes a safety risk. This was true even when they were looking at the same house. While CWPs may agree on the existence of risk in theory or in extreme cases, they often disagree about when specific housing conditions pose a risk to specific children. Even when there is agreement that a problem constitutes a threat to child safety, it is not always clear what should be done about it and who bears the responsibility for remediation. Inconsistencies are particularly apparent when CWPs disagree about whether or not children should be removed from a home that is deemed inadequate or, when children are removed from the home, what housing is appropriate for the return of those children.
It is important to note that adequate housing includes both the necessity of a home (which can be a shelter) and the condition that such a home is safe. Requirements for CPS-involved families always include both components. This means that not any home will do. The home must have the appropriate number of rooms, proper electrical hook-ups, safe banisters, heating in the winter, and anything else deemed necessary for the appropriate care and safety of the children involved. Therefore, any mention of housing must be read to refer to adequate housing.

After a discussion of research methods, differences of opinion among CWPs in assessing housing adequacy and the implications for child protective service-involved families are explored. The first difference is definitional: what constitutes (un)safe or (in)adequate housing? The second is a philosophical difference that involves determining who is responsible for housing that has been identified as inadequate and who should remedy it. Unless housing is specifically designated as inadequate, the more indeterminate terms "housing problem" and "housing issue" are used to reflect disagreements about when these problems rise to the level of "inadequate."

Methods

This article is based on data from intensive interviews with 18 CWPs in what is called "Northeast City," located in the U.S. Mid-Atlantic region. The study was designed to examine CWPs' perceptions of the relationship between housing problems and child welfare involvement. Northeast City's housing context is typical of other de-industrialized urban areas throughout the United States. It has high rates of vacant and unsafe houses, rents that are out of range for the overwhelming majority of CPS-involved families, and gentrification trends that make adequate and safe housing even less available for those families (for a more detailed description of Northeast City and its housing market, see Shdaimah, 2009).

Participants

Recruitment was initiated through contact with CWPs identified as interested in housing issues through discussions
with key informants (Johnson, 1990) from the public interest bar, child welfare workers, and housing advocacy groups in Northeast City. Additional participants were located through snowball sampling, a technique that is particularly appropriate when participants may be hesitant to speak with researchers (Heckathorn, 1997).

Child welfare cases involve a number of parties, including (at minimum) the child, the parent(s), the child’s legal guardian, and the state. Participants were CWPs representing or working for each of these constituencies. The interviews also solicited input from individuals acting in different professional roles. Specifically interviewed were: (1) Two attorneys and one social worker from Legal Defense Association (LDA), which represents children involved in child welfare cases; (2) Five attorneys and one social worker from Northeast Legal Services (NELS), the only non-profit legal services provider representing parents in Northeast City; (3) Two private attorneys who take child welfare cases as appointed counsel, both of whom chiefly represent children; (4) Four masters-level social workers from Northeast City’s child protective service (CPS) agency units providing services related to domestic violence, early response, housing, and families with children in out-of-home placements with a goal of reunification; (5) One lawyer at Northeast City’s legal counsel who represents CPS; and (6) Three judges, two of whom work in Northeast City’s family court. The third judge had recently left family court to serve elsewhere in Northeast City.

Data Collection

Interviews were used to obtain participants’ perceptions of the role that housing plays in their cases. All interviews lasted approximately two hours and used an interview guide with open-ended questions (Lofland & Lofland, 1995). Interviews were organized to explore themes, including when and how housing problems arise, types of housing problems, and participants’ recommendations for how other CWPs and policymakers should handle housing difficulties. The interview guide was a starting point for interviews rather than a rigid schedule. Participants influenced the order of questions and raised topics of interest to them. Interviews were conducted
until saturation was reached at 18 participants—that is, when interviews failed to elicit new themes and perspectives.

All interviews took place in offices, chambers, or conference rooms at participants’ workplaces, with the exception of one interview with an attorney in private practice that took place, at her request, at a busy coffee shop close to family court buildings. This attorney assured the author that she could speak candidly and sat in a booth removed from other patrons, none of whom she knew. The study was approved by the University of Maryland’s Institutional Review Board.

