Abolish the Family Policing System ("Child Welfare") – Joyce McMillan and Victoria, MSW
Episode 51
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Shimon Cohen:

Welcome to Doin' The Work: Frontline Stories of Social Change, where we bring you stories of real people working to address real issues. I am your host, Shimon Cohen.

Shimon Cohen:

In this episode, I talk with Joyce McMillan and Victoria about the family policing system, also known as the child welfare system. Joyce is a parent, activist, and community organizer who is focused on systems abolition. She is the Founder and Executive Director of JMac for Families and Parent Legislative Action Network. Victoria is a PhD candidate at UCLA Social Welfare, policy analyst, and here for the abolition of all carceral systems, organizing with Cops Off Campus Coalition, Let's Get Free LA Coalition, and Stop LAPD Spying Coalition. We talk about the need to abolish the family policing system. Joyce and Victoria explain why they call this system the family policing system, drawing parallels to how prison and carceral systems function. They talk about how much of family policing is an attack on families in poverty – the majority of neglect reports are actually for situations due to poverty and have nothing to do with someone's ability to parent. They talk about how the family policing system disproportionately harms Black, Brown, and Indigenous families, and how there is a history of racist social control in the creation of this system and its present-day operation, including predictive analytics and mandatory reporting. Joyce discusses how families do not know their rights, are not given warnings of their rights, and her work on Miranda rights for parents. Victoria talks about how the family policing system is part of the larger carceral system of surveillance and how families are caught up in this system. Both discuss how we could be supporting families rather than separating them. And yes, we talk about so-called "color-blind" removals. Joyce and Victoria share how they got into this work, with Joyce sharing how her children were removed and she fought to get them back, and Victoria sharing about her father being in kinship care and her work with youth involved in the system. I hope this conversation inspires you to action.

Shimon Cohen:

Before we get into the interview, I want to let you all know about our episode's sponsor, the University of Houston Graduate College of Social Work. First off, I want to thank them for sponsoring the podcast. UH has a phenomenal social work program that offers face-to-face master's and doctorate degrees, as well as an online and hybrid MSW. They offer one of the country's only Political Social Work programs and an Abolitionist Focused Learning Opportunity. Located in the heart of Houston, the program is guided by their bold vision to achieve social, racial, economic, and political justice, local to global. In the classroom and through research, they are committed to challenging systems and reimagining ways to achieve justice and liberation. In 2022, they will continue their ongoing series, Eyes On Abolition, that explores abolition as practice and as a critical framework to bring about change, and invite you to join them in April when they host Becoming Abolitionists author, Derecka Purnell. Go to www.uh.edu/socialwork to learn more. And now, the interview.

Shimon Cohen:

Hi, Joyce. Hi, Victoria. Thank you so much for coming on the podcast. I am so excited to have this really important conversation with both of you. I just want to start out by asking you what you both do.

Joyce McMillan:

Okay. What I do... Thank you for having me, Shimon, and this is Joyce speaking. What I do is organize around the family policing system, working hard to abolish it. I do legislative work to decrease the interactions that families will have with them and to prevent CPS from coming into people's lives for reasons related to poverty that they frame as neglect.

Victoria:

Yeah, thanks for having me here on this podcast. Super excited to be here in conversation with Joyce as always. I am currently working as a policy analyst. I'm working on just looking at how surveillance is used in different systems, so that includes the family policing system and all also the criminal injustice system. I'm also a PhD candidate in social welfare, so that means that I am currently doing a lot of research, which primarily focuses on how the family policing system surveils families, specifically in Los Angeles. I've been working with some others in Skid Row with Stop LAPD Spying Coalition, trying to understand the impacts of that surveillance and how we can move away from utilizing the family policing system.

Shimon Cohen:

Thank you both for sharing that. Let's just jump right in with a question on why do you call, what historically the system would call, the child welfare system? Why do you call it the family policing system?

