

**“Better Safe than Sorry”:
Racialized and Queer Family Policing through Mandatory Reporting**

Written by: Kilhah St Fort

Imagine your son’s principal calls and immediately accuses you of child neglect. Confused by her reproachful tone, you ask her to elaborate. She says that your son’s teacher noticed that his shirt was dirty due to the poor quality of the sleeve. You regularly do laundry, so you try to explain: the shirt *is* clean; it’s just a bit worn out because you don’t have the money to replace it right away. The principal responds by threatening to call the child abuse hotline, immediately dismissing the vulnerability you just showed. A few days later, a caseworker from the Administration of Child Services (ACS) shows up at your door. After forcing their way into your home, an official case is opened, and your son is removed from your care and placed in foster care. After 90 days, the case is dismissed due to insufficient evidence.

Because of an old shirt, your family is forever changed. Your son is more insecure about how his appearance is perceived by teachers. When he is lost on the subway, your son would rather spend an hour walking around rather than asking a police officer for help. When your son is sick, he refuses to go to the doctor. In all these situations, at the forefront of his mind is “What if this person assumes I come from a bad household? What if they take me away again?” Now, your son is terrified of service providers. How do you reassure him when you hold the same fears?

For you, your concern also extends to the future of your career. Although you weren’t added to the Child Abuse Register because the case was dismissed, you now have a record. Your son’s future teachers will see that you’ve been investigated before. So will future employers. If you already work in a career that deals with vulnerable populations – such as teaching, child

care, personal care aide, or social worker – while your current position may be secure, you are likely to face difficulty if you seek similar jobs.

This isn't a hypothetical. This is a testimony from parent advocate Davene Roseborough who shared her experience during the September 2023 New York State Assembly public hearing on mandatory reporting. She was one of many parents who spoke about the deep emotional and mental scars their families carry from being reported to ACS – mostly on the basis of neglect. A child maltreatment investigation, no matter its duration, had far-reaching ramifications on their children and themselves. While the circumstances for each parent's story varied, one constant remained: mandatory reporting was the gateway into the family policing system¹.

The United States's family policing system comprises child protective services (CPS), foster care, adoptive services, preventative services for families, and other related agencies, legal systems, and policies. First codified into law through the 1974 Child Abuse Prevention and Treatment Act (CAPTA), the system is purported to be “comprehensive, child-centered, family-focused, and community-based” (Section 2). Mandatory reporting is one of many laws designed to support this system. Laws vary by state, but generally, professionals who have regular encounters with families – such as those who work in healthcare, education, law enforcement, social services, and/or childcare – are required to report suspected child abuse and neglect. Its goal is to prevent ongoing harm, connect families to resources, and create a network in which caring for children is a primary concern.

Unfortunately, this couldn't be further from the truth. Mandatory reporting, and the resulting investigations, is a source of trauma for many families. From the moment a CPS caseworker knocks on the door, parent criminality is assumed. As seen with Davene's testimony,

¹ “Family policing” is an emerging term to describe the child welfare system. In shifting terminology, parent advocates, former foster care youth, academics, and other critics of the system are calling for greater attention to the many parallels it holds to the criminal legal system.

perceived failures of parenting are pathologized as individual faults rather than the result of structural defunct. The majority of CPS cases pertain to child neglect, not abuse. In the section entitled “History of Mandated Reporting, ” I will expand upon this distinction between abuse and neglect and various contentions surrounding ‘neglect’ as a category. For the time being, it’s important to understand this dominance of neglect cases means that the families who are frequently reported and investigated are those who lack financial resources needed to provide “adequate”² care for their children.

For the purpose of this paper, I focus my attention on mandatory reporting laws and practices and their failure to provide families with the adequate resources children need to thrive, particularly those headed by poor, Black, LGBTQ+ caregivers³. There is considerably less data pertaining to the lives of LGBTQ+ Americans in comparison to their cisgendered, heterosexual counterparts. This pool of information shrinks as race, parentage, and involvement in the family policing system are factored in. However, lack of data does not mean that this subgroup of parents does not exist. There is a small but growing body of scholarship that centers upon their experiences (Polikoff, 2018; Harper and Oser, 2016; Joslin and Sakimura, 2022; McGowan, 2024). In hopes of contributing to this emerging field, I adopted similar methods of triangulating public data about Black people, LGBTQ+ people, and those involved in the family policing system in order to raise awareness of this issue as well as build an argument for more research and advocacy. Additionally, I closely read 45 issues of Rise Magazine – a NY-based publication written by parents who have faced the family policing system – and conducted interviews with

² Adequate is placed in quotation marks because what is considered to be the minimum degree of care parents or guardians should provide for their children is incredibly subjective. This is one of the contentions that will be expanded upon later.

³ I must note that this paper primarily focuses on the experiences of Black lesbian and bisexual mothers. Due to the limited scope of this paper and my current capacities, I chose not to examine the discrimination, stigma, and bias that Black trans parents face. However, I wanted to affirm that their experiences are also deserving of further scholarship and advocacy.

five experts advocating for the reform and/or abolition of said system. Ultimately, I argue that mandatory reporting laws function as a biased surveillance apparatus that disproportionately pushes Black LGBTQ+ parents and children into New York City's family policing system. It is a cycle driven by the conflation of poverty with neglect and sustained by a mistrust towards social services that results from being investigated by ACS.

History of Mandated Reporting

In 1962, pediatrician Dr. C. Henry Kempe and his colleagues coined the term “battered child syndrome.” While nongovernmental child protection societies and scientific literature about child abuse dates back to the late 1800s, American society didn't not recognize children as a vulnerable class until Kempe's landmark article.⁴ The provocative nature of Kempe's term brought national attention to a problem long overlooked. Spurred by this revelation, the federal Children's Bureau encouraged states to adopt mandatory reporting laws, and by 1967, almost every state had, specifically placing the primary burden of protecting children from physical abuse on the shoulders of medical professionals.

Mandatory reporting laws quickly developed an insidious undertone as the focus shifted away from abuse. Lawmakers and child protection advocates called attention to another form of maltreatment: neglect. However, they failed to recognize that abuse and neglect are fundamentally different. Abuse is an active, intentional act to cause harm to children. Whereas, neglect is an inability to provide for a child's basic needs, i.e., food, shelter, safety or medical care. More often than not, neglect results from caregivers' lacking the financial resources to meet these needs. In other words, parents whose only “crime” was being poor were being treated like individuals who deliberately harmed others. As the benchmarks for what constituted

⁴ Considering that the U.S. is the only UN member nation who has not ratified the Convention on the Rights of Children, whether this country truly understands, recognizes, and respects children's human rights is debatable.

maltreatment expanded, so did the number of professions required to report. Over the next fifty years, the number of CPS investigations grew exponentially, resulting in a trend of families being separated over unfounded⁵ cases. Today, one in three children in the United States are subjected to a CPS investigation. In 2019, of the 3 million children whose cases were investigated, more than 80% were found not to have been abused or neglected (*Child Maltreatment 2019*, 2024). The majority of these cases pertained to neglect-only allegations.

In addition to the targeting of poor families, a disproportionate amount of families who are reported and/or investigated are Black. Take New York City for example. Despite Black people making up 23% of the city's population, 44% of Black children have experienced a child welfare investigation. This doesn't mean that Black families are more likely to harm their children. Due to cultural stereotypes rooted in chattel enslavement, biased media representation, and racialized criminal legal policies, criminality is often associated with Blackness. This false equivalence spills over into the family policing system, resulting in Black families being seen as suspect more frequently than White families are.

In 2023, New York City's child abuse and maltreatment hotline documented 130,000 calls of abuse or neglect. Mandated reporters made 70% of these calls (Golani, 2025). The agency eventually deemed 76% of them "unfounded." Critical race scholars argue that the disproportionate representation of Black children within the family policing system can be attributed to the heightened level of scrutiny Black parents undergo (Roberts, 2002; Derezotes, 2005; Drake et al., 2011; Baughman et al., 2021) A study based on a 2020 survey of Brooklyn and Bronx-based, frontline caseworkers, agency managers, parents, and advocates described the current operation of child welfare as a "predatory system that specifically targets Black and

⁵ An unfounded ACS case refers to when investigators did not find sufficient evidence to support the alleged claim of child abuse or neglect.