Data Analysis

Interviews were audiotaped and transcribed verbatim. All participants and any other people or agencies referred to were given pseudonyms to protect confidentiality. The first two interviews were read by the author and two research assistants. Independently, each reader developed a list of codes that emerged from the interviews using an open-coding technique (Padgett, 1998). Codes were derived from sensitizing concepts (Beeman, 1995) identified prior to the research and emergent concepts derived from the data (Glaser & Strauss, 1967). Codes were both descriptive (e.g. lawyer, electrical wiring) and analytical (e.g. stigma, empathy). Readers compared and discussed their separate coding lists and merged them into one coding scheme that was applied to all subsequent interviews. Once the comprehensive coding scheme was developed, N-VIVO 7 software was employed to better manage the large quantity of data (Kelle & Lauries, 1995) and ensure a systematic approach to the coding of each interview (Lee & Fielding, 1995). Individual codes were grouped into categories of related codes (Miles & Huberman, 1994).

Findings

This section reports how CWPs in this study identified and made decisions about housing problems in cases of alleged child maltreatment. First, CWPs’ different assessments of housing problems are reported. Then CWPs attribution of responsibility for housing problems and the way in which that influences their interpretation of whether a given housing
problem poses a risk to the safety of the child are discussed. Finally, a discussion of where CWPs place responsibility for remediating housing problems is undertaken.

Perceptions of What Constitutes Child Abuse or Child Neglect

Poverty is not, in and of itself, a justification to separate children and families (Eamon & Kopels, 2004). A party to a child welfare petition must show the court that there is a risk to the health and safety of the child. When housing is at issue, it is not at all clear (or agreed upon) what constitutes such a risk. In the words of Roland, a CPS worker, “Every child has the right to a safe home. Well, what's a safe home?” Ellen, a NELS lawyer, explains that the legal standard is vague:

All dispositions in dependency court fall under the best interest of the child standard, which is the most subjective thing in the world and has a limited realm of case law that's really defined what that [standard] means in the housing context. So...you can really make any argument you want and there [are]...no cases to look to.

Lack of a legal standard is complicated by lack of understanding of, and agreement upon, the meaning of physical evidence. Even though CPS workers and social workers at LDA are provided with written forms to guide their inspection of homes, housing problems may be difficult to interpret. Charlene shared how she uses LDA's housing form:

I have a Home Evaluation Form and it basically asks questions like: exterior condition of the home, interior condition, what are your concerns, who lives in the home, especially adults...I would write 'bannister is loose,' and then I would say, 'however, children are 16, 17 and no babies or young children live in the home.'

Charlene emphasizes the contextual interpretation of a given problem. A loose bannister in and of itself may or may not pose a safety hazard. This depends on where it is and the age of the children whose safety is potentially at risk. In order to qualify her report, she provides context for the housing
problems she is asked to document.

Judges do not have the same ability to evaluate the context or form a direct impression of housing problems. Judge Aaronson noted the dependence of judges on others' assessments: "a judge, unless [he or she is] shown some pictures as part of evidence, is hardly ever able to see first hand the actual living conditions; all I get is a description." Marion, an LDA attorney, noted that LDA considered providing cameras to its social workers for just this reason:

We were talking about giving all the social workers [at LDA]...disposable cameras and having them come into court and verify the pictures because, you know, one man's castle is another man's dump. So there seems to be some amount of discrepancy on what people think is okay... But I think if we had pictures, 'cause sometimes the judge, and the judge really delves into this...'cause she wants to make sure it's not poverty. She wants to make sure it's reached a safety or a child's inability to kind of function in the house.

Lack of clarity regarding what constitutes (in)adequate housing also means that risk and safety assessments are sensitive to media and political contexts. Just as data collection began, Northeast City's main newspaper publicized the deaths of children under CPS supervision. As in many U.S. cities where media have exposed such cases, this instigated the ouster of key CPS personnel and an investigation. Connor, a lawyer who represents CPS, noted that negative media reports influence how CPS workers assess child safety.

