

# Administrative Burdens in Child Welfare Systems



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*Public policy often imposes administrative burdens that constrain people's ability to access benefits and affirmatively exercise fundamental rights. In this article, we extend the administrative burden framework to argue that the state also places burdens on people who have involuntary contact with coercive state institutions, such as the child welfare system. Just as administrative burdens lock "undeserving," marginalized populations out of benefits, administrative burdens also lock such populations into coercive intrusion. Drawing on interview data with system-involved mothers and child welfare caseworkers, we show how parents subject to oversight by child protection authorities must overcome substantial learning, compliance, and psychological costs or risk losing a fundamental right: the right to parent their children. We suggest that the burdens of service provision should be loaded onto governments rather than already strained and resource-deprived families.*

**Keywords:** family inequality, child welfare system, administrative burdens, racism, low-income mothers

Public policy often involves onerous administrative processes that place disproportionate burdens on the poor, on immigrants, and on Black and Indigenous people. Research conceptualizes these administrative burdens as constraining the ability of the public to access benefits and affirmatively exercise fundamental rights (Herd and Moynihan 2018). In this article, we extend the administrative burden

framework to show how the state also places burdens on people who have involuntary contact with coercive state institutions. As we show using the case of state child protection systems, administrative burdens in social control institutions that are rights-depriving, rather than institutions that are nominally benefits or rights-granting, have important social, economic, and political implications. We show

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that parents overseen by state child welfare agencies face considerable burdens to retain custody of their children and are routinely forced to navigate complex, confusing, and often inconsistent bureaucratic and legal processes with little assistance. In this way, administrative burdens often facilitate the punishment and dissolution of low-income families of color.

To illustrate the scope of administrative burdens in child welfare, we draw on examples from two separate qualitative studies: first are interviews with thirty-seven low-income mothers in Rhode Island who had open child welfare cases, along with ethnographic observations with some of these mothers; second are interviews with sixteen frontline child welfare case-workers conducting investigations in Los Angeles and Las Vegas. These data provide insight into administrative burdens on parents with child welfare cases, demonstrating that, as in other policy domains, these burdens involve substantial learning costs, onerous compliance costs, and profound psychological costs that reinforce the marginalization of low-income families of color.

Unlike vital welfare state benefits such as the Supplemental Nutrition Assistance Program (SNAP), Medicaid, or Temporary Assistance for Needy Families (TANF), the services child protection agencies require of parents (such as parenting skills classes, home visits, or substance use monitoring and treatment) are applied coercively, with compliance enforced by the threat of family separation or dissolution (Dettlaff and Boyd 2020; Elliott 2021; Paik 2021; Roberts 2008, 2022). Nevertheless, as we show, parents face considerable burdens in navigating these services. This suggests that though in some cases burdens may be designed to restrict enrollment and accessibility of programs, in others they are expansively applied to marginalized populations with severe consequences for noncompliance (Ongongi 2012). Administrative burdens differentially function to lock intersectionally marginalized groups out of access to the benefits and rights of liberal-democratic societies while locking marginalized groups into coercive state systems of surveillance and social control (Soss and Weaver 2017; Fong 2020).

We discuss the consequences of these burdens for the relationship between families and the state. Administrative burdens, we argue, not only magnify inequality by forestalling redistribution and the exercise of key rights by marginalized groups, but also exacerbate social and racial inequalities in punishment and social control. These coercive institutions also exhibit a burden asymmetry. State and nonstate agencies coordinate with each other relatively smoothly for the application of social control, that is, through mandated reporting or compliance monitoring, but with opacity, hostility, and suspicion when interacting with subjects of intervention. The application of burdens for system exit in the child protection context is not a question of administrative capacity. Instead, it is a political choice (Roberts 2022).

Administrative burdens are thus a key component of contemporary punitive and racialized poverty governance. In conclusion, we discuss how theories of racialized carceral citizenship and governance (Miller and Stuart 2017; Soss and Weaver 2017) intersect with empirical and theoretical research on administrative burdens.

### **ADMINISTRATIVE BURDENS, SURVEILLANCE, AND PUNISHMENT**

Administrative burdens are onerous costs that subjects experience in their interactions with government agencies. Pamela Herd and Donald Moynihan suggest that these burdens take three distinct forms: learning costs, psychological costs, and compliance costs. Intentionally or inadvertently, these costs make access to state benefits like Social Security and Medicaid more difficult (Herd and Moynihan 2018; Moynihan, Herd, and Harvey 2015). As a result, fewer individuals access these benefits than are eligible, often undermining stated policy goals. The administrative burdens framework shows us how policy design and implementation can hinder access to valuable programs and, coupled with federalism and anti-Black and anti-immigrant racial politics, exacerbate existing racial inequalities in a variety of domains (Michener 2018).

Even though administrative burdens are pervasive in the implementation of most U.S. social policy systems and many other rights-

enabling government bureaucracies, they are also routinely encountered by subjects navigating bureaucracies administering surveillance, punishment, and social control. We argue that the administrative burdens framework can be usefully extended to clarify how burdens serve to lock people not only out of accessing benefits to which they are entitled, but also into long-term involvement with punitive state agencies. These burdens have direct implications for social stratification.

### **BURDENS IN COERCIVE WELFARE INSTITUTIONS**

Research has established the harmful impacts of administrative burdens in both beneficent (Herd and Moynihan 2018; Michener 2018; Paik 2021) and punitive state institutions (Kirk, Fernandes, and Friedman 2020; Phelps and Ruhland 2021). A deep literature describes the profound set of exclusions and burdens imposed through “carceral citizenship” (Miller 2021; Miller and Stuart 2017; Weaver and Lerman 2010). Here, we suggest that burdens are similarly pervasive in coercive welfare institutions, such as child protection systems, that constitute a key part of broader social policy regimes (Edwards 2016). Unlike in typical welfare state agencies, administrative burdens in child protection systems often do not limit access. Instead, as in typical carceral systems, they often enhance punishment and surveillance and make system exit difficult or impossible (Fernandez-Kelly 2015; Lee 2016; Paik 2021).