Brown parents” (The Bronx Defenders, 2022). In New York, Black families are seven times as likely as white families to be accused of child maltreatment and 13 times as likely to have their children removed. Numerous child welfare scholars have found similar findings across the nation (Chasnoff et al., 1990; Kim et al., 2016; Linman, 2017; Minoff & Citrin, 2022).

Families mainly enter the family policing system and other carceral systems⁶ through mandatory reporting. New York legislation defines mandated reporters as professionals who “have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child.” (SOS § 413). Mandatory reporting is intrusive by design because of the following reasons: (1) double standards for “bad” parenting, (2) the conflation of poverty with neglect, (3) misconceptions that a report leads to access to resources and (4) the skewed legal protections for mandated reporters (Baughman et al., 2021; Clifford and Silver-Greenberg, 2017; Pimentel, 2019; Roberts, 2022). Taken together, these issues point towards a system that scrutinizes some parents for the same reasons they may use to empathize with other parents. To best understand why, it helps to first ask: how might a parent’s sociopolitical identity influence how their caregiving practices are viewed?

Issue #1: The Privilege to Not Be a Good Parent

In 2014, *Vanity Fair* asked a group of moms from Park Slope to offer their best parenting advice to Kate Middleton. One of the moms, Meirav, offered a tip that garnered attention from parenting columns in other mainstream publications:

“If you smoke a little pot, you can get really excited about getting down on the floor and doing a puzzle, or reading the same book over and over again. Of course, you need to be

⁶ Carceral systems refers to punitive institutions that serve as a way to control and surveil populations. Given that the U.S. is founded on the chattel enslavement, U.S. carceral systems disproportionately impacts people of color, particularly Black people. These systems include, but are not limited to, the prison industrial complex, juvenile detention, immigrant detention, and foster care.

responsible about it. As long as you know what to do if one of the kids is choking, you're O.K.” (Amber, 2014)

A few days later, *The Cut*⁷ (Davis, 2014) published an opinion piece thanking Meirav “for providing the best slogan from Babyland, USA”. Among other parenting-related tags, the article is tagged with “survival tactics,” implying that these (White, upper-middle class) mother’s choice of stress relief is understandable. Two years later, RISE Magazine – a smaller NY-based publication uplifting the narratives of parents affected by the family policing system – published their 31st issue. Piazadora Footman, a Black mother, shared “Growing up in the projects, we called CPS the “Parent Police,” and it was normal for the girls I knew to lose custody of their children because they were smoking weed, drinking or hanging out late. Many of my friends still don’t have custody of their children” (Footman, 2016). The habits of Footman’s friends resulted in their families being torn apart, instead of a quirky article.

Although the recreational use of cannabis was legalized in 2021, the response to substance use continues to be racialized, giving grace to those who are White, heterosexual, and middle-class.

Issue #2: The Conflation of Neglect and Poverty

Had Meirav, the Park Slope mother who smokes weed while watching her child, been a Black, LGBTQ+, and/or low-income, her drug usage would have been more likely to trigger a mandatory report with a neglect allegation⁸. For instance, Black women’s childrearing has historically been criminalized through prenatal drug testing. During the 1980s and 1990s,

⁷ *Vanity Fair* and *The Cut* have a significant overlap in demographics. The magazines focus on Hollywood scandals, celebrity profiles, and luxury fashion draw in primarily upper-middle-class to affluent women. Although *Vanity Fair*’s demographic is a bit older than that of *The Cut*, centering the interests of the affluent is a key to their brand.

⁸ A caregiver’s substance use is legally and medically categorized as neglect because it impairs their ability to provide for a child’s basic needs. Since one’s overall judgement is impaired when under influence, a caregiver struggling with substance use disorder may not necessarily harbor the malicious intent required for abuse.

hospitals began sharing positive toxicology results with child welfare agencies and law enforcement. Although white and Black women had similar rates of positive results, Black women were almost ten times more likely to be reported to government agencies (Chasnoff et al., 1990). To make matters worse, “testing was performed almost exclusively by public hospitals that served poor communities of color” (Roberts, 2022).

Whilst this section will speak extensively about the criminalization of Black LGBTQ+ parents with substance use disorder, I must note that the conflation of poverty and neglect materializes in various ways. A report can be triggered if you’re homeless and struggling to find food for your family. Or if you live in a run down apartment and your landlord refuses to do repairs. Or if your mental health struggles begin to affect your parenting and treatment is inaccessible due to the costs of therapy. For Black queer parents, overcoming these circumstances can be uniquely arduous. Borrowing from critical race scholar Kimberle Crenshaw’s theory of structural intersectionality, systems of race, gender, class, and other dominations do not exist in silos. Rather they converge, making it more difficult to access housing, employment, healthcare, and other safety nets.

LGBTQ+ people are more likely than their cisgender and heterosexual counterparts to develop substance use disorder due to experiencing high rates of trauma, violence, and stigma (Hillyar, 2024). Additionally, attempts to seek treatment often ends with LGBTQ+ people being turned away from essential services or being subjected to discrimination by service providers (Hanssens et al., 2014). These various factors increase LGBTQ+ people’s, especially those who are women-identifying, chances of being criminalized for substance use rather than being provided necessary services for recovery (Bertram, 2024; Herring, 2020).

In 2020, NYC’s Administration of Children’s Services (ACS) issued new guidance to hospitals, clarifying that, “by law, a positive drug test of a parent and/or a newborn baby is not in itself a basis for a report of abuse or neglect” (NYC Children, 2020). Although ACS clearly stated that a positive result on prenatal drug test is not a trigger for a report of child maltreatment, the surveillance culture of the 1980s still haunts the medical profession. In the 2023 Assembly Meeting on Mandatory Reporting, Kyra Batte, a staff attorney at Legal Momentum, testified that women of color and low-income pregnant people are still being drug tested without their consent and then reported (New York State Assembly, 2023). She attributes this to mandated reporters’ fear of repercussions. Dr. Erinma Ukoha’s, an obstetrician-gynecologist at Mount Sinai, testimony affirmed Batte’s claim. “We’ve all seen countless of new mothers unjustly reported to the child welfare system,” said Dr. Ukoha, “and that’s because of the nebulous nature of this law [referring to mandatory reporting], the liability associated with not reporting, and the ramifications downstream.” To succinctly summarize her testimony, “Mandatory reporting turns me from a physician to a police.”

As mentioned earlier, laws and policies related to child welfare often mislabel symptoms of poverty as signs of neglect (Pimentel, 2019; Children’s Rights et al., 2025). In 2023, 75% of ACS cases alleged neglect alone (Golani, 2025) . Additionally, the 25 highest-poverty zip codes had almost twice the rate of calls to the State Central Registry (SCR)⁹ than all other zip codes.

When I asked about this phenomena, national expert in LGBTQ family law Catherine Sakimura attributed it to “this kind of general neglect category which includes anything that we [mandated

⁹ The State Central Registry (SCR) is the NYS hotline that receives reports of suspected child abuse and maltreatment. After receiving a report, the SCR relays the information to the local CPS for investigation. The national average of screened-out calls is 50 percent. From 2018-2022, SCR rejected only 25 percent of calls alleging maltreatment. In other words, a higher portion of children in New York were subjected to a CPS investigation than in other states. In October 2024, the New York Civil Liberties Union filed a testimony to the Standing Committee on Children and Families. The testimony calls for increased transparency and accountability in the hotline’s procedures because “SCR is failing to effectively filter out reports that do not meet the definition of suspected neglect or abuse.” (NYCLU, 2024)

reporters] don't think seems right, or that we assume, from our viewpoint, of what families should be doing, but aren't."

As mentioned earlier, the conflation of poverty and neglect is a common issue. Beyond substance use, another example is if caregivers are unable to afford therapy for their child and they start acting up in school. The last situation happened to Bevanjae Kelley, a Black grandmother who raised her two granddaughters.

The oldest granddaughter struggled with suicidal ideation, which led to her sister developing emotional and behavioral problems. After the girls got into a fight while at school, the staff called Bevanjae to come in. She agreed that they needed help and asked staff how she could get some. "Instead of offering me advice or resources," says Bevanjae, "the school called child protective services. I felt betrayed and angry" (Kelley, 2009). Luckily, the ACS caseworker was understanding. She did everything in her power to keep the family together, while getting them access to mental health services. Not every caseworker operates as such. Additionally, being reported sowed a seed of distrust between Bevanjae's family and the school.