When you've got the [Local Paper] kind of beating up [CPS]...it would be human nature to be affected by that. You read these stories where you or your agency is blamed for children dying; and then it would be absurd to think that that wouldn't affect someone's analysis as to whether or not a child can remain safely in a home, whatever the given factors are.

Ellen, a NELS attorney, corroborated the increase of child welfare cases being brought to court after the media exposé.
The NELS unit that represents parents had seen an:

increased rate of court-involved cases because the reactive response to the media hysteria has been to just file more and more cases before and move more and more children. And so we are seeing just marked, like spiked, increase in court involvement. We're all absolutely like out of our minds right now because we have that many new cases.

Even when the climate is not so sensitive, CPS workers and child advocates feel a heavy responsibility to protect children. Participants complained that CWPs do not have the training to evaluate housing. It would not be surprising, then, that those representing children would be more likely to characterize housing problems as a safety hazard when they are in doubt, while those working with parents would more likely minimize the potential threat of a housing problem and to see the threat of removal as a greater harm.

Indeed, participants noted that institutional roles influence interpretation of housing adequacy. Connor praised child advocates for their work. When asked what they do well, he replied:

They err on the side of protecting that child at any cost. I think their focus is a little less on preserving the biological family relationship and really, really insuring that before a child's sent home or before they agree in court to let a child remain at home, that the child's safe. And I wouldn't—I think it would be arrogant of me to suggest to them, 'lighten up in that regard.'

Matt distinguished the child advocate's role from his role as a CPS worker. According to Matt, CPS has the "dual mission [of] supporting families and protecting kids," whereas the role of the child advocate "is just kind of focused on the kids."

Matt and Connor seem to attribute the tendency to remove or separate children when there is doubt to the adversarial nature of the process and the child advocate's role as a representative of the child. Their description of child advocates, however, reveals a definition of "caution" that is equated with
separation rather than preservation of biological families. In contradiction, Connor and Matt (and many other participants) also believed that out-of-home placement, particularly foster care, is inferior to family preservation (as reported in Shdaimah, 2008); as Matt says, “my perspective is that it’s always better when kids are with parents, period.” “Erring on the side of caution” by emphasizing the gravity of any given housing problem that poses a threat to the child’s physical safety fails to take into account the risk that lies at the other side of caution, which is the trauma of separation from parents.

Perceptions about Who is Responsible for Housing Problems

In discussing the state of Northeast City’s housing market, participants disagree when parents should be held responsible for failure to obtain safe housing. Participants claimed that housing played some role in a significant portion of the cases they handled, whether alone or in combination with other problems (Shdaimah, 2009). However, participants disagreed about the level of coping that is appropriate to expect from families.

Dolores, a CPS social worker, noted that CWPs who blame parents for inadequate housing do not understand the context. Housing, in general, is unaffordable for many.

They can’t afford to pay these rents. The rents, first of all, are now out of, just out of control; so even if you have a mother who, say, is on a welfare-to-work program and she’s finally got to a point where she’s working, but she working in unskilled laborish jobs, she’s making, oh my God, minimum wage. So now you expect her to pay full market-value rent, pay for the food and care of her children—that’s buying clothing for all of her children, maybe anywhere from 1 to 9 kids, seriously... You know how much rent she would have to pay? I mean I don’t even know—a 4 bedroom apartment. I can’t afford a 4 bedroom apartment.

As Dolores’ quote reveals in her reference to the number of rooms, not just any housing is considered appropriate by CPS standards. Much of the housing that is affordable for what Northeast City considers “extremely low-income” families is
sub-standard (Shdaimah, 2009). Families may have sufficient means to acquire housing, but, as LDA attorney Marion points out, this does not mean that CPS or LDA will allow children to remain in, or return to, the home.

If you would track it you’d spike that housing becomes more of an issue in December, January, February, probably March, maybe beginning in November [when] there’s no heat. Kids have to be placed. You know it gets darn cold and then it becomes an issue of space heaters, we’ve had fires with those—is the electrical hook-up legal? You know, in many cases not. So what comes under scrutiny is, they have housing, but then is the housing appropriate? And the answer being in the winter months, if there’s no heat, no.

