The Purpose of Upstream

Upstream is a community-based approach that leverages judicial resources, court leadership, child welfare agency partnership, and state, local, and community stakeholder engagement to collaboratively develop a plan of action that aims to strengthen communities, prevent child maltreatment and out-of-home placement, reduce court involvement, and support safe and healthy families. The Upstream framework is grounded in a prevention mindset with the ultimate goal of providing every family the community-based supports they need to have safe and healthy outcomes.

Disparate Outcomes for Children and Families in the Child Welfare System

For decades, disparities have been identified at every decision-making point in the child welfare system from initial reports, acceptance of reports for investigation, substantiation of maltreatment, entries into foster care, and exits from care. Black families are overrepresented in reports of suspected maltreatment and are subjected to child protective services investigations at higher rates than other families. Further, Black, American Indian, and Alaska Native children are at greater risk than other children of being confirmed for maltreatment and placed in out-of-home care.[1]

Black and Native American children are much less likely to reunify with their parents than white children.[2] Native American and Alaska Native children are 2.7 times more likely than White children to ever experience the termination of both parents'

rights, and African American children are 2.4 times more likely than White children to experience the termination of parental rights. These differences vary dramatically across the states due to local practices, norms, and resources.[3]
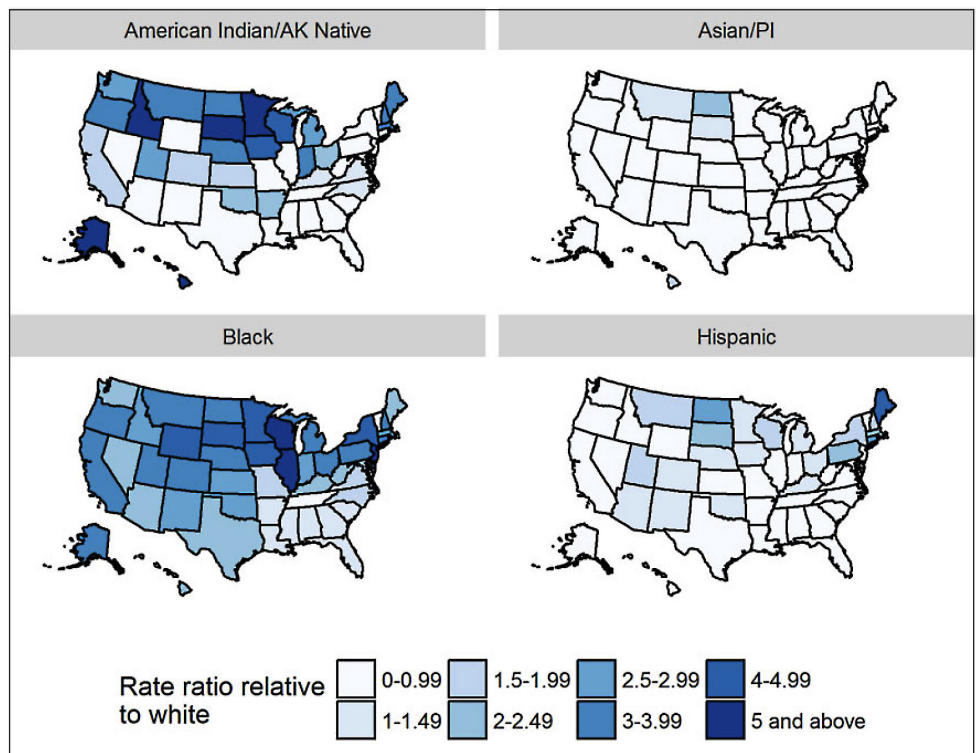

Figure 1. Inequality in Cumulative Prevalence of Termination of Both Parents' Rights by Race/Ethnicity Relative to White Children, 2000–2016 Synthetic Cohort.

Concentrated poverty, accumulating risk factors, surveillance bias, and biased decision-making are identified as intersecting factors that contribute to disproportionate representation and disparate outcomes for children and families of color. Underlying each of these factors is the legacy of structural and institutional racism, which shapes and permeates society, institutional policies, social dynamics, and economic conditions.

As structural racism, external to and within the child welfare system, continues to come into focus, local child and family-serving systems are grappling to understand the factors that contribute to disproportionality and disparities and how to engage the community and cross-systems partners to identify local solutions.

Families, Poverty, and Systemic Racism

Children in households with low socioeconomic status experience neglect at about seven times the rate of other children. In some circumstances, poverty is construed as neglect, such as when housing is inadequate. In other situations, poverty is a direct contributor to child endangerment, as it compounds parental stress.[4] Poverty and economic instability cross all race and ethnic groups and are driving forces of disparate access to resources, especially for families of color.

Black, Native American, Alaska Native, and Latino/Hispanic communities often face economic hardship, increased poverty, overlapping social vulnerabilities, and a lack of community services and opportunities. These factors affect individual and family functioning, increase risk of child maltreatment, and limit individuals' and communities' ability to respond effectively.