Joyce McMillan:

I call it the family policing system because they police families, plain and simple. That's what they do. They come to your home, they search your home, they strip search your children. They sometimes remove your children. All of these things happen without you knowing your rights, without a court order being present, entering people's home. Even though the Fourth Amendment exists, they act like it does not exist. There's no rights read, and they just create havoc. They don't support families. They just surveillance families. Surveillance is not support. Poverty's not neglect. They police families because if you're not supporting families, what else are you doing in their lives?

Victoria:

Yeah, absolutely. I love that answer. I think some people might think that this is just a play on words. And so, they don't really see usefulness in trying to switch our vocabulary or be intentional about our language. But I remember having a very interesting conversation with Dorothy Roberts, of course, who is just a pioneer in so much of this work, and Brianna Harvey at UCLA. We were really just trying to talk about what does child welfare... What does using the word child welfare do in terms of rendering so many people's experiences just invisible? And so, even with using the word like family regulation, it does do a certain job in terms of shifting the narrative, but also, when you're talking about regulation, it's not getting to the deep criminalization that happens within family policing.

Victoria:

It doesn't talk about the differences in how families are being objectified, commodified, and funneled into all of these other punishment systems. And so, when we're using regulation, we're missing those very important factors that are harming Black and Brown communities. And so, when you're using family policing, you're being very intentional about calling out all of the things that Joyce just listed. It's the surveillance. It's the criminalization. It's the shattering of familial and community bonds for

generations. That is policing. That's not regulating, that's policing. Yeah, I think it's just really important for us to pay attention to the language that we're using when we're describing these sorts of systems.

Joyce McMillan:

And more importantly, I would be remissed if I didn't even start the conversation off by saying this. Some people refer to it as a pipeline to prison, from foster care to prison pipeline, but it's not a pipeline. It's a prerequisite, it's a conditioning, and it is a training. Don't make a mistake about that. Here's the reason why I can so confidently say that. Because both children and prisoners are strip searched. Both are separated from everything and everyone they know and love. Both eat what they are served. Both have set visit times on set visit days. Both have oversight during the visit. Both change locations regularly. Both use garbage bags or pillow cases to change locations. Both, if they're lucky enough to come back, and this is in lieu of time, I'm not going to go through the whole long list, but if they're lucky to go back to where they originated, they're paroled there.

Joyce McMillan:

Both systems utilize the same language. And during the parole period, they both have oversight and they can both be re-separated from their loved ones for any minute reason that does not rise to the level of anything criminal. A very large percentage, the overwhelming percentage of children who spend time in foster care, will end up incarcerated. Why did we name a system CPS, Child Protection Services, when the only thing they protect children from is success? We know that they're pipe-lining them into prison to be policed on a whole other level, is because they started policing them initially through the foster care system. They started policing their families until they were able to separate them.

Joyce McMillan:

And then, they policed them and treated them like prisoners under the guise of protection. Any system built to protect children should in no way resemble the same system built purposefully to punish adults. And so, it's not by accident, especially when you look at the Thirteenth Amendment where the only way to have slaves in this country is through what? The Thirteenth Amendment. And now, we're preparing children to be that next generation of what? Slaves. It's a backdoor slave mechanism.

Shimon Cohen:

I'm so glad you said that. I was actually going to... As you were talking, I was to thinking I need to ask you to get into the origins of family separation. There was a lot a few years ago with images at the border and a lot about family separation, and I know that a lot of people are like, hey, there's family separation been going on in this country a long time. This is not a new phenomenon, so if you could get into when did the original family separation occur in this country.

Joyce McMillan:

The original family separation came from the moment they brought us here. We were separated from our families when we were put on that boat, that ship, to come to America. We were separated from our families, but then they also sold us on plantations. They took note to our bodies when we were on that plantation. They judged us based on how tall we were, how thick we were, how muscular we were. It's the same thing that they do now. They use things called predictive analytics to say who's more likely to fail.