Jody is a NELS attorney who represents parents. She believes that even diligent parents can fall on difficult circumstances that make it difficult to find adequate housing:

I have a client who was squatting in a house and they were sleeping on two twin mattresses pushed together, she and her 4 children, and the infant died because his face went between the two mattresses. And she had been basically in a million different places before that and she kept getting evicted because she was working part-time, but she had 4 children and she just was not making enough money. She was robbed at one point then she had the police report to prove it... . And that one thing was enough to really cause a problem with her rent. If she just didn’t have, her parents had died of AIDS in Puerto Rico, so... she didn’t have anyone to, like, ‘Let me borrow $200’ or whatever.

Jody, like Dolores, notes more systemic trends such as housing affordability, crime, and low-wage work that make it difficult for parents who are otherwise competent to obtain safe housing.

Even though she did not blame parents for housing problems, Judge Taylor believed that housing trends in Northeast City adversely affects parenting abilities. It is noteworthy that she indicates that housing has ramifications for everyone:
[T]hey call this [a] steak and caviar market...because there’s very limited to no low-income...housing.... Unfortunately [developers] want to develop housing on the high end, for millions of dollars; but you still have a large—very large—population of people that are suffering for lack of housing. And unless that changes, there’s gonna be an increase in cases that will come to either family court, criminal court, and even to...domestic relations court, because housing affects all of us to a degree. And if you got a family, it’s gonna effect the family in so many different ways.

Judge Aaronson agrees that there is insufficient safe and affordable housing in Northeast City. He believes, however, that most “pure” housing cases do not end up in dependency court.

You may get that in the general welfare set up; but no, that’s not what we get in dependency. What we get in dependency is a mother who simply, even if she had the house, could not function. Now sometimes the reason she doesn’t have the house is because she’s not working, and is addicted, everything else. But you would also have...some situations...[where] there are some issues there—alcoholism or whatever—but [the mother’s] been [getting] by, but the house is like falling apart. In other words, it’s a neglect situation. She’s not really caring for the house, place is dirty, refrigerator is dirty, not enough fo[od]... So it’s not so much of the, in my view, of the fact of substandard housing [in] dependency; it does get back the ability of that parent to be responsible in a minimum sense for the child.

According to Judge Aaronson, parents who live in inadequate housing and come to the attention of CPS have trouble functioning more generally, often to a level that constitutes neglect.

While Judge Aaronson seemingly offered this as an observation, participants such as Jody indicated that some CWPs’ ascription of parental responsibility is a moral judgment. This philosophical difference is important because if parents are expected to be able to obtain adequate housing, failure to do so
may be viewed as an indicator of neglect or unfit parenting. Those who believe that factors beyond parents' control make it difficult to obtain affordable safe housing find such an interpretation inaccurate and callous.

Charlene, a social worker with LDA, saw any kind of housing instability as an indicator of the parent's inability to properly care for his or (almost always) her children. Charlene implied that living with extended family, or even in a rental property where the parent is one paycheck away from eviction, might lead her to recommend a delay in reunification.

In my experience, it's never just housing. There's always something else that you could use for leverage. Now for th[is] one family where we still have three children in care, it's primarily housing; but I have great concerns about mom's ability to keep things running rather smoothly. And I know that's not easy with four kids; but she doesn't have a good track record with keeping employment. She doesn't have a good track record of being honest with us. She's very—she procrastinates. So there's all—and those are some of the intangibles; but they're a reality. Sometimes the judge doesn't want to hear about it. And that's really why we're gonna start thinking about doing the legal custody options with the other 3 children. They deserve to know, 'Okay, this is where I'm gonna be for a while. And when my mom's able to get something—bigger house or whatever...'

Charlene's assessment dissects what the parent is or is not doing, and what she might be able to do in the future. There is little sense that the housing situation in Northeast City should weigh in as a factor at all. Unlike Jody or Dolores, she lays the responsibility for housing solely at the feet of an already overburdened parent. Nor does she explore, as does Judge Taylor in the previous section, how housing itself might be an underlying cause of some of the other problems that impede this mother's ability to care for her children.