U.S. welfare systems have long been designed with restrictive eligibility criteria. Restrictive programs generate substantial stigma for seeking out and receiving benefits by design, acting as a buttress for the low-wage labor market (Bonnet 2019; Piven and Cloward 1993). These requirements have long been accompanied by invasive behavioral rules and accompanying surveillance that implicitly and explicitly identify pathological behavior of the poor themselves as fundamental causes of poverty (Gordon 1998). U.S. social policy routinely relies on individualizing frameworks that blame the moral failures of marginalized groups for deep structural inequalities. These individualizing approaches to social problems implicitly and explicitly endorse burdens as a policymaking

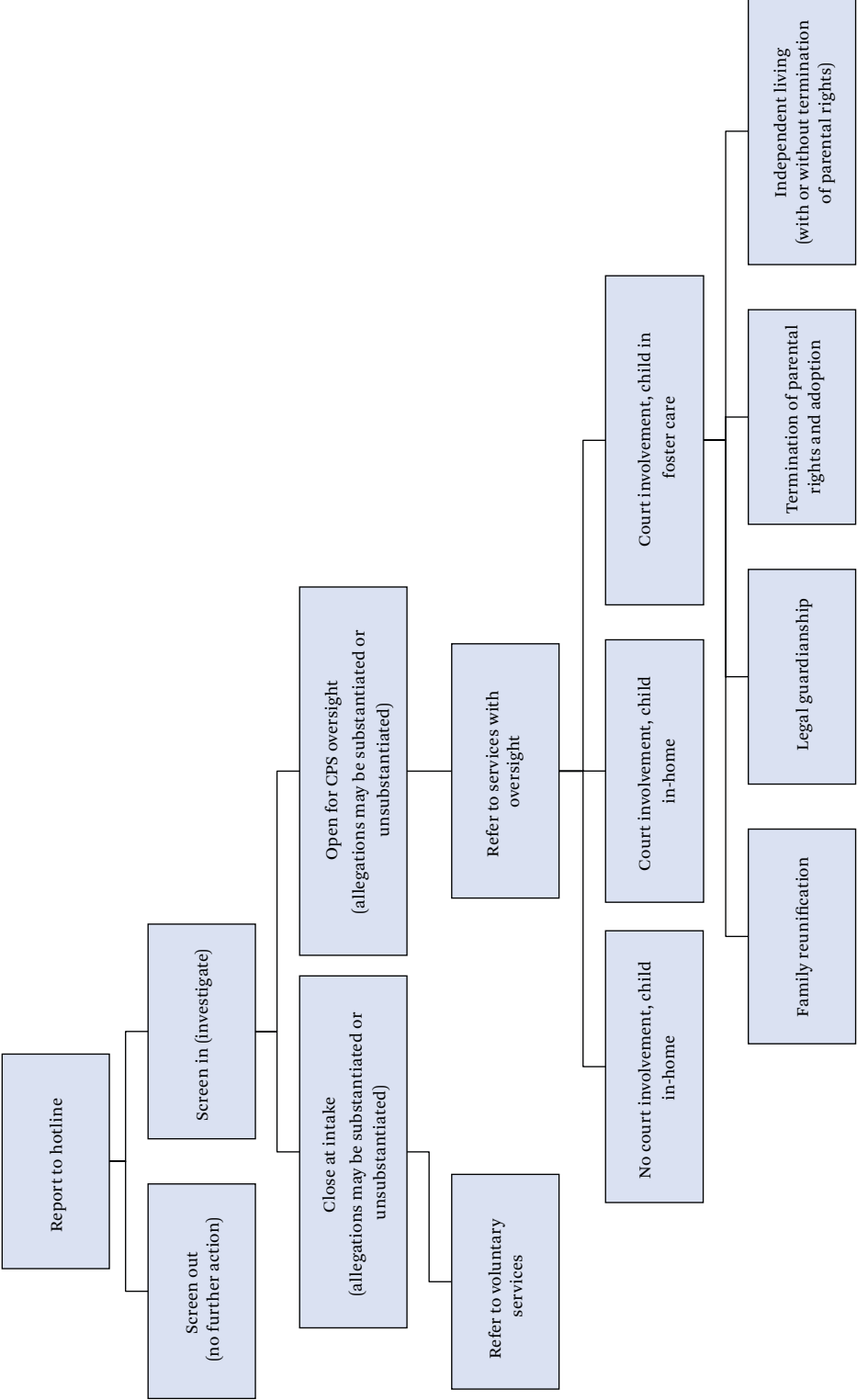
priority. Behavioral conditions for benefits eligibility (such as “man-in-the-house” rules, work requirements, parenting classes, drug screening) coupled with heavy-handed reporting and surveillance practices have been a feature of U.S. welfare systems throughout the twentieth and twenty-first centuries (Hartman 2019; Raz 2013; Soss, Fording, and Schram 2011). These practices of surveillance and regulation that manifest as administrative burdens have been historically grounded in anti-Black and heteronormative standards of an ideal White middle-class family (Abramovitz 1988; Hartman 2019; Katz 1996; Raz 2020).

### **THE TRAJECTORY OF A CHILD PROTECTION CASE**

When the state launches a child protection investigation, parents confront a high-stakes and ambiguous procedure that could result in the loss of their children. A case is opened following a report to a state hotline for suspected child maltreatment, typically neglect rather than abuse. These reports are usually filed by professionals who have routine contact with poor children and families, such as teachers, police, doctors, nurses, and social workers (Krase 2013). If the report is deemed credible by the child protection agency, a caseworker is assigned to conduct an investigation and screening of the family. The potential trajectory of a child protection case is presented in figure 1.