Joyce McMillan:

They don't use these predictive analytics to say, we're going to put safety mechanisms in place. No type of safeguards. They say if you're not reading on grade level by the third or fourth grade, they're building a prison for you. They're predicting that you will end up in prison because you won't have legal work to sustain yourself. But they don't in turn say, I'm going to build an after school program. I'm going to build something that provides support. There is no support. There is only surveillance, and they prepare for your incarceration. That's why they will build a prison instead of an after school or reading program.

Victoria:

Yeah. Yeah, absolutely. I think that when we think about family separation, there's so much I could say about this. Of course, like what Joyce just said, slavery, that was the main way that they separated our family. They didn't even deem us a family or worthy of having a family. Our ability to even have autonomous familial bonds didn't exist. It was not thought of. It did not exist unless it was under the guise or the purpose of commodification for producing capital. We were capital and we produced capital, so the only reason they would ever keep us together was to do those things. And so, with that, you also have our arrival in the new Americas based on the erasure, violent erasure, of Indigenous families as well.

Victoria:

As you're seeing our families being separated, you're also seeing Indigenous families being violently separated. These are both active genocide with Black communities, Indigenous communities occurring. The system is literally predicated on the suffering of Black and Indigenous communities that date back to slavery, that date back to colonialism and the discovery of this new America. And so, in addition to all of those egregious things happening, you see the origins of the actual foster care and child welfare system as an institution also stemming from this need to save children, and also to create these hierarchies that we still see today. When you're thinking about orphan trains that were occurring, that is basically what set up our current system that we have now. That was a way to move poor children, separate poor children, from their families and move them to a different segment of the country to produce labor.

Victoria:

This is all... The origins of our system are based on capitalism, based on racism, anti-Blackness and Indigenous genocide. For us to think that the foundations of this system is anything different than that is really just awful and is what has been taught to us in these different systems. We don't learn this history, and that's part of the reason the child welfare system, and I say child welfare system because that's what we're taught in these programs, social work programs, that's the reason it's been able to get away with so many of its tactics because people don't know this history and they're not connecting the dots.

Shimon Cohen:

I think tracing the roots are so important. I am so glad you both just did that, and that the term child welfare, it makes it sound like it's for the benefit of the children. And so, whenever there's a critique about it, it's like, but what about the kids? And so, let's talk about the kids. What does the family policing system actually do to children and families? Let's get into some of that, which I know you've already started talking about, but if we could go a little bit more into it.

Joyce McMillan:

First of all, all of the naysayers, I want to say, yes, there are children who will need the support of a system. Maybe we would actually be able to render that support if we only focused on those children. But the fact of the matter is roughly 85% of children who are separated from their families are separated for reasons related to poverty, lack, that's framed to be neglect. If we focused on children who were being abused, because when you hear system folk talk about the family policing system and they find these soft names like child welfare system and child protection system, and then they say abuse and neglect, that thread right there makes it sounds like it's a system that cares about the welfare of the child and they're there to protect the welfare of that child. Neither is true because the most horrible things happen to children when they enter that system.

Joyce McMillan:

There's no one there to protect them. As I said earlier, the visits that a parent will have with their child is supervised. You're not allowed to talk about your case. If a child starts telling their parent what's happening to them, then something else happens and they're afraid to then tell you what's happening. When they tell people within the system, they don't believe them. It's not that they don't really believe them. They say they don't believe them so that they can ignore it. But we take children away from their homes to put them in places where they're being abused, and we take them for little simple, small, nothing reasons. No matter what the child says or don't say, they believe them. But when they get into the system and say these things are happening, suddenly that child is a liar.

Joyce McMillan:

And so, children are raped, beaten, emotionally abused, mentally abused. Some children go without food, without clothing, all types of stuff happen. They drop out of school. They fail out of school. No one's checking their homework, and parents are being alienated during this whole process. And as far as the visits, people say they do get to see their kids. Let me explain. Most visits happen once a week for two hours. If you do the math on that, that only equates to four days out the year. How can you bond or maintain a bond with your child, seeing them four days out of the year? And reminding you, that's where we start. Things happen, so the visits are not consistent as they should be.