According to Matt, CWPs disagree about the appropriate balance of individual and collective responsibility.

I think there's a large proportion of the United States
that really strongly believes that if you’re going to have a baby, that financially you should be able to care for the baby and it’s neglect if you can’t. And I think that there’s another large proportion of our country that really believes, “well if you have a baby, really society should make sure its needs are met and it’s not necessarily—there’s some things that should just be.” I think that even in [CPS] there’s probably some people on both sides of that... So that probably drives more of the “Well [parents] should be able to fix these things.”

Matt is less interested in attributing responsibility for causes, however, than with finding solutions: “Let’s just fix this thing. I think that’s the bigger question.”

Perceptions about What Should be Done and by Whom

Even when CWPs agree about the gravity of the housing situation and its causes, they often disagree about what should be done and who is responsible for doing it. Some feel that parents should remedy housing problems. Others believe that this is the role of CPS. Dan criticized CPS workers who do not “do their job.” When asked what he meant, he said:

Almost all CPS workers do the minimum...like fulfilling the statutory obligations according to whatever [CPS] regulations are. By not doing their job I mean not being willing to provide a service to the parent which will actually help them reunify with their children. So not doing their job includes CPS workers who show up and stare at the parent.... That’s not; they’re not doing their job. I mean that’s obvious to me. However, if you look through their books, they can testify that they did their job. So it’s really more of a value judgment on my part that they’re not doing their job.

Dan and others expect CPS to remedy housing problems because they believe that it is very difficult for parents to find adequate housing. Jody was similarly frustrated with CPS workers who say to a parent who is in crisis and really destitute poverty, “‘Okay, here’s a checklist of the 10 things you can do to get your child back.’ They’re not gonna help you do ‘em,
but why don't you just go do those things 'cause if you don't we're keeping your children.'

Marion, an attorney at LDA, noted that Judge Aaronson expects CWPs to actively assist parents; failure to do so was what she called a "pet peeve."

One case in particular comes to mind, the agency worker came in and said, 'Well, I told mom to call [the local public housing authority], and [Judge Aaronson]'s response, and I think rightfully so was, 'I could have told her to do that; you can drive her there, you can make sure she goes.'

In Marion's opinion, such expectations can be justified, but she also tries to ascertain what prevents a parent from obtaining appropriate housing.

Well, [a parent] can't buy a newspaper every day, you know; 50 cents or whatever it costs for a newspaper every day if you're trying to find housing is a bit much...Some people don't have a phone...You know, mom could go in and sit down with [an] agency worker and, if nothing else, they could offer mom a phone. 'Here's the phone, call the places, let's identify places that you might be able to go.' What are the things that are stopping mom? If it's just that she's simply lazy, okay, that's another deal; but, if she doesn't have a phone to make the phone calls, bring her in.

Marion understands the difficulties many CPS-involved parents experience and wants to ensure that they have access to the tools they need to follow through. On the other hand, she does not automatically attribute housing inadequacy to poverty or lack of resources.

Whether or not parents were viewed as responsible for housing problems, participants expected CPS to help because they have greater access to resources than do most parents. Gerrie, an LDA lawyer who represents children, like other participants, said that CPS is unreasonably tightfisted with its funds. She said she often argues over the provision of funds or services:
I also think that CPS, without a fight, should step up to the plate more for these finite amount of monies that could fix a case. And we’re always pointing this out to them; $2,000 here stops placement which could cost you $20,000. It’s ridiculous that you fight that. I do not understand the mentality; you are saving money—fix it.

The efforts that CWPs expend to facilitate access or demand services can make or break a parent’s chance at reunification. Withholding assistance or resources leaves parents with housing problems that jeopardize reunification and leave children at risk.