During this process, the caseworker evaluates the physical condition of the family’s place of residence, interviews and observes adults and children in the household, seeks information from allied organizations such as schools, police, and medical providers, and makes a determination about the safety of children in the household. A caseworker who believes children to be in imminent risk of harm is empowered to remove them from the home for placement into foster care. At the conclusion of the investigation, the agency decides whether to keep the case open for ongoing oversight, in which children may remain at home or be placed out of home. Caseworkers can also recommend a wide range of services to families, including but not limited to substance abuse treatment, parenting classes, psychiatric or psychological

**Figure 1.** Decision Points and Case Processing in Child Protection Cases



Source: Authors' tabulation

treatment, and emergency housing services. Compliance with recommended services may be a condition for parents' continued custody of their children (or reunification if children have been removed). These decisions are made under the jurisdiction of family courts. Periodic hearings review and adjudicate the disposition of the investigation (maltreatment confirmed or not confirmed), the decision to remove children from the home, parents' compliance with recommended services, and the potential termination of parental rights. Policies and procedures vary across states, and in some states can vary across counties.

### THE RACIAL AND CLASS COMPOSITION OF CHILD PROTECTION CASELOADS

Family policing is deeply embedded in U.S. government policy systems that interact with Black, Indigenous, poor, and immigrant families (Briggs 2021; Fong 2020; Roberts 2022). The population of families that are subjected to involvement with the child welfare system is overwhelmingly poor (Berger and Waldfogel 2011; Cancian, Yang, and Slack 2013; Fong 2019b; Pelton 2015; Wildeman and Waldfogel 2014) and disproportionately Black and Indigenous (Beardall and Edwards 2021; Dettlaff and Boyd 2020; Kim et al. 2016; Roberts 2002; Yi, Edwards, and Wildeman 2020). More than half of Black children can expect to experience a Child Protective Services (CPS) investigation before age eighteen at pre-pandemic rates relative to 28 percent of White children (Kim et al. 2016). In some counties, about 60 percent of Black children are likely to be investigated before age eighteen (Edwards et al. 2021). Approximately one in three Indigenous infants in Alaska and Minnesota are investigated before their first birthday (Edwards, Rocha Beardall, and Curtis 2021). In many Black and Indigenous communities, being investigated by a child protection agency has become a routine part of childhood.

American Indian, Alaska Native, and Black children are also subject to exceptionally high levels of foster care placement. About 11 percent of Indigenous children and 9 percent of Black children can expect to enter foster care before their eighteenth birthday if rates of foster care placement remained stable at pre-

pandemic levels (Yi, Edwards, and Wildeman 2020). Both Black and Native children are far more likely than their White peers to experience family separation through the foster care system (Dettlaff et al. 2020; Roberts 2022).

These ongoing patterns of inequality follow long racist and settler colonial histories of the separation of Black, Native, and immigrant children from their families (Gordon 2001; Jacobs 2014; Roberts 2012, 2022; Edwards, Rocha Beardall, and Curtis 2021; Simmons 2020). The commodification, regulation, and exploitation of Black reproduction and family life was central to U.S. chattel slavery regimes (Roberts 1997, 2022), and Black children and families have long been subjected to malign neglect, hyper-surveillance, and criminalization from U.S. social policy systems (Murakawa 2014; Quadagno 1994; Simmons 2020; Soss, Fording, and Schram 2011). American Indian, Alaska Native, and Native Hawaiian families were subjected to genocidal regimes of forced separation and assimilation through both government-run and Christian boarding schools and mass fostering and adoption throughout the nineteenth and twentieth centuries (Adams 1995; Beardall and Edwards 2021; Jacobs 2009, 2014; Newland 2022). Contemporary family policing systems both inherit and continue this long legacy of destabilizing Black and Indigenous families as formal U.S. social policy.

As a feature of the structural racism that both drives and is exemplified by these deep inequalities in exposure to child welfare systems (Boyd 2014; Dettlaff and Boyd 2020; Roberts 2002), administrative burdens applied by child protection agencies to families add a distinctive layer of hardship and oppression on families already subject to multiple forms of disadvantage and racism. Inequality in child welfare case composition across lines of class, race, and indigeneity means that the administrative burdens resulting from a CPS case are unevenly applied across families, layering additional burdens and hardships on already marginalized and disadvantaged families of color.

### DATA AND METHODS

To examine administrative burdens in child welfare, we analyze data from two separate in-

interview studies: one of low-income mothers in Providence, Rhode Island (conducted by Kelley Fong) and another of CPS caseworkers in Los Angeles, California and Las Vegas, Nevada (conducted by Victoria Copeland). These sites were selected based on the researchers' locations and organizational contacts at the time of data collection. Fong (2019a) and Copeland (2021) had each analyzed their data separately for other studies, and in conversation with the other authors of this article, decided to reanalyze the data with an eye toward administrative burdens, as Herd and Moynihan (2018) theorize, which inductive analyses suggested as a recurring theme.

The first study consists of in-depth, narrative interviews with low-income mothers in Providence because child welfare systems primarily intervene with low-income mothers. Beginning in 2015, Fong recruited SNAP-eligible mothers to the research via flyers, community or organizational encounters, and referrals from previous participants. Participants were not recruited based on CPS experience, so for this article, we examine a subsample of ninety-four interviews with thirty-seven mothers who had open CPS cases at some point before or at the time of the interview. (Fong interviewed an additional forty-six mothers who did not discuss an open CPS case during the interview.) Participants completed audio-recorded, transcribed interviews about their life histories and their experiences with social services, including CPS, typically lasting around two hours in their homes. Most relevant for the analysis, the interviews asked those with CPS experience to "tell . . . the whole story from start to finish," including probes for the services they received and their perceptions of social workers, court officials, and service providers. Of the thirty-seven interviewees, eighteen identified as White, ten as Hispanic-Latina, seven as Black, one as Native American, and one as multiracial. Fong continued following up with some of these mothers in the next few years, conducting follow-up interviews with twenty-eight of the thirty-seven. Most of those not reinterviewed, six of nine, were White. The study also included informal ethnographic observations with fourteen mothers, in which the researcher, Fong, accompanied them to court or to meetings with

caseworkers or other service providers. These observations supplemented the rich interview narratives by providing insight into the dynamics mothers described as well as jumping-off points for later conversations.