Issue #3: Assuming Reports Equal More Resources

Bevanjae didn't provide information on why the staff decided to call the SCR, despite her clear display of care for her granddaughters' wellbeing. One reason could be that the staff assumed ACS would be able to provide the family with more resources. In their case, that did happen. However, more often than not, reporting a family in hopes of improving their access to support services makes an already precarious situation worse.

In neighborhoods where CPS involvement is frequent, the community views CPS as another form of police.¹⁰ When a caseworker knocks on the door, parents are expecting that a

¹⁰ As alluded to by the term "*Parent Police*" used in this paper's subsection "Issue #1: The Privilege to *Not* Be a Good Parent."

stranger will barge into their home, look in every nook and cranny for signs of defect, and then ultimately take their kids away. They've seen the same thing happen to their neighbors.

(Roberts, 2022). Children also undergo the same emotional turmoil.

For example, a therapist had a fifteen-year old client, Livia, whose mental health challenges were becoming too much for her mother, Gaby, to handle alone. The clinic didn't offer the necessary parenting support that the family needed, so the therapist called CPS, hoping they would have the resources needed. Instead, the therapist fractured the trust she once had with Livia and Gaby. The CPS caseworker interrogated Gaby three times and the duo had to endure a forty-five day investigation, resulting in Livia having a strained relationship with her therapist. Mandated reporters like Livia's therapist typically contact CPS because they "envisioned CPS as a sort of all-purpose agency, compensating for what they could not provide." (Fong, 2020).

Issue #4: Threats to Mandated Reporters

Fearful of retaliation from their employer and/or the state for not reporting, mandated reporters often operate under a "just in case" mentality. With the threat of punishment hanging over them, a reporter is more likely to overanalyze their interactions with families and jump to rash conclusions. In New York City, the majority of mandated reports come from school employees. Between August 2019 and January 2022, over 13,750 reports to the SCR – the NYS child maltreatment hotline – were made by guidance counselors, principals, and teachers. After undergoing an investigation, the vast majority of those school-based reports were deemed unfounded. In an interview, a middle school English teacher in the Bronx said, "Teachers, out of fear that they're going to get in trouble, will report even if they're just like, 'Well, it could be abuse.' It could be. It also could be 10 million other things." (Lehrer-Small, 2022)

The official New York State Mandated Reporter Resource Center website details the legal protections for mandated reporters. Underneath the “Penalties for Failure to Report” subsection, it states “anyone who is mandated to report suspected child abuse or maltreatment – and fails to do so – could be charged with a Class A misdemeanor and subject to criminal penalties.” On top of the threat of being sentenced to a maximum of one year in jail, mandated reporters can also be sued in a civil court for monetary damages. Beyond legal penalties, professionals could lose their credentials and face social ridicule. The website doesn’t include any information about what a CPS investigation can entail for the family. Nor does it discuss what a reporter should do when they are unsure if child maltreatment is actually taking place.

Proponents of mandatory reporting often argue that these penalties are necessary because it ensures that individuals in helping professions will act when they suspect abuse or neglect. However, as mentioned earlier, what is considered abuse or neglect is extremely subjective. Black parents are more scrutinized than their White counterparts. Economic hardships are often labelled as signs of neglect. Black and LGBTQ+ individuals are more vulnerable to being improvised. These penalties increase the chances of a mandated reporter acting upon biased assumptions of what good parenting looks like.

Black and Queer Mothers’ Intimate Relationships Made Public

As mentioned before, studies focused on biases in the family regulation system and analyses of LGBTQ+ parents' unique interactions with the system are starkly absent. A reason for this lack of research is due to the lack of data on LGBTQ+ parents and state intervention. There is no statistical data pertaining to the number of cases opened against LGBTQ+ families within NYC’s child welfare public records. Data related to the demographics of reported and investigated families focus predominantly on race and income status. Although ACS doesn’t

publish any information pertaining to a parent's sexuality, one can argue they still keep track of this information. However, some insights can be drawn from existing scholarship. In the “Black Queer Families Within New York State” section, I provide more statistics and research that demonstrates both the presence of LGBTQ+ parents within the family policing system and their disproportionate treatment. However, what public records don't capture, personal testimony does.

Episode four of *The Problem with Punishment* podcast¹¹ offers one example. The host Kathleen Pequeno spoke with several mothers who have been investigated by New York's family regulation system. During the conversation, Pequeno opened up about her own experience being investigated as well. “One of the first things she [the ACS worker] told us was that the report had specified that our kid had two mamas...” explains Pequeno, “You know, when I asked people as part of the research for this episode, how many queer families were caught up in this system, no one could tell me. There's no research in New York State on that. There's no tracking. But our worker was certainly aware of the fact that the report didn't have a lot of information about the supposed neglect, but had information about the two mamas.”

Luckily, the worker was respectful from the beginning of the investigation. Already knowledgeable about New York's family policing system, Pequeno and her partner came to an agreement with the worker to go through the CARES track¹². Although CARES is supposed to be a less punitive option, Pequeno shares “so many times in that 60 days [of programming] I would lay awake at night thinking, ‘Oh my God, are they gonna take our kids?’” (*The Problem with Punishment*, 2025).

¹¹ The podcast is from the Justice Beyond Punishment Collective and it explores the reasons why punishment doesn't work as a response to societal issues and what can be offered instead.

¹² The Collaborative Assessment, Response, Engagement & Support (CARES) track is an alternative, non-investigatory response to child abuse and maltreatment reports. Launched in 2013, CARES is usually offered in cases where there is no immediate or impending danger to children and where there are no allegations of serious child abuse. A common criticism is that CARES is coercive. If a parent refuses to go through the program, then they could be subjected to a traditional ACS investigation. Therefore, the threat of punishment motivates parents to comply with the caseworker as much as possible.

Although Pequeno is not Black, it's important to note that there is a long history of welfare agencies intruding on and weaponizing Black women's intimate relationships to pass judgement on their parenting. As mentioned earlier, the modern child welfare system was not codified into law until 1974 with the passing of CAPTA. In addition to creation of mandatory reporting laws, another driving force for CPS's creation was the expansion and racialization of public assistance in the late 1960s.

National scale public assistance policies cropped up in 1935, as a response to the Great Depression. A notable program is the Aid to Dependent Child (ADC) program, designed to support widows, and later, to allow mothers to stay at home with their children. Although funding came from the federal level, the spending of said funds was left to state discretion. In states with high numbers of Black residents, lawmakers purposely designed eligibility and benefit levels that excluded Black working class women because they were domestic or agricultural workers (Floyd et al., 2021). And so, for the next thirty years or so, ADC recipients were predominantly White women.

However, as political organizing efforts around racial issues increased across the nation, so did efforts to make public assistance programs accessible to Black families. In response, states implemented punitive policies targeted at said families. For example, Louisiana barred children from receiving ADC if their mothers engaged in sexual activity outside of marriage. Three months after this policy was implemented, 95 percent of the 6,000 children cut off were Black (Floyd et al., 2021). Policies such as these created "midnight raids," where welfare caseworkers would show up unannounced – often late in the night – to search homes for evidence of male partners and questioned ADC recipients about how they spent their money (Mendez, n.d.).

By the late 1960s, poor Black mothers were sick and tired of the racialized and gendered surveillance. Taking lessons learned from their involvement in the Civil Rights Movement, Black mothers turned their attention to the welfare system. They called themselves welfare mothers. Johnnie Tillmon, the national leader and executive director of the National Welfare Rights Organization, once said:

In half the states, there can't be men around because A.F.D.C. (Aid to Families With Dependent Children) says if there is an "able-bodied" man around, then you can't be on welfare. If the kids are going to eat, and the man can't get a job, then he's got to go. Welfare is like a super-sexist marriage. You trade in a man for *the* man. But you can't divorce him if he treats you bad. He can divorce you, of course, cut you off anytime he wants. But in that case, he keeps the kids, not you. The man runs everything. (Tillmon, 1972)

"*The man*" refers to the American government. With nearly 50% of Black children in NYC being likely to have an open investigation with ACS by their 18th birthday, Tillmon's words carry a heavier impact (NY Advisory Committee, 2024). Luckily, organizations such as JMAC for Families have been working to counter this intrusion upon parent's private relations. Their Know Your Rights training¹³ specifies that when ACS knocks on your door, "you do not have to reveal private information," including by not limited to your intimate relationships (JMAC, n.d.).