Many of the CWPs are sympathetic to the difficulties that parents face in trying to meet their children’s needs and the expectations of CPS, LDA, and the court. Dolores, a long-time CPS social worker currently working in a domestic violence unit, sees it as her job to help parents find adequate and safe housing. She discussed her efforts to find temporary housing for a family:

This woman didn’t do anything to her children, she had a home, she was chased out of the home because of this abusive relationship, she’s petrified of the man; he terrorizes the neighborhood. So now you think I should place her children? To me that’s really just penalizing her for being abused. So I’m gonna take her kids away? I don’t think so.

Dolores rejects what other workers might interpret as a mandate to separate. She believes that the state has no authority or moral right to remove children when there is no parental fault.

Other CPS workers feel unable to help, despite their empathy for families. Martine chose to work in a housing unit to address what she saw as endemic problems. She recalled her sense of helplessness when, as an intake worker, she “had to” take people’s children away:

We would get calls in the dead of winter say[ing] the house doesn’t have any gas [or] plumbing. So then my
social workers had to go out there and had to place children if they didn’t have relatives that were able to take them. And it’s sad and it’s heart-breaking that families are sometimes separated because people are just poor. It’s about poverty.

Participants cited a variety of federal and local mandates that influenced their decisions. The Adoption and Safe Families Act (ASFA) [U.S. Public Law 105-89] timelines required moving for permanency, as Judge Aaronson explained, absent “compelling reasons why termination should not be moved on.” Housing slots were limited by Northeast City’s Housing Authority policies and federal eligibility criteria. Together these factors work against family preservation. Judge Taylor noted that policies favor placement:

They get 90 cents on the dollar whenever a child is committed. So why would they have a greater concern to make sure that the parent gets adequate housing and they have some place to stay? The reality is that they... really get more money for having a child placed. I mean it might be a little sick and twisted, and I’m not assuming that they do that... but I’m saying from the policy perspective, that’s how it’s set up.

Judge Taylor noted that laws also force her to order removal:

You have a whole host of families that don’t have any [other] issues; they’re just basically poor. And so these families really can’t get any help from any place else. And of course as a judge you have to remove the kids. And I have had children that have been in placement for a long period of time, a number of years simply because the parents needed adequate housing and couldn’t afford it... So now I have to remove them and put them in a foster home some place. And unfortunately under the law, I can’t take the money that the foster home gets and give to the parents; so that’s the nature of the system.
Like CPS workers, not all judges perceive legal and agency mandates as similarly binding. Jolene, a lawyer in private practice who prefers to represent children, said that there are judges who fail to remove children in situations where she feels removal is warranted, at least in part because this judge perceives the separation of families as a serious harm:

One of the judges will say it's like for a child, the roach that they know is much better than the roach that they don't know. So sometimes she will leave kids in homes that are just horrendous; so you really have to prove with her that you need to remove a child.

The judge that Jolene describes is balancing the harm of separation against the harm posed by the home environment. CWPs' ideas about how housing problems should be resolved are often restricted by their understanding of policy and agency practice. While some CWPs resist such dictates, others feel less able, or are less willing, to do so. The lack of clarity about when a housing problem constitutes a safety hazard and how this should be balanced against other risks makes it even more likely such decisions will be influenced by personal and professional biases.

Discussion

Although there is general agreement that housing problems are prevalent in child welfare cases, there is no consensus as to which housing problems pose a risk to the health and safety of a child. In an area with little certainty, high stakes, high risks, and competing mandates, there is much leeway for discretion in interpreting housing problems and assigning meaning to them. The discretionary power of CWPs can greatly influence the outcome of child welfare cases, often determining whether families will be provided with resources to address their needs and whether they will be reunited or separated. In this way, CWPs are what Michael Lipsky (1980) has called street-level bureaucrats. Like other street-level bureaucrats, they are constrained by the institutions in which they work and agency mandates, which often include laws and administrative
regulations, even as they enjoy high levels of discretion vis-à-vis the people they serve (Brodkin, 1997; Lipsky, 1980; Tremblay, 1989-90).

It is important to note that the small size of this study limits its generalizability (but see Shadish, 1995). It is likely that the CWPs interviewed for this study were particularly attuned to housing as a problem, as this was an explicit focus of the study. Participants might also have been unusually reflective about their work and empathic to children and families that they serve, due to a bias in self-selection and referral for a study of this kind. Finally, the media climate influenced this study in ways described in the analysis. The heightened scrutiny may have made participants more willing to explore their experiences, beliefs, and practices.