Victoria:

That's such a good point. I just have to stop there really quick. That's such a good point because if you talk to people, just on visitation alone, number one, visitation is often, in my case, with people I have worked with and who I've spoken to in grad school because I worked with youth who were involved in the child welfare and juvenile justice systems prior to going to grad school. And so, that's where I got my first experiences, but just going to court with youth was awful. It was a horrible experience. The courts are violent. They don't care about children. They don't care about children at all or their families, I would just say that. But even visitation alone, it gets dangled in front of parents face for good behavior. Just literally mirroring the criminal legal system.

Victoria:

If you are not involving in risky behaviors or if I trust that you're safe and I believe that you're doing well in these classes that we're forcing you to take, then you can see your child, or they'll just put a bunch of barriers up. I spoke with a bunch of mothers in Los Angeles, and I don't know if listeners will know about Los Angeles, but I had a mother who literally had to drive or had to find a way from Riverside to Compton to see their child once a week. That is, on a good day, a two hour drive. On a good day. It's just

like, if people don't even have the means to get from point A to B in their own city, how are they supposed to make a two hour drive just to see their child?

Victoria:

The only reason this mother was in Riverside was because DCFS was not helping her secure housing locally. Even just visitation alone, it's like we can't even get to the point where we have frequent visitation. That's only the tip of the iceberg about how the system literally just incites violence on families. For me, we have to really deconstruct what child protection means in the system. When we're talking about child protection, we have to question what are we protecting children from? Is it anti-Blackness? No. Is it racism? No. Classism? No. Homophobia? No. It's literally none of these things. We're protecting children from their parents. That's what the child welfare system does, family policing system does. It protects children from their parents or caregivers who are presumably causing harm to them, so in that itself, is harmful.

Victoria:

It will never not be harmful because that's literally the goal of the system, is to protect the children from their parents or the caregivers based on these discretionary standards that they have set based on CAPTA, which is the federal regulation that is passed down to the states and the counties. One, that's a way that they incite harm. Two, all of the things Joyce said. And because of the policing and criminalization, the controlling of families' narratives, the controlling of their visitation rights, the controlling of their ability to just move and live freely in the society, you end up with generations of harm. You have families who literally can not exit out of the system because the system literally is predicated on these historical... They're a historical presence in the system. If you're looking at these predictive risk assessment tools or these decision making processes within child welfare, all of it's based on if the child and their family have been in the system before. How are you going to exit the system?

Victoria:

There's no way to exit the system because we don't have mechanisms of protecting families from, one, their data being collected in the first place, two, it being used against them in the future, and three, protecting them from being under the system's eye in the first place. It's really just this cycle of terror that families are caught up in for generations. My dad was in the system. If I ever run into the system, that's immediately going to be a red flag because that is adding to the risk score that people have thought is a viable solution to protecting children in the system. It harms families in so many ways, and it's really hard to track down at this point because they've just extended into so many other systems. We're talking about schools, we're talking about medical systems and the criminal legal system. They have their arms in every one of these systems. It's really hard to just be like, we can just reform our way out of this. It's not going to work. It's not going to work.

Joyce McMillan:

You can't reform your way out of it. It's like a very thin gold chain. You ever have a little thin gold chain, and you throw it in a drawer or somewhere and it gets tangled up and you just cannot untangle it? Whereas if you take a bike chain that's big, thick and heavy, you can leave it for five years and you come back and it's not tangled. The system is that little skinny chain that's completely tangled that you can't unravel it. Therefore, it must be abolished. When she mentioned CAPTA, CAPTA is the federal legislation that houses the mandated reporting idea. Families are under surveillance at all times, and there is no one that a family can reasonably go to and expect to get help without the fear of being reported.

Families have to sit with whatever their concerns are because if I go to a teacher and say, "I don't have enough food at home. Do you know a pantry?", that teacher is mandated to report me to a system that is not going to come and bring food even though the call was made because I didn't have food.