While there is more documentation of child welfare caseworkers weaponizing Black women's sexuality against them, mandated reporters can do the same thing. One example that comes to mind is a Black mother in New York who was "reported by a trusted therapist who

¹³ Know your rights training are educational workshops and/or resources that teach individuals about their constitutional rights when interacting with law enforcement and other carceral systems.

interpreted and embellished the mother’s polyamorous¹⁴ relationship as a cause for concern” (Washington, 2025). Polyamorous parents, like any other LGBTQ+ parent, must navigate social stigma and discrimination. There is a pervasive assumption that their intimate relationships would be, at best, ‘too confusing’, and at worst, ‘too traumatizing’, for children to understand. However, little empirical evidence exists to suggest that parenting in a polyamorous relationship causes harm to the child (Sheff, 2015; Fry, 2020). While stigma influences how Black queer parents are perceived, it isn’t the main force driving the surveillance apparatus I mentioned earlier.

Black Queer Families Within New York State

At any moment, the nebulous legal definition of child abuse and neglect can be weaponized against families that do not conform with dominant narratives, particularly those that are headed by Black LGBTQ+ mothers and caregivers. Take for example, the attempt by Texas lawmakers to portray supporting your gender non-conforming child as an instance of maltreatment. On February 22, 2022, Texas Governor Greg Abbott (R.) directed the Texas Department of Family and Protective Services (DFPS) “to conduct prompt and thorough investigations of any reported instances of Texas children being subjected to abusive gender-transitioning procedures” (Office of the Texas Governor, 2022). In framing these procedures as inherently harmful to minors, Abbott fails to acknowledge that studies show that gender-affirming care¹⁵ such as these procedures are largely associated with improved mental health among trans youth.¹⁶ Less than a month after Abbott’s directive, the state opened at least

¹⁴ Polysexuality is the sexual attraction to various, but not necessarily all, genders. It falls under the multisexual umbrella alongside bisexuality and pansexuality.

¹⁵ As defined by the World Health Organization, gender affirming care is a range of social, psychological, behavioural or medical interventions designed to support and affirm an individual’s gender identity. Gender-transitioning procedures fall within that larger umbrella.

¹⁶ Additionally, due to the high cost, current medical regulations, and other barriers, minors (and many adults) rarely undergo procedures such as vaginoplasty, mastectomy, and face feminization surgery. In

nine investigations of minors receiving gender-affirming care (Killough, 2022). In the following months, some of these families, with the support of advocacy organizations, filed two legal challenges against the directive and investigations. Luckily, both cases resulted in court orders blocking further investigations triggered by the initial directive. However, the damage has already been done.¹⁷

One may argue the aforementioned situation is unlikely to happen in New York since the state is considered a national leader in progressive LGBTQ+ rights. Additionally, New York has a Trans Safe Haven law, which prohibits family separation on the basis of the child receiving gender-affirming care. While this protection is monumental to the safety of LGBTQ+ families in New York, anti-LGBTQ+ discrimination and prejudice persists.

Experiencing Queerphobia from ACS

Although the exact number of LGBT parents in NYC is not explicitly broken down in recent census data, thousands of LGBT families exist within the city. In 2019, an estimated 22% of LGBT people (ages 25 and over) raising children resided in New York, contributing to a high concentration of LGBT families in the Northeast (The Williams Institute, 2019). This percentage has likely grown in recent years. As of 2022, over one million adults in New York State identify as LGBTQIA+ (NYS Department of Health, 2022).¹⁸ The majority of adults identified as bisexual (40.7%), followed by those identifying as other sexual orientation¹⁹ (26.6%) and those

the few cases where a minor does have these surgeries, they tend to be 15-17, rather than the younger children that Abbott and his supporters speak of.

¹⁷ The Briggles, one of the families, shared in a statement, “We told the children that they have the right to not answer questions. We told them that the government is trying to spy on us even though we have done nothing wrong” (Sosin, 2022).

¹⁸ Many LGBTQ people are reluctant to disclose their identities with government agencies because of homophobic and transphobic discrimination, stigma, and shame. Therefore, the actual size of the community is projected to be much larger.

¹⁹ Various sexual orientations fall within the LGBTQ community. Understanding one's sexuality is a very personal process, resulting in the creation of sexual orientations that can be similar but distinct in small, crucial ways. Therefore, for the purpose of this data collection, the NYS Department of Health collapsed those identities into one category.

identifying as lesbian or gay (26%). The racial makeup of the LGBT community mirrors that of the city's racial makeup, with a significant portion being Black and Hispanic. Given its complex demographic diversity, New York City is a compelling site to examine intersectional issues in mandated reporting. Take the case of Cassandra Gonzalez, an Afro-Latinx nonbinary and pansexual parent, for example.

Cassandra recounts a discriminatory encounter she had with a foster agency staff member. Accompanied by her girlfriend, Cassandra went to the agency to drop off some clothes for her son. "Twice, I corrected a worker who was misgendering my partner calling her "he" and not "she" because of her attire," writes Cassandra. "I saw LGBTQIA-friendly signs up at the agency. My son was with a foster mother who dressed the same way as my partner—but her gender was said appropriately. It's hard seeing foster parents get more acceptance than "birth parents." The differential treatment between families of origin²⁰ and foster families is a well documented phenomena (Fong, 2019; Merritt, 2021; Tullberg & Vaughn, 2024).

Various studies have found that children left in their own homes typically do better than comparably-maltreated children placed in foster care (Doyle, 2007; Doyle, 2011; Lawrence et al., 2006). Additionally, experts recognize that the amount of reported maltreatment allegations against foster parents are much lower than what actually happens (Ortega, 2017; Wexler, 2017; US Department of Health and Human Services, 2024). No where in Cassandra's statement does she indicate that her son's foster mother mistreated her son. However, on average, negligent and abusive foster parents are given much more leniency when compared to well-meaning caregivers who have a CPS case open against them.

²⁰ Family of origin refers to the early social group a person belongs to in childhood, which is often a person's biological family or an adoptive family.

Therefore, it is possible for CPS agencies, even the purported LGBTQ+ friendly ones, to mistreat queer parents who are under investigation. One reason being that once a queer parent is accused, investigators may consciously or unconsciously read their sexuality and/or gender identity as evidence supporting the accusation. In “Neglected Lesbian Mothers,” – a seminal text that specifically connected LGBTQ+ families with the family regulation system – family law expert Nancy D. Polikoff touched on this phenomenon. In Kansas, a caseworker asked a mother if she would ever go back to loving a man and told her she needed to be fixed (Polikoff, 2018). Another reason being the overall stigma associated with being accused of child maltreatment. Neighbors, schools, and even family members may assume the worst, leading to parents experiencing social isolation. Their judgments come from the control child protective agencies have over public narrative. Agencies position themselves as benevolent institutions that protect vulnerable children. If CPS is always the hero in the story, then the investigated caregiver is forced to take on the role of villain. Founder of Just Making A Change For Families (JMAC For Families) Joyce McMillian shared with me that the initial allegation is often treated as a gateway to investigating other forms of maltreatment. If ACS arrives to investigate a black eye, if the child isn’t clearly injured, then they don’t just leave. “They [the ACS investigator] still want copies of birth certificates, social security cards, how much money you made, paid stubs. They still want to search your cabinet, take your kid's clothes off, check the refrigerator, check under your bed, your drawers, your dresser, your closet,” said McMillian, “They're doing a full-fledged investigation. So in that process, they find an imperfection. And they say, aha, got them. But child welfare should not be an aha, got them moment.”

LGBT people in the United States experience poverty at higher rates than cisgender heterosexual people. Most recently, research has shown that transgender people and cisgender

bisexual women experience the highest rates of economic insecurity (Badgett et al., 2019). Data from the Behavioral Risk Factor Surveillance System and the U.S. Census Household Pulse Survey, showed that in 2020, LGBT POC had higher rates of poverty (33%) than their straight cisgender counterparts (27%). A similar disparity existed when you factored in race; only 15.% of White LGBT individuals lived in poverty during 2020 (Badgett et al., 2023). Additionally, there is a high likelihood of LGBT people of color who are poor as adults to have also experienced family poverty as a child. In a survey about the lived experiences of LGBTQ people, at least 80% of American Indian, Black, and Latinx respondents reported forms of economic insecurity as children, compared to approximately 50% of White and API respondents (Wilson et al., 2020).