In addition to the interviews with mothers, we draw on eighteen interviews with sixteen CPS caseworkers in Los Angeles and Las Vegas. These participants were required to have worked as an investigative or emergency response caseworker within their respective county child welfare department. Emergency response caseworkers are responsible for investigating reports of abuse or neglect once a case is referred by the CPS hotline. Copeland conducted interviews, ranging from one to two hours each, by Zoom or telephone. The semi-structured interview guide asked caseworkers to discuss cases on their caseload as well as their decision-making processes. Two caseworkers were reinterviewed to obtain additional, follow-up information. Seven caseworkers worked within the system for five or more years, three worked in the system for three years, and six did not disclose their time working within the system. In regard to race and ethnicity, five identified as Hispanic or Latinx, four as African American, one as White, and one as multiracial; five identities were not disclosed.

We used Herd and Moynihan's (2018) framework for administrative burdens to analyze the full set of caseworker interviews and the portion of mothers' interviews covering their open CPS cases. We read through transcripts to examine how our research participants discussed learning, compliance, and psychological costs in CPS. We then reviewed excerpts within each category to inductively identify themes within each type of cost, that is, what form these burdens take for parents with open CPS cases. We draw on our analysis to trace the contours of administrative burdens in child welfare. That mothers and caseworkers in different geographic regions discuss similar processes suggests that such burdens are recognized by stakeholders with different vantage points and in distinct policy contexts. CPS-affected mothers across race-ethnicity described these burdens and the challenges they faced in overcoming them. We do not suggest that burdens take



exactly this form in every child welfare system across the country, nor that all parents subject to child welfare intervention experience burdens in this way. Instead, we use the interviews to illustrate how learning, compliance, and psychological costs manifest in a rights-depriving institution like the child welfare system, one that has enormous power over families.

## FINDINGS

Unlike typical welfare state programs, involvement in the child protection system is almost always involuntary. Because of this, the administrative burdens imposed by the various agencies involved in CPS cases function in different ways. Rather than deter the delivery of needed services or benefits, administrative burdens in coercive and involuntary systems serve to make punishment and coercive intervention more likely. In the case of child protection, administrative burdens make it more difficult for parents to forestall negative case outcomes, like substantiated maltreatment findings, child removal, and termination of parental rights. Following Herd and Moynihan (2018), we identify learning, compliance, and psychological costs in child welfare that impose substantial administrative burdens.

## LEARNING COSTS

Parents encountering a CPS investigation must rapidly learn the legal and administrative processes that will determine the fate of their children. Their understandings of formal child protection agency processes depend heavily on caseworkers, attorneys, and court officials. Despite relatively stable bureaucratic procedures for case processing, parents are often poorly informed about these procedures. To avoid punitive case outcomes, parents thus face substantial learning costs: they must learn the formal process they are now involuntarily enmeshed in, as well as learn the discretionary, sometimes unstated standards of their assigned caseworker or caseworkers, service providers, and court officials who will make judgments about the safety of their children and their fitness as parents. Features of child protection bureaucracies, such as high caseloads and high turnover of CPS staff (Edwards and Wildeman 2018), magnify these learning costs.

In interviews, mothers emphasized that they did not understand the process or the plan for their cases, so even when they fully planned to cooperate and fulfill all of CPS's requirements, they were unable to do so. They felt they were kept in the dark as to why children were removed, why certain interventions were taken, and what was needed to reunify. As one mother, Amy, noted the week after her four daughters were removed suddenly from her care following a domestic violence incident: "I feel like they're not telling me everything. Like I told my worker again, 'When can we sit down and talk about the things I need? I mean, there's a lot that needs to be done, right? How long will this take?'" Her caseworker had just called her for the first time the day before; she hoped to have a visit the next day. "Then she said that after that, we'll schedule a meeting for me to go in for that, for a reunification plan." Likewise, a mother named Isabela commented,

CPS didn't tell me all the nooks and crannies. They didn't tell me what it was that they didn't like or what they didn't want me to do. 'Cause I would tell them, "What is [it] that you want me to do?" At one point, everybody's telling me, "Oh, your boyfriend. Just stay away from him. They don't want you with [him]." I would bring it up to them. "Do you not want me with this person?" They would not say nothing. They would be like, "Oh, no. It's not that. Like, we didn't say that." It's pretty much, they're trying to set you up to fail.

Isabela described getting conflicting and insufficient information from CPS authorities, such that she felt "set up," with CPS instituting requirements she felt were not communicated clearly to her. These learning costs made it difficult for parents like Isabela to understand what they needed to do to comply with CPS. This confusion might subsequently result in a caseworker describing a parent as being uncooperative or resistant.

These learning costs are not solely the perception of parents. Caseworkers in interviews noted that they were also responsible for assisting the same families in navigating the system. As one caseworker, Sarah, noted, "It always seems like the system is just trying to push it

down instead of helping you to get up. And I think it really depends on that worker to really help the families navigate the system.” This kind of assistance in navigating the system depends on routine and regular availability of agency professionals. In a context of high case-loads and high turnover (Edwards and Wildeman 2018), caseworkers do not always provide the information parents need. Availability of services, which can vary greatly by jurisdiction, can further affect the information caseworkers provide to parents, as well as the decisions caseworkers make regarding the need for placement of children (Graham et al. 2015). Caseworkers may also be unable or disinclined to communicate CPS’s concerns or requirements to families. Sarah recalled a recent investigation in which the mother “barely spoke English.” Although Sarah tried to explain why CPS was there—“there’s safety hazards. . . . you can’t have a kid sleeping on this floor”—Sarah said that this mother “didn’t understand why” and “didn’t really have a chance to really digest it,” perhaps due to language or cultural barriers. Sarah described the consequences of these learning costs: after a week or two, “we had already decided she ain’t gonna participate, she ain’t gonna change her mind, [so] do what we got to do type of thing.” Michael, another caseworker, reflected, “I think a lot of times, especially with the older generation of workers . . . they’re tired, and they want to do the minimum: ‘So here’s the list of referrals. Good luck.’” Caseworkers and other CPS officials are the conduits of information to parents—essential information about what they need to do to reunify with their children or close their cases—yet they acknowledge they are not always able to provide this information effectively.