Systemic Racism and Child Welfare Decision-Making and Programming

Due to a lack of uniform state policies to define, report, investigate, and substantiate allegations of child maltreatment, local practice varies. From jurisdiction to jurisdiction, families can have drastically different experiences in the child welfare system, especially families of color.

Families of color are more likely than white families to be reported to the child welfare system by professionals who are mandated reporters. Once a family becomes involved with the child welfare system, decisions can be clouded by unconscious and conscious bias and racialized beliefs about parenting norms, poverty, and neglect. Even when jurisdictions use actuarial predictive risk tools and/or standardized assessments with the intent of removing subjectivity, race inherently plays a major role.

The integrity of the data collected and analyzed by child protection workers while investigating allegations of child maltreatment and assessing risk can be undermined by subjective opinions and clinical judgments influenced by structural racism. The importance of collecting quality and objective data at each decision-making point cannot be understated.

Using Upstream to Address Racial Bias, Disproportionality, and Outcome Disparities

Communities can apply the Upstream framework to address racial bias, disproportionality, and disparate outcomes for children and families of color. Some specific strategies include:

1. **Examine Data for Disparate Outcomes.**
   As part of the Upstream mapping process, communities are encouraged to examine all key points of prevention and intervention by variables such as race, ethnicity, socioeconomic status, and neighborhood to identify the existence of disparity.

Further, local outcomes for children and families served by the child welfare system are also examined by race, ethnicity, socioeconomic status, and neighborhood. This informs critical conversations about local manifestations of systemic racism and implicit biases across systems and pinpoints opportunities to address them.

2. **Integrate Voices of Families with Diverse Backgrounds and Experiences in all Aspects of Upstream.** Excluding diversity in the Upstream process reinforces, reproduces, and repeats existing narratives that pathologize race, poverty, and class. The result is a narrow focus on behavioral-based interventions that do not remediate the structural factors that limit access to supports, services, and safety nets that families and communities need.

   When the voices of community members, including those who have experienced the child welfare system, are included in the Upstream process, action plans are informed by a more complete picture of family and community resilience and knowledge of the structural barriers that keep families and communities from thriving. (For more information on involving persons with lived child welfare experience in Upstream, see The Value of Including Persons with Lived Experience.)

   To effectively engage community members, child and family-serving systems must build trust. Community members may be hesitant to engage in systems improvement efforts if they have had negative experiences with system actors or if they do not understand how a system works. Trust can only be built with time, compassion, and authentic connections. Intentionally investing the time to develop trusting connections at the beginning of systems improvement efforts yields worthwhile results.

3. **Infuse diversity, equity, and inclusion through all Upstream work.** There is a temptation to avoid difficult discussions around diversity, equity, and inclusion by only focusing on the data. While examining data is critical to understanding the community, change happens when the discussion extends beyond data to the impacts and structural causes of the disparity. Upstream incorporates multiple ways to infuse a diversity, equity, and inclusion lens – from considering the composition of the team members to discussing the accessibility of services for populations who have been marginalized.

4. **Align Upstream Work with Existing Efforts and Partners.** As part of the Upstream process, courts should consider developing structures and strategies to develop or strengthen partnerships with other groups who are working on achieving equity. Being aware of ongoing initiatives within communities to advance equity may help generate connections to the needs and opportunities identified through the Upstream process. These partnerships could serve to improve awareness and relationships adding to the strength of the Upstream process.

Conclusion

Families of color often experience limited access to resources and worse outcomes due to a variety of social and structural factors. Upstream directly addresses these disparities through community mapping and by identifying opportunities for all families to directly access needed supports and services. Through intentional engagement of diverse voices throughout the effort and directly examining and addressing system disproportionality and disparities, those who participate in Upstream can begin to cultivate a community where every family thrives.

ENDNOTES

[1] Child Welfare Practice to Address Racial Disproportionality and Disparity. Child Welfare Information Gateway, U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, (2021) https://www.childwelfare.gov/pubpdfs/racial_disproportionality.pdf

[2] Wildeman, Christopher, et al. "The Cumulative Prevalence of Termination of Parental Rights for U.S. Children, 2000–2016." Child Maltreatment, vol. 25, no. 1, (2020), pp. 32–42. https://journals.sagepub.com/doi/10.1177/1077559519848499

[3] Id.

[4] The Link Between Poverty and Child Maltreatment, https://www.asecondchance-kinship.com/the-link-between-poverty-and-child-maltreatment/

RESOURCES

Disproportionality Rates for Children of Color in Foster Care Dashboard (2010-2020). National Council of Juvenile and Family Court Judges (2022). http://www.ncjj.org/AFCARS/Disproportionality_Dashboard.asp

Race Equity Hub. National Association of Counsel for Children (NACC). https://www.naccchildlaw.org/page/race-equity-hub

Racial Equity Resources for Child Welfare Systems. Child Welfare Information Gateway, U.S. Department of Health and Human Services, Administration for Children and Families. https://www.childwelfare.gov/topics/systemwide/diverse-populations/racialequity-systems/

UPSTREAM

Strengthening Children and Families through Prevention and Intervention Strategies:
A COURT AND COMMUNITY-BASED APPROACH