For those who did not experience child poverty, one of the identified starting points of adult economic insecurity was becoming a young parent without support. Most of the bisexual cisgender women participants had children. A common challenge amongst them was balancing caretaking and working and navigating social services. One of the respondents M., an African American-Cuban bisexual cisgender mother of three from LA²¹ shared “Maybe if my skin complexion portrayed myself as White, then, a lotta things would be different. I probably still have my kids if that was the case” (Wilson et al., 2020). M.’s story mirrors “the racial and economic injustice of the child welfare system that results in the removal of too many children from their parents, including LGBT parents” that Polikoff discusses (2018). Although M. doesn’t detail why her children were taken away, based on what is known about the CPS cases of parents

²¹ Although M.’s CPS case took place in LA, the inclusion of her narrative is still relevant to this essay’s focus on NYC’s family policing system. Like NYC, an overwhelming amount of Los Angeles County Department of Child and Family Services investigations relate to allegations of neglect. Similarly, Black families are overrepresented in California’s child welfare system. New York City and Los Angeles have the highest total homeless populations in the country. Both New York State and California are considered the safest states for LGBTQ+ individuals. With these similarities in mind, the author argues that there is a high possibility of overlaps in experiences between NYC Black LGBTQ+ parents and those in LA.

struggling with housing instability and job security, it is fair to assume that she likely was hit with an allegation of child neglect.

M. has faced housing instability on numerous occasions. At one point, she had to decide between giving up her apartment or getting eviction. Knowing that if she was evicted, she would be unable to rent for at least seven years, she told the landlord that she'd give up her unit. This struggle to secure stable housing is a common issue for LA parents. In the United States, Los Angeles is the city with the second largest homeless population.²² Although LA has several housing assistance programs for families in need, accessing them can be complicated. Rising rent prices push more families to the brink of eviction, and by the time resources are made available, many have already spent 90 days or more without stable housing (Abrams, 2018). Additionally, housing stress is associated with an increased likelihood of being reported and investigated by CPS (Chandler et al., 2022). Unfortunately, this was just one of the challenges M. had with maintaining a safe living environment for her children.

For a period of time, M. was the sole caretaker for her three children. After the children's father had left, she had to take the kids with her to work. As a security guard working for multiple companies at once, she would leave her kids in the car while she was on the clock. Though she made sure to periodically tend to their needs. Sometimes, she used her time at work to complete household chores like washing the clothes. Across the United States, the high cost of childcare is a chronic issue. Waitlists to access subsidized childcare are significantly associated with an increase in CPS investigations (Klevens et al., 2015). In other words, lacking childcare forces parents to either leave their children unsupervised while working or constantly call out of work, which can result in job loss. In M.'s case, she chose the former option.

²² The city with the highest total number of homeless people is New York City, with children representing nearly one-third of the statewide homeless population.

Lastly, at some point, she lost custody of her three children. After that moment, M. hired an attorney to represent her. The attorney told her she had to pay \$1,400 upfront for him to help her prepare for her court date. “But, when he found out I was in a lesbian relationship and that we were Black and from Compton or whatever,” shares M., “he kinda like turned away from tryin’ to help me and told me that I was Black and from Compton, and did I think I was gonna get any help?” (Wilson et al., 2020). Soon after, the attorney removed himself from her case. In regards to legal matters, M. now believes that nobody would be willing to help her. Like any other public service, LGBTQ+ individuals frequently experience discrimination when accessing legal services.

At three different points of her story, M. was backed into a tight corner due to her economic status, race, and/or sexuality. These external circumstances forced her to make decisions that increased her chances of being investigated by CPS. Once again, while I don’t possess knowledge of the specific of M.’s CPS case, there were multiple times in which she and her children would have benefitted from alternatives to separation. One alternative could have been direct cash assistance with a no-strings attached model, where families are able to use the funds as they see fit. Most of the current programs have strict participation criteria where if recipients earn slightly more money, they could be disqualified. This catch-22 situation is worse for parents like M., who are already systems-involved. When I interviewed Sakimura about how being investigated may influence a Black queer, low-income individual’s relationships with social services, she said “You’re at risk of losing control of your own choices and getting flagged and forced into systems that maybe aren’t really helpful for you.” Research has shown that when families are given unconditional cash assistance, their risk for child welfare involvement decreases (Webb, 2022; Shrivastava & Patel, 2023). Currently, programs like these are far and

few in between. And of those that do exist, Black queer parents aren't the target audience. Why is that?

A Roadmap Forward

Much of the research and advocacy concerning same-sex families largely focused on the rights of LGBTQ+ adoptive parents (Polikoff, 2018). While anti-LGBTQ+ bias from adoption agencies and the underlying racism within transracial adoption are important issues, missing from this conversation is consideration of the circumstances leading to an overwhelming amount of Black children being in foster care.

In the realm of advocacy, this is nothing new. Regardless of the societal issue, advocacy often centers affected individuals who are most palatable. The Justice Beyond Punishment Collaborative (JBPC)²³ coined this phenomenon as hierarchical messaging. In their *Freedom For All* zine, hierarchical messaging is defined as “when we either purposefully or inadvertently create a hierarchy of deservedness when pushing for policy change, carving out certain categories of people from our movements and access to their rights” (JBPC, 2024). JBPC contextualizes this within the prison abolition movement. One example is advocating solely for individuals who have committed non-violence offenses. This throws those who have committed violent crimes under the bus, and upholds the narrative that people convicted of certain crimes are beyond redemption.

This dilemma of hierarchical messaging can also be seen in the family policing system. As mentioned earlier, LGBTQ+ adoptive parents are inadvertently portrayed as oppositional to parents facing child removal. Those who adopt children are more likely to be white and

²³ The Justice Beyond Punishment Collaborative is a collective of more than 10 organizations in New York state dedicated to shifting the narrative and culture around violence, punishment, safety, and justice. Their objectives are “to build power and solidarity around shared and cooperative understandings, messages, and efforts, and to develop tools and resources for those active in the movements to end mass incarceration and carceral punishment.”

economically privileged, while those losing their children are more likely to be Black or brown, and poor. The increased adoption of Black children by White gay couples began in the early 2000s. Much of the media coverage around the trend is positioned as a 'straight versus gay' issue or a 'Black versus white' issue. While anti-LGBTQ+ bias from adoption agencies and the underlying racism within transracial adoption are important issues, missing from this conversation is consideration of the circumstances leading to an overwhelming amount of Black children being in foster care. In 2016, researchers examined whether "being gay/lesbian or bisexual has an independent effect on the odds of losing custody of a child" (Harp & Oser, 2016). They found that among Black women, lesbian and bisexual women are more likely to lose their children to the state as compared to heterosexual women.

Returning to Polikoff, "When advocates for LGBT adoption turn a blind eye towards the systemic injustices of the child welfare system, they simultaneously miss the parents with same-sex partners who are victimized by those injustices and who may face additional hurdles because they are LGBT. They also miss the children of those LGBT parents who suffer real harm, as do all children, when they are inappropriately deprived of their parents." These mothers suffer from "exacerbated invisibility" (2018). In other words, even though these mothers are also LGBT parents (an already small group when compared to heterosexual parents), their race, economic status, and CPS involvement increases their invisibility.

Within and beyond New York exists an overlooked subsection of parents who sit at the intersection of race, gender, sexual orientation, and class. Due to their socioeconomic status, the stresses of living in poverty compounds on the typical stresses of parenting. Additionally, their race, gender, and sexual orientation all increases their likelihood of being reported to CPS. On one hand, being Black, queer, and women-identifying means they have more difficulty accessing

social services. On the other hand, when they are able to access services, there is a higher chance of their parenting techniques being called into question, thus triggering a mandated report to the child abuse and maltreatment hotline.