For cases involving court intervention, parents’ attorneys are also in a position to provide critical information to parents. In Rhode Island, where we interviewed mothers, parents with CPS cases receive an attorney in court proceedings; generally they are represented by a legal aid attorney if they do not have the resources to hire a private attorney. In theory, this attorney is the one official specifically tasked with advancing parents’ interests. Yet this relationship often failed to provide parents with

the information they needed as well. Mothers highlighted how difficult it was to talk to a lawyer and receive information about the status of their cases. Multiple interviewees noted their frustration with leaving repeated messages for their attorney and not receiving timely responses. As one mother, Barbara, explained, “I literally will call her, callin’ up, blow up her phone, leave her voice message after voice message and she will not get back to me. It’s like, you’re supposed to be my lawyer. You’re supposed to be helping me get my kids back.” Mothers also described challenges in obtaining important documents such as service plans and court reports. In one example, the researcher accompanied Isabela to court. In court, Isabela asked her attorney whether she could see the report that CPS had submitted to the court. At first, the attorney said she did not have a copier. Isabela suggested she could come to the attorney’s office later. The attorney replied that there was nothing interesting in the report anyway. Isabela persisted. Finally, the attorney said her legal aid office did not give court reports to clients. Even though mothers are entitled to review their court reports, which include information about their compliance with agency requests and what else the agency is asking of them, court officials like Isabela’s attorney kept this information from them. Presumably, this might be a way of limiting clients’ access to unfavorable accounts or interpretations of their home life, or perhaps of minimizing confrontation or resistance, but such practices created substantial learning costs for parents.

Mothers also noted that they had to independently ascertain what the caseworkers expected from them and to take action with little guidance; their pleas for assistance were often ignored. After her two daughters were removed, one mother, Desiree, desperately went from hospital to hospital in an attempt to check herself in for “any damn detox” in order to get her children back. She highlighted her frustration, stemming from a lack of information about the process and expectations. “It was just like, tell me to do something. Help me. These are my babies. It was just, give me guidance. Give me a book. Tell me. Give me rules. Tell me to do something. Nothing. I didn’t meet my case-



worker until three weeks into my case.” A process that minimized or eliminated learning costs would immediately provide Desiree with clear information about what she needed to do and with assistance to access the services she needed and wanted. Instead, she was left unclear about how she could get her children home and how she could detoxify. Relatedly, mothers scrambled to find solutions in cases where their lack of housing was taken as an indicator of their unfit parenthood. Yet mothers felt that rather than assisting them in finding housing or resources, caseworkers gave them conflicting information as to what housing might be acceptable and how to access it. One mother, Maggie, described her triumph: “I got myself on that Section 8 list. I got myself my own housing.” I said, ‘I can’t thank you guys [caseworkers] for anything.’ In one poignant interview, another mother, Christina, favorably compared the criminal justice system to the child protection system, as at least in the former, she felt, the expectations were clear and the rules governing the case were explicit.

### COMPLIANCE COSTS

Child protection agencies and family courts require parents to participate in services from allied providers, attend visits and court hearings at a specified time and place, and submit to surveillance and monitoring. In the child welfare context, compliance in these activities becomes the way of measuring not only parents’ commitment to their children, but also the extent to which they have “taken responsibility” for the factors that brought them to the attention of the system. This logic dictates that if parents truly care about their children, they will comply with the expectations demanded of them. If for any reason they cannot meet these expectations, they are deemed “noncompliant” or “uncooperative” (Ogongu 2012). The consequences for failing to comply with agency and court directives are often severe: loss of custody of children, delayed reunification with children, or termination of parental rights.

Because child protection systems are organized to maximize efficiency for service providers, agency workers, and court officials, parents incur substantial and asymmetric costs to comply with related requests. These burdens

infringe on other responsibilities, such as caregiving and work. Caseworkers readily acknowledged how compliance with agency requests is often out of reach for parents. As one, Sophie, remarked, “We set families up to fail. . . . We’re gonna tell you you’re a victim of domestic violence. Go to victims’ classes and maybe some parenting classes. And you’re going to have to meet with your social worker once a month. You’re gonna have to do counseling, like individual therapy, and then you’re going to hold your full-time job, so you don’t lose that.” Diana, another caseworker, explained, “Maybe we can go down the route to where we won’t [remove], but we’re going to put all of these efforts in to make it really hard for the client. . . . And when I say really hard, it’s like, thirty-six weeks of DV [domestic violence services], six months of sober living, AA or something like that. . . . We’re kind of really on top of you.” Parents facing co-occurring challenges may indeed need and want support in a number of areas, but these caseworkers emphasize how, in the present system, parents cannot practically access this support—in Sophie’s words, they are set up to fail.

Compliance costs include large amounts of time traveling to often dispersed service provider locations and time at required appointments. Interviewees described how these appointments are conducted during regular business hours, at service providers’ convenience rather than to align with parents’ scheduling needs. Deandra, a mother whose daughter was removed following allegations about Deandra’s mental health needs, said her appointments were “Monday through Friday, always something every day.” In interviews, mothers cited complexity, length of appointments and wait times, lack of access to transportation and lengthy travel times in complex public transport systems as barriers to their compliance. Desiree recounted recently having to attend an appointment with a mental health provider in another city at 8 a.m. To get there, she needed to walk twenty-five minutes to the nearest bus stop and take three buses—a substantial burden of her compliance.