Findings indicate that CWPs' decisions around housing issues center on attribution of responsibility. If CWPs believe that parents are responsible for the threat to safety that inadequate housing might pose, then they attribute fault to parents and interpret it as an unwillingness or inability to parent safely. Thus, it becomes a proxy or forensic indicator (that is, legal evidence) for child neglect or, in more extreme cases, an expression of child abuse. On the other hand, if CWPs believe that societal or economic causes are to blame (rather than parents), they are more likely to refute the interpretation of a housing problem as an indicator of child maltreatment. Instead, they argue for assistance to families to remediate the housing problem in order to allow and/or expedite family reunification. They fight attempts to place or retain children in out-of-home care and terminate parental rights.

The perspectives presented in this study offer a number of possible explanations for CWPs' responsibility-focused approach to housing-related decisions that warrant further investigation. While there was some evidence in the data indicating that personal experiences and values played a role in decision-making, CWPs interviewed here explicitly discussed the impact that attribution of responsibility and professional and institutional mandates had on their decisions.

Professional and Institutional Culture

Professional and institutional roles likely influence CWPs'
attitudes toward housing adequacy. Lawyers and social workers who represent children may be most likely to blame parents for problems, or at least hold them responsible for ameliorating them. They seem most likely to want to separate children from parents in order to distance children from harm. Alternately, those representing parents might be more likely to see housing problems as a lesser harm than separation of children from their parents. While CWPs in this study show more variety as a group and more ambivalence as individuals and did not fall neatly into these categories, many of them described others who do. Although participants in this study did not fall neatly into these categories, many of them described others who do. It is not clear, however, whether this is cause or effect. There is evidence from the interviews that the roles are self-selected, that is, people with certain attitudes and perspectives choose to represent children and not parents, and vice versa. Institutionalized values and political ideology can influence the discretionary behavior of street-level bureaucrats in ways that are mutually reinforcing (Hasenfeld, Ghose, & Larson, 2004). CWPs may be attracted to roles and to organizations with particular organizational cultures that reinforce these attitudes and values.

On a practical level, the tangibility of physical risks make them easier to identify and rely upon (Harrington, Zuravin, DePanfilis, Ting, & Dubowitz, 2002) than intangible harms. Concrete housing problems, therefore, may outweigh the abstract harm of separation from parents. As noted earlier, some child welfare workers also seem to use poverty as evidence of parenting (in)ability. CPS workers and other CWPs might be more likely to be suspicious of any failure to provide adequate housing as a predictor of parental inability to safely parent. Indeed, in an analysis of national survey data, Lindsey (1991) found poverty to be the strongest predictor of foster care versus in-home services. If poverty is used as a proxy for parenting, then the question of parental responsibility or fault becomes crucial in interpreting housing inadequacy. The data here indicate, however, that a more important factor is the perception that responsibility for child deaths may be attributed to CPS workers.
Bureaucratic and Legislative Constraints

Participants’ assessment of their professional roles and the bureaucratic constraints support Otway’s (1996) contention that the task of child welfare work has increasingly shifted from a welfare-based role to a forensic role. That is, the role has changed from working with families to seek solutions to one of identifying and assessing risk for the purposes of making legal determinations. This is an area of tension within child protective agencies, particularly for CPS workers who desire to help families but are pressed to consider the ramifications for themselves and their agency for “failing” to carry out the impossible task of always assessing risk accurately.

Legal and institutional mandates also push toward using a responsibility framework for assessing housing adequacy. Under ASFA, CWPs are to pursue both family preservation and alternative permanency goals simultaneously unless the court has reached a decision to terminate parental rights. These goals do not conflict when family preservation is viewed as a component of child safety and well-being. The extent to which CWPs find them compatible depends on their understanding of what constitutes risk to children and how they weigh risks that are incommensurable (faulty wires against separation, for example). Even when the risks and how to weigh them are clear, child protection and family reunification may be incompatible when there are fewer resources available to shore up families than there are to separate them. When two mandates cannot be reconciled, in theory or in practice, one mandate must yield to the other or the situation must be reinterpreted to redefine the situation as one of no conflict (Rokeach, 1973, cited in Mattison, 2000, p. 202). When responsibility for maintaining children in a safe home is seen as an indicator of parental dysfunction or even neglect, this (over)simplifies and eliminates the conflict between mandates in housing cases.