At least in New York, parents with system involvement hold clear attitudes towards mandated reporters. Rise Magazine conducted a survey of impacted parents and found that the majority of parents have experienced anxiety, judgement, shame, and trauma as a result of mandatory reporting (Rise Magazine, 2023). The survey also asked respondents what support outside of mandated reporting – and the family policing system, as a whole – would be most impactful. 82.4% requested community centers for families that offer activities, and 85.3% suggested resources available within the community, i.e., diapers, metro cards, and school supplies (Rise Magazine, 2023). This desire for communal support without the added layer of surveillance and punishment has been around for decades. As family counselor and mandated reporter Liza Blank shares “We help parents develop skills to deal with public assistance or school issues. Unfortunately, they often don’t get treated the right way. So we might go with them to public assistance or help them make phone calls if there’s a problem” (Salazar, 2006).

Although Blank doesn’t label it so, this is one tenet of abolitionist thinking around the family policing system. The term abolition carries many definitions. I borrow from prison abolitionist Mariame Kaba’s theories around abolition, which are rooted in Black feminist traditions. In other words, the work of abolition requires foregrounding the expertise of those who are most impacted, while challenging one’s imagination to be as wide and wild as possible when designing new systems and structures to replace the current ones ([Duda, 2017](#)). Since tearing down systems necessitates patience and discipline, the punishment-free world abolitionists envision takes time to achieve. Therefore, abolitionist thought also requires one to

figure out how to move within the current bureaucratic systems – which are notoriously resistant to change – without letting those ideals be co-opted and altered.

So, how does one chase the North Star that is abolition while still implementing incremental change? The following list of recommendations are organized from what takes the least amount of time and energy to what takes the most.

1. Inform clients about your mandated reporter status right away

One of the issues with mandatory reporting is that it breaks trust between families and those in helping professionals. How can you comfortably interact with a teacher when their report about your child's t-shirt resulted in your son being taken away for three months? Or how do you keep being vulnerable with your therapist when they report you to CPS because of your non-monogamous love life?

Founder of Accountable Communities Consortium²⁴ Shannon Perez-Derby frequently works with helping professionals to reduce the harm of mandated reporting. When I asked Perez-Darby about what the biggest hurdle to reducing the phenomena of overreporting is, she shared that most mandated reporters don't actually know the limits of their state's reporting law. For example, the Washington State reporting statutes specify that people need to receive an oral or written confirmation that harm has happened. However, from her experience working with reporters in the state, many make reports based on a gut feeling. "And what I tell people is your gut is not a legal standard," Perez-Darby explains, "It might be really good information for advocacy and care."

Conducting advocacy and care without reporting can take on different forms. One way is that when therapists or social workers conduct intake sessions, they can inform the client that

²⁴ An anti-carceral organization providing individual, programmatic and organizational support in mandatory reporting harm reduction, among addressing other issues.

they are a mandated reporter. By letting parents and children know ahead of time that you are required to report if something that sits in the gray area of child maltreatment is shared (i.e., being homeless), then these professionals can ensure that families don't accidentally incriminate themselves just for experiencing poverty.

One may argue that mandated reporters opening up their sessions with this warning may put off clients and make it harder to identify cases of severe abuse. While that's understandable, it's important to remember that the majority of substantiated child maltreatment cases are neglect-related. Therefore, most families need poverty-alleviation related services. Secondly, the fact that mandated reporters must figure out how to tactfully inform clients that they are required by law to report is part of the issue around mandated reporting.

A therapist with a teenage client shouldn't have to make a risk-benefit analysis about whether the law requires them to make a CPS report if the teen is speaking about a precarious housing situation. Informing a client about your mandated reporter status is one of many short-term solutions.

2. Safety plan with families when a report has to be made

Another short-term solution is to create a safety plan with families when you have to make a report. Severe abuse and neglect does occur. And more importantly, there are cases when an older youth (15 years and up) will request for a helping professional (therapist, guidance counselor, teacher, social worker, doctor, etc.) to make a report.

With over twenty years of experience working with youth domestic violence survivors as a mandated reporter, Perez-Darby has seen cases where older teens will request for a report to be made. Whenever this has happened, the first thing she does is explain what a CPS report entails. She goes into detail about what happens when ACS comes to the door, what options may be

available to the family, the likelihood of being taken out of the home, and what the outside-of-home placement could look like. Perez-Darby doesn't share this information to discourage clients' from wanting a report to be made. Rather, she believes that it's best for them to be well-prepared to deal with any problems that may appear after an investigation begins.

Perez-Darby works with a lot of LGBTQ youth. For them, in particular, there's a high chance that they may be placed with a caseworker or foster family that is homophobic or transphobic. Therefore, Perez-Darby wants to ensure that if this does happen, the teen isn't blind sighted.

In my conversation with researcher Catherine Sakimura, she brought up the reality that there simply aren't enough foster placements that are LGBTQ+ friendly. She posed this question to mandated reporters, "And so, are you taking a young person out of their home – which if there's a way for them to safely stay with their families, [that] is always going to be better for them – and putting them into another situation where they are very likely to be abused?" Sakimura suggests that if staying in their original home isn't an option for the youth, then mandated reporters can safety plan with the youth to instead stay with other relatives. If this is something the youth is interested in, then it's best to lay the groundwork for the relative-placement because once CPS gets involved, youth have less say in where they end up.

3. Improve the Screening Process for NYS's Child Abuse and Maltreatment Hotline

Another expert I spoke with was Nora McCarthy, the co-founder of The NYC Family Policy Project²⁵ and the former director of Rise Magazine. To Nora, abolishing mandatory reporting isn't her end goal. Rather the real problem to her is that New York rejects calls at a lower rate than the national average. As it currently stands, hotline operators don't ask many

²⁵ NYC Family Policy Project is a think tank dedicated to building evidence – through original research, data, and policy analysis – for the policy visions of parents and young people impacted by the child welfare system in New York City.

questions when they receive a report. After speaking with advocates and researchers in other states, she realized that operators can be more rigorous in how they determine if a call should be screened through to child protective agencies for further investigation. It would require the following:

- a. Clearly identifying the minimal degree of care according to the New York State legislature. Once that is identified, then the first question that every hotline operator should ask is if the parent being reported meets that minimal degree and if so, to what extent.
- b. Hotline operators should also inquire about what attempts the parent has made to address the alleged issue. Take for example, a teacher is calling the hotline because their student has been absent for the past month. The operator can ask “if the teacher has raised this concern with the parent yet? How did the parents respond to that conversation? Did the school guidance counselor and/or principal attempt to contact the parent?” If the teacher has not done any of these things, then the hotline operator can instruct the teacher to try those alternative methods first.
- c. Lastly, New York state could develop a detailed questionnaire tool for hotline operators to use. The tool could be specially designed to accommodate every type of allegation. For each allegation, there would be a series of questions the caller needs to answer so that the operator can assess the severity of the situation. For example, if the allegation pertains to malnutrition. The operator would ask “Does the child have a current diagnosis by a qualified medical profession of severe malnutrition due to an inadequate or imbalanced diet or has a qualified medical

professional states that there are indicators of malnutrition, but a formal diagnosis has not yet been made?” Asking specific questions like this helps the state, but also the caller, critically assess if they have the expertise to make a certain allegation.²⁶

Conclusion

Conversations around child welfare rightfully worry about situations where harm is being committed to children. But these aren't most of the cases that land on your local CPS agency's desks. Rather, the conflation of neglect with poverty laid the groundwork for a family policing system that disproportionately targets those who are poor. Additionally, racist and queerphobic assumptions about who can be a good parent has resulted in Black and/or LGBTQ+ parents being targeted. For those sitting at the intersections of class, race, sexuality and gender, they feel the effects of family policing in the most painful and complex ways. These intertwining systems of domination makes it extremely difficult for these families to stay together. In order to ensure that these folks are being truly supported, we must realize that being investigated by CPS isn't proof of guilt. Rather, as McCarthy shared with me, “the only way to distinguish [between economic need and parental neglect] is to know people.”

²⁶ A child not eating school lunch could mean multiple things. In New York City, it's common for kids to fill up on snacks from corner stores because they don't find school lunch appetizing. While this isn't an ideal situation, it doesn't mean that the child is being neglected.

Bibliography

Abrams, S. (2018, November 2). *How L.A.'s Housing Crisis Makes Family Reunification Much Harder*.