Mothers described being sent to fulfill multiple evaluations and programs at various locations. Parents may be required to complete

urine testing, drug treatment, support groups such as Narcotics Anonymous, psychological and psychiatric evaluations, and therapeutic programs. These programs from third-party service providers often last multiple hours, multiple days a week. Compliance with these programs conflicts with other major responsibilities these women have, primarily care for children still in their home, work, and schooling. A mother named Yvonne admitted that she was relieved when her teenage daughter, the oldest of eight, was sent to a juvenile justice facility, because when her daughter was home, CPS was always coming by to “know what’s going on. . . . That stops me from doing stuff for the rest of the kids.” In fact, some mothers noted that these requirements were designed to be burdensome inasmuch as they specifically did not take into account their schedule or availability; instead, mothers were expected to cancel their obligations and clear their schedules to comply with any requirements. Deandra was sent to a substance use treatment program each weekday from 9 a.m. to 1 p.m.; she had previously been attending school during the day. Deandra explained that because of the program requirements, “I had to drop out of school and everything ’cause I had to go there, every day. . . . I had to do so many programs. Constantly getting tested, constantly getting a random drug screen at the frickin’ courthouse. It was just all a mess.”

Additionally, parents described how visitations with children, a highly anticipated event and one also central to compliance from the agency’s perspective, would be arbitrarily scheduled and frequently canceled or rescheduled even after mothers took time off or made their way to appointments, often on public transit. Christina, for instance, had to drive to Providence from her home a half hour away to visit with her son. She said that CPS had been missing visits. One week, she had a visit scheduled for Tuesday that did not occur because Christina said the caseworker was “busy.” They rescheduled for later that week. As Christina waited with the researcher past the time she and her caseworker had agreed upon, Christina expressed frustration that the visits were “on their time, her schedule.” These abrupt scheduling changes often stemmed from staffing

challenges, in a profession that is chronically understaffed and overstretched; however, mothers experienced these changes as a sign of disrespect for their time and understandably felt frustrated. Mothers were not given that same grace when they missed visits. If parents are late or miss multiple visits, visits may be canceled altogether. Without regular visits, CPS can suggest a weakened parent-child bond in court, justifying the termination of parental rights.

In addition, mothers waited for hours at court. In Providence, even those whose cases would not be called until noon were expected to be there at 9 a.m. On several occasions, the researcher waited with parents all morning at court. Mothers had to call out of work, miss scheduled appointments, and arrange child-care; missed court dates would be a strike against them in their cases. Sophie described a recent case where the mother had a “very supportive” family, was “well bonded” with the child, and was going to Alcoholics Anonymous—“like, no concerns, no no no concerns.” Her child was removed, supposedly for “failure to protect” the child from exposure to domestic violence. Sophie recalled the mother telling her, “‘I’m gonna lose my job because I have to go to all these court proceedings and I’m missing a lot of work and I just started there.’ And she’s just sobbing, like, ‘This is ruining my life.’” Sophie felt this was “not beneficial to the child at all”—all the court proceedings, scheduled for the convenience of court officials, just made it more difficult for this mother to provide for and reunify with her child.

The complex bureaucratic processes and paperwork to be completed for each agency involved in a case also creates substantial additional time costs for parents. A mother named Melanie was trying to secure housing in her effort to reunify with her children, but had faced numerous challenges finding an apartment and leasing up. Every place she called was full, with “like a year’s waiting list.” One transitional housing program was a possibility, but Melanie had found it “very hard” to get in: “They want all kinds of paperwork. Some of it I can’t get.” But Melanie did not receive help from CPS to meet these requirements. As she described it, “I was having a lot of trouble. That’s why I

asked CPS to help me. [mimicking CPS's response] 'Oh, you're not working hard enough. You're not looking hard enough.' Me and my sister called literally everywhere in the state of Rhode Island. No help. No help." As Melanie needed housing to reunify with her children, her difficulties obtaining it constituted substantial compliance costs.

In addition to the time spent complying with agency or court case plans, CPS cases often incur financial costs, primarily associated with either travel or service provision. Agencies may require parents to move into new apartments caseworkers deem to be more appropriate for children, involving additional costs for moving and rent. Drug testing may be required and often incurs a regular fee that at least one mother told us she had to pay out of pocket. Parenting courses and other educational requirements result in additional expenditures. The partner of one mother, Amanda, noted that each parenting class cost \$20, and he was required to take numerous. He recalled his experience: "They want me to do more parenting classes. That's \$120 out of my pocket. How much more money they want me to take out of my pocket?" Extensive time burdens can make maintaining employment or seeking new employment difficult or impossible, and also come with substantial difficulties in seeking or providing childcare for children not in state custody, triggering additional financial hardship. This interaction can result in parents spending money or amassing debt while losing wages from their regular source of income as they reschedule shifts or cut back hours, due to their efforts to comply with onerous requests. The barrier may not even be the requirement itself, such as abstinence from drug use, but rather the cost of proving this compliance. As Barbara noted, "I'm clean and stuff, so I'm getting negative screens, just I haven't been able to do them, 'cause of the money." Some states even impose an extreme compliance cost, garnishing parents' wages through child support to pay for the involuntary "service" of foster care provided to a child (Shapiro 2022).

When children are removed from their homes, parents may lose eligibility for numerous services, including housing. This system failure to coordinate across agencies and ser-

vice providers can create Kafka-esque situations in which child removal results in a parent's being barred from accessing the housing they need to meet the caseworker requirements for reunification. These situations occurred for our interviewees most often through their interactions with family shelters and subsidized housing programs: Parents needed to have physical custody of their children for eligibility, but they also needed to have housing to regain physical custody. Desiree described this paradox succinctly: "I can't get the three-bedroom unless I have my kids. . . . I couldn't get into family shelter without them seeing that I have my kids." Another mother, Melanie, asked incredulously, "You've got my child because of housing, and you can't stick me in a shelter with her?" She added, "I guess I need to have my daughter first to get into a family shelter." Other families made difficult calculations as to which children to bring home first given housing limitations. A mother of four, Candis, explained, "For them to come home, the girls will have to have their own room, and the boys will have to have their own room. We decided the girls would be coming first because they're the smallest ones." Rather than providing housing to parents, housing keeps parents from reunifying, while child removal and placement outside the home—itsself presented as a child welfare service—shuts parents out of housing benefits. Such practices impose a practically insurmountable burden on parents seeking to comply with CPS's housing requirements.