Attribution of Responsibility as a Coping Mechanism

Research on the attribution of responsibility in the context of welfare policy indicates that judgments about responsibility for housing may be correlated with perceptions of desert (Appelbaum, 2001). This is also a factor in decision-making in the child welfare (Smith & Donovan, 2003; Jones, 1993)
and family violence (Lindhorst & Padgett, 2005) contexts. Buchbinder, Eisikovitz, and Karniel-Miller (2004) found that social workers in Israel tended to focus on the decontextualized individual (the "psycho") rather than the social system ("social") despite the social work profession's professed integration of person and environment. This focus was often "justified by objective limitations, such as budgeting problems or by their individual limitations in understanding large-scale change projects" (p. 540; see also Lindhorst & Padgett, 2005).

These studies and the data reported here suggest that attribution of responsibility might be a post-hoc rationalization that helps CWPs cope with the uncertainty of child safety coupled with the serious ramifications that their decisions have for families and children (Haidt, 2001). Once such narratives of rationalization become part of the institution or the agency, they are likely to be self-reinforcing and may even be reified and adopted as risk assessment criteria. CWPs charged with making such decisions have to cope with the power they have over families coupled with the helplessness they feel in the face of perceived limitations. It is easier to cope with housing-related decisions in such a context if CWPs understand the parent’s poverty as connected (or unconnected, depending on the direction they advocate) to their ability to parent despite policy directives that poverty alone is not grounds for child removal.

Conclusion and Policy Implications

CWPs seem differently disposed as to how to interpret a home that is in disrepair, both in terms of safety and in terms of parental functioning. Is this a problem of poverty? Or is it the failure of a parent to find appropriate resources to address the problem, regardless of poverty? Discussion about housing responsibility parallels debates about individual responsibility and the role of the state that take place in other U.S. policy arenas. Indeed, much of the struggle over housing involves delineating responsibility for the existence of housing problems, for resolving them, and deciding the appropriate consequences when they are not resolved.
Policies pay lip service to dual goals of family preservation and child protection; in practice, they favor separation over maintaining biological families (see Pelton, 1997). They do so in large part by providing resources for substitute care while expecting child-welfare involved families to fend for themselves. Even when housing problems are not interpreted as a cause of parental failure, parents are asked to be responsible for remediating them. The acquisition and maintenance of adequate housing may be an impossible burden for many poor families to shoulder, particularly in urban locations with shrinking pools of affordable adequate housing. CWPs who espouse the dual mission, or who may even favor family preservation, are caught between policy pronouncements and bureaucratic realities in a political and social context of heightened scrutiny focused on the individual responsibility of both families and of CWPs.

In her discussion of child welfare in Australia, the United States and England, Tilbury (2005) emphasizes that the main focus of child welfare is on child rescue rather than on family support. These two positions are often juxtaposed. In a field with high risks, meager resources and high stakes outcomes, the discretion of CWPs often determines the outcome of cases. The way that CWPs interpret housing problems either as a form of child abuse or neglect, or a proxy for parental dysfunction that endangers a child, is highly contested. Study participants indicated that a risk-averse context such as the one in Northeast City can result in defensive child welfare practice that “errs” on the side of temporary or permanent child removal rather than in-home services or reunification. Such a balance is also promoted by policies and laws that favor removal over the provision of social and economic supports, including adequate housing.

The dilemmas faced by CWPs reflect societal ambivalence about child welfare. A number of contested values emerge here that warrant clarification, including the tension between saving children from adverse material circumstances and preserving families intact; the level of individual responsibility we expect from families; and the level of support and collective responsibility we expect from the state.
References