<https://shelterforce.org/2018/11/02/how-l-a-s-housing-crisis-makes-family-reunification-much-harder/>

Amber, J. (2014, September 19). From Brooklyn to Buckingham Palace: Park Slope moms offer Kate Middleton parenting advice. *Vanity Fair*.

http://www.vanityfair.com/news/daily-news/2014/09/Kate-Middleton-Park-Slope-Advice?mbid=social_twitter

Baughman, C., Coles, T., Feinberg, J., & Newton, H. (2021). The surveillance tentacles of the child welfare system. *Columbia Journal of Race and Law*, 11(3).

<https://doi.org/10.52214/cjrl.v11i3.8743>

Billingsley, A., & Giovannoni, J. M. (1972). *Children of the Storm: Black Children and American Child Welfare*. Houghton Mifflin Harcourt P.

Braga, D. (2022, November 7). *1 in 4 U.S. parents have struggled to afford food or housing*. *One-in-four U.S. parents say they've struggled to afford food or housing in the past year in past year*. Pew Research Center.

<https://www.pewresearch.org/short-reads/2022/12/07/one-in-four-u-s-parents-say-theyve-struggled-to-afford-food-or-housing-in-the-past-year/>

- Braunold, J. (2023). Why 1962 matters in the history of clinicians' responses to abused and neglected children. *The AMA Journal of Ethics*, 25(2), E148-152.
<https://doi.org/10.1001/amajethics.2023.148>
- Chandler, C. E., Austin, A. E., & Shanahan, M. E. (2022, April 23). *Association of housing stress with child maltreatment: A systematic review*.
<https://pmc.ncbi.nlm.nih.gov/articles/PMC7855012/>
- Chasnoff, I. J., Landress, H. J., & Barrett, M. E. (1990). The Prevalence of Illicit-Drug or Alcohol Use during Pregnancy and Discrepancies in Mandatory Reporting in Pinellas County, Florida. *New England Journal of Medicine*, 322(17), 1202–1206.
<https://doi.org/10.1056/nejm199004263221706>
- Child Maltreatment 2019*. (2024, June 30). The Administration for Children and Families.
<https://acf.gov/cb/report/child-maltreatment-2019>
- Children's Rights, JMACforFamilies, & Burton, A. O. (2025). *Welfare and Control: The U.S. Child Welfare System: Response to the Special Rapporteur on Extreme Poverty and Human Rights on Thematic Report to the UN General Assembly*.
<https://www.childrensrights.org/wp-content/uploads/2025/02/2025-UN-Report-Welfare-and-Control-The-U.S.-Child-Welfare-System.pdf>
- Crenshaw, K. (1991). Mapping the margins: intersectionality, identity politics, and violence against women of color. In *Stanford Law Review* (Vols. 43–43, Issue 6, pp. 1241–1299). Stanford Law Review.
<https://blogs.law.columbia.edu/critique1313/files/2020/02/1229039.pdf>

- Davis, A. P. (2014, September 14). *Park Slope Moms' Advice to Kate Middleton: Smoke a Little Pot*. The Cut.
<https://www.thecut.com/2014/09/park-slope-moms-to-k-mid-smoke-a-little-pot.html>
- Derezotes, D., Testa, M. F., & Poertner, J. (2005). *Race matters in child welfare : the overrepresentation of African American children in the system*. CWLA Press.
<https://archive.org/details/racemattersinchi0000unse>
- Doyle, J. J. (2007). Child Protection and Child Outcomes: Measuring the effects of foster care. *American Economic Review*, 97(5), 1583–1610. <https://doi.org/10.1257/aer.97.5.1583>
- Doyle, J. J. (2011). Causal effects of foster care: An instrumental-variables approach. *Children and Youth Services Review*, 35(7), 1143–1151.
<https://doi.org/10.1016/j.childyouth.2011.03.014>
- Drake, B., Jolley, J. M., Lanier, P., Fluke, J., Barth, R. P., & Jonson-Reid, M. (2011). Racial Bias in Child Protection? A comparison of competing explanations using national data. *PEDIATRICS*, 127(3), 471–478. <https://doi.org/10.1542/peds.2010-1710>
- Duda, J. (2017, November 10). *Towards the horizon of abolition: A conversation with Mariame Kaba*. TransformHarm.org.
https://transformharm.org/ab_resource/towards-the-horizon-of-abolition-a-conversation-with-mariame-kaba/
- Floyd, I., Pavetti, L., Meyer, L., Safawi, A., Schott, L., Bellew, E., & Magnus, A. (2021, August 4). *TANF Policies Reflect Racist Legacy of Cash Assistance: Reimagined Program Should Center Black Mothers*. Center on Budget and Policy Priorities.
<https://www.cbpp.org/research/income-security/tanf-policies-reflect-racist-legacy-of-cash-assistance>

- Fong, K. (2019). Concealment and Constraint: Child Protective Services Fears and Poor Mothers' Institutional Engagement. *Social Forces*, 97(4), 1785–1810.
<https://doi.org/10.1093/sf/soy093>
- Fong, K. (2020). Getting eyes in the home: child protective services investigations and state surveillance of family life. *American Sociological Review*, 85(4), 610–638.
<https://doi.org/10.1177/0003122420938460>
- Fry, L. (2020, February 1). “There’s zero evidence that it’s worse for children”: parenting in a polyamorous relationship. *The Guardian*.
<https://www.theguardian.com/lifeandstyle/2020/feb/01/zero-evidence-worse-for-children-parenting-in-polyamorous-relationship>
- Golani, M. (2025, June 25). *Hotline calls - NYC Family Policy Project*. NYC Family Policy Project - FPP Is a Research and Policy Analysis Organization That Works From the Perspective That Child Welfare Involvement Emerges as a Symptom When Communities Are Under Stress and Duress.
<https://familypolicynyc.org/data-brief/hotline-calls-2023/#:~:text=In%202023%2C%201%20in%2020,%2C%20just%2010%25%20were%20substantiated.>
- Harp, K. L., & Oser, C. B. (2016). Factors associated with two types of child custody loss among a sample of African American mothers: A novel approach. *Social Science Research*, 60, 283–296. <https://doi.org/10.1016/j.ssresearch.2016.06.007>
- Hillyard, M. (2024). LGBTQ+ drug and alcohol use: discrimination breeds disparity. *British Journal of General Practice*, 74(745), 344–345. <https://doi.org/10.3399/bjgp24x738813>
- Joslin, C. G., & Sakimura, C. (2022, November). *Fractured Families: LGBTQ people and the family Regulation System — California Law Review*. California Law Review.

<https://www.californialawreview.org/online/fractured-families-lgbtq-people-and-the-family-regulation-system>

Just Making a Change for Families. (n.d.). *Know your rights*. JMACforFamilies.

<https://jmacforfamilies.org/plan>

Killough, A. (2022, March 10). *Texas confirms 9 investigations of transgender minors receiving gender-affirming health care*. CNN.

<https://www.cnn.com/2022/03/10/us/texas-nine-investigations-transgender-minors>

Kim, H., Wildeman, C., Jonson-Reid, M., & Drake, B. (2016). Lifetime prevalence of investigating child maltreatment among US children. *American Journal of Public Health, 107*(2), 274–280. <https://doi.org/10.2105/ajph.2016.303545>

Klevens, J., Barnett, S. B. L., Florence, C., & Moore, D. (2015). Exploring policies for the reduction of child physical abuse and neglect. *Child Abuse & Neglect, 40*, 1–11.

<https://doi.org/10.1016/j.chiabu.2014.07.013>

Klosterboer, B. (2023, February 23). Texas' attempt to tear parents and trans youth apart, one year later | ACLU. *American Civil Liberties Union*.

<https://www.aclu.org/news/lgbtq-rights/texas-attempt-to-tear-parents-and-trans-youth-apart-one-year-later>

Lawrence, C. R., Carlson, E. A., & Egeland, B. (2006). The impact of foster care on development. *Development and Psychopathology, 18*(01), 57–76.

<https://doi.org/10.1017/s0954579406060044>

Lehrer-Small, A. (2022, October 6). Exclusive Data: Educators' 'Careless' Child Abuse Reports Devastate Thousands of NYC Families. *The 74 Million*.

<https://www.the74million.org/article/exclusive-data-educators-careless-child-abuse-reports-devastate-thousands-of-nyc-families/>

Linman, A. (2017). Don Lasch: “When the Welfare People Come:” Race and class in the US child protection system. *Journal of Youth and Adolescence*, 46(11), 2358–2360.