Not bearing these compliance costs is consequential. At every step of interaction with the agency, caseworkers note whether a mother complied with the case plan, whether she was late to an appointment, and how successful she was in completing requirements such as therapeutic groups or parenting courses (Lee 2016; Reich 2005). Thus CPS weighs how parents respond to these burdens in determining foster care placement and reunification. Caseworkers interviewed indicated that parents' refusal of monitoring and testing resulted in further interventions and surveillance. One caseworker, Lara, recalled a mother who declined voluntary drug testing: "Because she kept refusing to test, we started visiting more often, like unannounced visits and things like that, just to see

what was going on.” Lara describes the cycle of compliance costs, in which noncompliance creates additional burdens.

### PSYCHOLOGICAL COSTS

Poverty governance in the United States, as in other liberal and neoliberal political and economic contexts, generally pursues service provision on principles of least eligibility (Bonnet 2019; Esping-Andersen 1990; Soss, Fording, and Schram 2011). This approach embraces an individualist framework for explaining the causes of poverty focused on self-improvement and minimizing social and structural explanations. One key component of historical and contemporary poverty governance systems in these contexts is the development of normative standards for *deserving* and *undeserving* categories among the poor (Gordon 1998; Quadagno 1994; Schneider and Ingram 1993). Subjects of state agencies are routinely stigmatized formally and informally through agency procedures and public discourse. In particular, humiliation, shame, and subordination are central to interactions between parents and CPS agencies (Fong 2020, 2022; Lee 2016; Reich 2005). As Jennifer Sykes (2011) shows, mothers seek to preserve their self-identities as good mothers and resist the stigma of abusive or neglectful parenting, yet doing so can negatively affect the trajectory of their cases.

Parents with open child welfare cases bear substantial psychological burdens to get (and keep) their children home with them (Kenny, Barrington, and Green 2015; Nixon, Radtke, and Tutty 2013). These costs compound from learning and compliance costs. Recall Barbara, the mother struggling to reach her lawyer to learn what was going on. The experience of enduring high learning costs left her feeling isolated and powerless. Without any response from the lawyer, Barbara said, “I literally am stuck in a corner with nobody on my side.” Likewise, Amy—scrambling to figure out what to do—felt prematurely judged, saying, “I don’t know what I’m up against. I feel like it’s these unseen forces, because I feel like I’m not being informed. I’m not being informed of what’s really going on. That’s a problem. That’s a major problem, ‘cause that’s telling me that me and my household, we’re just being judged.

We’re being judged before they even truly investigate.” Compliance costs, too, create psychological costs. In one example, a mother named Stacy arrived with the researcher at court at 9 a.m., where we sat and waited on courthouse benches until after 2 p.m. “All the CPS workers, they do this to a million fucking parents,” Stacy, reflecting on the wait, muttered to a friend on the phone at one point. After several hours, Stacy said she was “getting aggravated” and would have gone out to smoke a cigarette had she known the judge was on break. Not only did the long wait impose on Stacy’s other responsibilities—she could not make an appointment to pick up needed medication at 11—but it conveyed the system’s disrespect for her and her time.

Parents must also go along with the agency’s framing of deficient parenting, another psychological cost. Many learned to tell CPS what CPS wanted to hear, even as this meant degrading their own motherhood. As one mother, Selenia, put it, “If [CPS] say to you, this is blue, you know, you gotta say, yeah, it’s blue. They got the power, and if you don’t work with them, they are gonna be hard to you.” Another mother, Bianca, described the subordination she experienced: “[Caseworkers] feel superior. They feel in power of you, because of the situation. If you don’t comply or like something that they say or how they say it, and you complain about it, that’s it. That’s it. You’re done. You’re done.” When interacting with caseworkers and court officials, Bianca learned to “lie to them—they like that. Tell them they’re the best. Tell them you’re so glad they’re here.” Such experiences constitute a profound psychological burden that child welfare-impacted parents must endure.

More broadly, scholars have highlighted the constant state of fear and alertness parents, and primarily low-income women of color, experience in the child welfare system. This fear can be conceived as a psychological burden, which permeates parents’ lives in various ways (Fong 2019a). The stress mothers experienced from having CPS in their lives helps clarify that it is not experienced as a “service” in the traditional sense of provision of needed resources, but instead as an adversarial interaction with a rights-depriving institution. One mother, Latanya, stated that such interactions with child

protection agencies and the programs they required were “stressful. Stressful, stressful, stressful, stressful. It was stressful going through all of that, because like, you’re just hoping you’re doing everything right, you’re hoping you’re saying the right things and on time.” Yvonne highlighted the constant state of vigilance this engendered. The caseworkers “just come when they want to. They can just pop up at any time. I mean I don’t have nothing to hide anyway, but just the aggravation of knowing that, you know, you got them involved.”

### DISCUSSION: INVOLUNTARY SYSTEM INVOLVEMENT AND SOCIAL STRATIFICATION

A vanishingly few number of families choose to interact with child welfare systems. These agencies exercise the power to separate children from their families, and, as we have argued, impose a series of administrative burdens on parents seeking to avoid the removal of their children or reunify with children removed from their custody. These burdens include the challenges of navigating complex bureaucracies with incomplete information and figuring out how to meet the often unstated standards of caseworkers who have substantial discretion to determine case outcomes. They also include the substantial time and financial resources it takes to comply with agency recommendations for often far-flung services, court appointments, child visitations, and other obligations, which are rarely scheduled at the convenience of parents and may disrupt work or other schedules. Finally, parents must endure substantial psychological costs as they interact with a system fundamentally focused on correcting what it deems deficient parenting.

Even beyond the injustice of unnecessary family separation, the costs of these burdens are severe, from lost wages, lost employment, disruption of the parent-child relationship, stress, instability, and loss of eligibility for other services, including housing. The psychological burdens may exacerbate underlying mental illness, resulting in worsening outcomes for parents. Further, research highlights that child removal in itself is a risk factor for

worsening health outcomes for mothers (Kenny 2017). Often these burdens detract from parents’ ability to care for their children, exacerbating the situation the child welfare intervention was ostensibly intended to ameliorate.

Are these burdens intentional or a failure of implementation? We argue that they are a form of gatekeeping by design. Even allowing for the possibility that the courts are unaware of the burdens that their requirements place on parents involved with the child welfare system, providing this information (through a lawyer) does not result in accommodations or changes. Requiring parents to participate in a variety of programs—geographically remote, time-intense, and subject to changing requirements—leads to clearly foreseeable barriers. Deciding to discount the significance of these barriers is, in our interpretation, indistinguishable from embracing the barriers. In this way, these barriers, as Herd and Moynihan (2018) argue, create policy that perhaps otherwise would be unpopular or socially unacceptable. The policy these barriers create is that some families are expendable, with families readily separated and children experiencing the termination of their parents’ rights to parent at astoundingly high rates (Wildeman, Edwards, and Wakefield 2020). In this way, concerns about who and what counts as a family, and what kind of parents, and particularly mothers, “deserve” to raise their children, potentially fraught political questions, are “substituted,” to use the framework of Philip Jenkins (1992), by concerns over the timeliness of completing parenting classes and parents’ compliance with mandated “services” and surveillance. Thus the burdens *are* the policy.

These burdens are applied unevenly across social groups. Because of deep racial inequalities in child welfare system exposure (Kim et al. 2016; Wildeman, Edwards, and Wakefield 2020; Yi, Edwards, and Wildeman 2020), the trauma of family separation and the administrative burdens applied by child welfare agencies are also applied in a distinctly unequal manner. Poor families and families of color are subjected to the administrative burdens imposed by child welfare agencies at exceptionally high rates. The experiences of parents interviewed in this study and described in earlier research



(Fong 2020, 2022; Reich 2005; Roberts 2008) clearly show that interaction with child welfare systems is in and of itself burdensome and costly, even after discounting the potential harms caused to parents and children by family separation.

Because of these costs and their inequitable distribution, these administrative burdens contribute to racist structural inequalities in family life and childhood. Child welfare systems exemplify the racialized and stigmatizing approach to poverty governance in the United States that serves to manage, rather than eradicate, poverty. Here, the implications of the resulting inequalities differ from beneficent welfare state programs; coercive and punitive administrative burdens work to make punishment and marginalization more certain and more severe for poor, Black, and Indigenous families.

Despite recent debates among some quantitative social scientists about the direction of effects of foster care on outcomes for system-involved children (see, for example, Wakefield and Wildeman 2022), these findings show that interactions with CPS impose an array of burdens on families in ways that directly contribute to family and childhood inequality. Regardless of possible marginal effects of foster care placement on later outcomes for individual children, contact with the child welfare system triggers a host of financial, temporal, and psychological costs for families, and in particular for low-income mothers of color. The costs of child welfare system involvement compound with the administrative burdens imposed by related agencies often directly and indirectly involved with child welfare system cases (Paik 2021). Agency contact itself actively expands racialized family inequality through the uneven application of compulsory administrative burdens.

## CONCLUSION

Using a lens of burdens to understand the function and practice of the child welfare system in the United States helps clarify how it differs from other forms of service provision and how it should be seen as comparable to other carceral systems. Analyzing the punitive burdens structured within the child welfare system also

offers an opportunity to envision an alternative response to families requiring support: one built on supports rather than suspicion, and on offering assistance to rather than placing burdens on families.

The child welfare system fundamentally differs from other systems designed to provide aid to families in need (such as SNAP, Medicaid, and TANF), as compliance with services provided by child welfare agencies is enforced not by denial of services, but by further expansion of “services” that operate as punishment for the act of noncompliance. When children are forcibly separated from their parents as a consequence of noncompliance, further engagement in services is required as a condition of children being returned and may extend to termination of parental rights if families are unable to meet the burdens placed on them. The punitive application of these services is not an aberration of child welfare practice, but instead an intentional design that places additional burdens on families to demonstrate compliance with a normative, middle-class parenting standard that fails to consider the challenges parents living in poverty face as each subsequent burden is applied. To be eligible, for instance, for SNAP benefits, too often parents face administrative burdens that hinder accessing a valuable and desired service. In the child welfare system, the services are the burdens, whereas the valuable and desired outcome is often simply maintaining the right to one’s child. If child welfare services were designed to assist and uplift parents, undoubtedly barriers would be erected to accessing them. Instead, these services are burdensome and punitive by design.

In contrast to individualizing and burden-driven child protection approaches, abolitionist movements propose that states divest funds from the child welfare system and reinvest them in families and communities to ensure that all children can remain safely at home with their families and communities (Dettlaff et al. 2020; Roberts 2019, 2022). This process also requires the shifting of power from institutions of coercion and social control, such as the child welfare system, to communities. Abolitionist movements advocate building strong systems of support that ensure families can access the

resources in their community that they need to thrive. This includes creating and improving systems of community-based support that provide a child allowance, safe and affordable housing, jobs that pay sustainable wages, mental health services, food, domestic violence supports, and substance use programs. Ultimately, abolitionist movements seek to build communities in which community members intervene to provide support when needed, a sufficient array of supports and interventions are available, and a community system of care can minimize and address harm. In this way, not only are burdens shifted from families to communities, but communities also have the resources they need to absorb these burdens because those resources have been shifted away from coercive systems for the purpose of prioritizing family safety and stability.

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