<https://doi.org/10.1007/s10964-017-0770-9>

McGowan, G. (2024). “We’re not giving this child back to lesbians.” *Columbia Journal of Gender and Law*, 44(3). <https://doi.org/10.52214/cjgl.v44i3.12985>

Méndez, K. (n.d.). *Mothering as Resistance: The Legacy of Johnnie Tillmon*. Black Women Radicals.

<https://www.blackwomenradicals.com/blog-feed/mothering-as-resistance-the-legacy-of-johnnie-tillmon>

Merritt, D. H. (2021, September 1). *Documenting experiences and interactions with Child Protective Services*. <https://pmc.ncbi.nlm.nih.gov/articles/PMC10701339/>

Minoff, E., & Citrin, A. (2022, March 2). *Systemically Neglected: How racism Structures public systems to produce child Neglect - Center for the Study of Social Policy*. Center for the Study of Social Policy. <https://cssp.org/resource/systemically-neglected/>

New York Advisory Committee to the U.S. Commission on Civil Rights. (2024). *Examining the New York child welfare system and its impact on Black children and families*.

<https://www.usccr.gov/files/2024-05/ny-child-welfare-system-sac-report.pdf>

New York State Assembly. (2023, September 27). *Assembly Public hearing on the child welfare system and the mandatory reporting of child abuse or maltreatment in New York State*.

https://nystateassembly.granicus.com/player/clip/7735?view_id=8&redirect=true

NYCLU. (2023, June 20). *Racism at every stage: Data shows how NYC's Administration for Children's Services discriminates against Black and Brown families - NYCLU.*

<https://www.nyclu.org/report/racism-every-stage-data-shows-how-nycs-administration-childrens-services-discriminates>

NYCLU. (2024, December 2). *Racism at every stage: Data shows how NYC's Administration for Children's Services discriminates against Black and Brown families - NYCLU.*

<https://www.nyclu.org/report/racism-every-stage-data-shows-how-nycs-administration-childrens-services-discriminates>

Office of Inspector General. (2024). Many states lack information to monitor maltreatment in residential facilities for children in foster care. In *Department of Health and Human Services* (OEI-07-22-00530). Department of Health and Human Services.

<https://oig.hhs.gov/reports/all/2024/many-states-lack-information-to-monitor-maltreatment-in-residential-facilities-for-children-in-foster-care/>

Office of the Texas Governor. (2022, February 22). *Governor Abbott directs DFPS to investigate Gender-Transitioning procedures as child abuse.* Office of the Texas Governor | Greg Abbott.

<https://gov.texas.gov/news/post/governor-abbott-directs-dfps-to-investigate-gender-transitioning-procedures-as-child-abuse>

Ortega, B. (2017, June 4). A horrifying journey through Arizona foster care, and why we don't know how many more children may be abused. *The Arizona Republic.*

<https://www.azcentral.com/story/news/local/arizona-investigations/2017/06/04/arizona-foster-care-child-abuse/362836001/?gnt-cfr=1&gca-cat=p&gca-uir=false&gca-epi=z1176xxe1176xxv000094&gca-ft=173&gca-ds=sophi>

- Pimentel, D. (2019). Punishing families for being poor: How child protection interventions threaten the right to parent while impoverished. *University of Oklahoma College of Law - Digital Commons (University of Oklahoma)*, 71(3), 885.
<https://digitalcommons.law.ou.edu/olr/vol71/iss3/5>
- Polikoff, N. D. (2018). Neglected lesbian mothers. *Family Law Quarterly*, 52(87).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3407307
- Roberts, D. (2002). *Shattered bonds: The Color Of Child Welfare*. Civitas Books.
- Roberts, D. (2022). *Torn apart: How the Child Welfare System Destroys Black Families--And How Abolition Can Build a Safer World*.
- Salazar, E. (2006). It's OK to Need Support. *Rise Magazine*.
https://www.risemagazine.org/wp-content/uploads/2015/07/Rise_issue_3.pdf
- Shannon Perez-Darby. (2026, February 6). *Mandated Reporting Harm Reduction: Balancing Risk Assessment Tool webinar* [Video]. YouTube.
<https://www.youtube.com/watch?v=-rQ3qJroDBQ>
- Sheff, E. A. (2015, October 2). Fear of Damage to Children in Polyamorous Families: Answering a worried mother's question. *Psychology Today*.
<https://www.psychologytoday.com/us/blog/the-polyamorists-next-door/201510/fear-damage-children-in-polyamorous-families>
- Shrivastava, A., & Patel, U. (2023). Research Reinforces: Providing Cash to Families in Poverty Reduces Risk of Family Involvement in Child Welfare. In *Center on Budget and Policy Priorities*.
<https://www.cbpp.org/research/income-security/research-reinforces-providing-cash-to-families-in-poverty-reduces-risk-of>

Social Services Law § 413. (n.d.). New York State Senate.

<https://www.nysenate.gov/legislation/laws/SOS/413>

Sosin, K. (2022, March 11). *This Texas family is being investigated because their child is trans:*

“I don’t know where it’s safe.” PBS News.

<https://www.pbs.org/newshour/nation/this-texas-family-is-being-investigated-because-their-child-is-trans-i-dont-know-where-its-safe>

The Bronx Defenders. (2020). *‘This Wound Is Still Fresh’: Stories of Family Survival in the Face of the Administration for Children’s Services Racism.*

<https://www.bronxdefenders.org/wp-content/uploads/2025/06/ACS-racism-report-FINAL.pdf>.

The Justice Beyond Punishment Collaborative. (2024). Freedom for All: Why and how to avoid hierarchical messages in our efforts to end carceral punishment. In *The Justice Beyond Punishment Campaign*.

<https://static1.squarespace.com/static/648775e9421c997635d54ddb/t/660b00a4c6839b0b8b6e2e7f/1711997094081/JBPC+Zine+Final+Spread.pdf>

The Problem With Punishment. (2025, July 2). *ep 4: The Problem with Punishing Parents — Justice Beyond Punishment*. Justice Beyond Punishment.

<https://www.beyondpunishment.org/problem-with-punishment/ep4-punishing-parents>

Tillmon, J. (2021, March 25). *Welfare Is a Women’s Issue (Spring 1972)*. Ms. Magazine.

<https://msmagazine.com/2021/03/25/welfare-is-a-womens-issue-ms-magazine-spring-1972/>

- Tullberg, E., & Vaughn, W. (2024). Examining the role of the parent-caseworker relationship in child maltreatment decision-making. *Journal of Public Child Welfare, 19*(4), 795–814.
<https://doi.org/10.1080/15548732.2024.2366940>
- Wallace, A., Fradkin, A., Buxton, M., & Henriques-Payne, S. (2020). *Racial Equity Participatory Action Research & System Audit: Findings and Opportunities*. National Innovation Service.
<https://int.nyt.com/data/documenttools/draft-report-of-nyc-administration-for-children-s-services-racial-equity-survey/fc3e7ced070e17a4/full.pdf>
- Washington, A. (2025). Biomedical surveillance in the child welfare system. In *Just Tech*. Social Science Research Council. <https://doi.org/10.35650/jt.3090.d.2025>
- Webb, M. (2022). Building a guaranteed income to end the “Child welfare” system. *Columbia Journal of Race and Law, 12*(1). <https://doi.org/10.52214/cjrl.v12i1.9944>
- Wexler, R. (2017, September 20). *Abuse in Foster Care: Research vs. the Child Welfare System’s Alternative Facts*. Youth Today.
<https://youthtoday.org/2017/09/abuse-in-foster-care-research-vs-the-child-welfare-system-s-alternative-facts/>
- Wilson, B. D. M., Bouton, L. J. A., Badgett, M. V. L., & Macklin, M. L. (2023, February). *LGBT poverty in the United States*. Williams Institute.
<https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>
- Wilson, B. D. M., Gomez, A.-G. H., Sadat, M., Choi, S. K., & Badgett, M. V. L. (2020). *Pathways into Poverty: Lived Experiences Among LGBTQ People*. UCLA School of Law Williams Institute.

[https://williamsinstitute.law.ucla.edu/wp-content/uploads/Pathways-Overview-Sep-2020.](https://williamsinstitute.law.ucla.edu/wp-content/uploads/Pathways-Overview-Sep-2020)

pdf