Joyce McMillan:

It doesn't even make sense. They partner with all of these places and people who can report you, but they won't partner with anyone who can provide mutual aid. Where's the partnership with the Pampers company? One of the main items that has no subsidy attached to it that families need to utilize for years. Where's the partnership with Tide for the children who teachers report for their clothes not being clean? Where's the partnership with a babysitting organization? There are none of those partnerships. There are only partnerships with people who will surveil and report, including doctors who stop and frisk people's bodily fluids for the sole purpose of reporting them to a system that won't do anything other than separate them from their child.

Shimon Cohen:

Can you say a little bit more about that, Joyce? The doctors and what you mean by stopping and frisking their bodily fluids?

Joyce McMillan:

When a birthing person is in the prenatal stages or postpartum stages, doctors will blood test them or urine test them for the use of a substance. Keeping in mind, once when crack was out, it was a crime. People went to jail. Kids went to foster care. Everything happened in a very punitive way. But when opiates became an issue, that's when it became a mental health issue because there was a different demographic of people who were being slaughtered by that drug. They started treating it as mental health and they weren't separating families. They were finding resources to keep the families together. Now, you have this birthing parent who goes to give birth to their child and they drug test you without your being informed that you're being tested. There's no medical reason attached to them taking this bodily fluid from you.

Joyce McMillan:

They do it as a blanket thing so that they can report to the child protection services, the family policing. Again, policing your choices. If the fetus has not been harmed, what are we reporting for? And if the fetus has been harmed, we're in the hospital setting. Isn't that the right place to treat someone? You farm us out to this child protection services that does not protect and doesn't have anything in place to support your need to help you with your sobriety if you're abusing, because the use of a drug does not mean abuse of a drug, and a drug test is not a parenting test, so what exactly are we doing? What is the purpose of doing it?

Shimon Cohen:

And how is that even legal, medically not a violation of HIPAA and of someone's rights to not be informed?

Joyce McMillan:

Hey, I say the same thing. We have a piece of legislation here in New York, informed consent, where doctors would have to have a medical reason to take your bodily fluids to test for a substance and would

need a medical reason to take it. They would have to inform you first that they are taking this test and why it's necessary to do it.

Victoria:

Yeah, I think I want to add to that. We're also seeing this happen in mental health as well. It's already bad enough, egregious enough, that this is happening to women when they're having their children. It's also happening in LA County. I was interviewing case workers within the system there, within DCFS, and they were telling me, I was asking them about consent processes for when people are collecting data, sharing their data, et cetera, and many of them, multiple of them, were telling me how there are loopholes with the department of mental health, where case workers are able to just get information from DMH without having to actually consent parents, which is absolutely insane to me.

Victoria:

Case workers themselves have been uncomfortable with it. It's just like, there are so many loopholes that we don't even see. I would not have known that unless I had asked specific questions about, hey, what are the papers parents are having to sign when you're saying you are collecting information for this investigation? Because we know right now, parents do not have legal representation at the point of investigation. They don't. They're not told that they're able to, and they're not given assistance at the point of investigation. You're basically collecting all this data on families to prove that something is happening or disprove, but basically prove that something is happening and you're able to contact these different systems and they're not even aware. So it's just very problematic. There are issues that we're not even discussing and again, people have been able to get away with this because it's all under this guise of child protection. "Well, we could just surpass consent because there's imminent risk, there's reasonable suspicion, there's imminent risk in the family so we could supersede this." And that's not okay.

Joyce McMillan:

And risk is not current, right? Risk is another prediction. It's not something that's current. In most cases they're talking about risk of something, the possibility of something happening and so it's not real. Part of the problem is, when V was talking about the not understanding or how they frame it to be protecting children, we have created a framework that is not a legal framework. There is a legal framework but somehow or another we've come comfortable with the idea of this made up framework of what it means to protect a child. Right now in New York I'm pushing for Miranda rights. The moment that CPS knocks on someone's door to Mirandize them that you have Fourth Amendment rights and you don't have to let them in amongst other things and they're pushing back saying, "Oh no. If we tell people their rights, then children are going to be at risk because families are not going to let us in."

Joyce McMillan:

But guess what? I understand you feel that way but the Fourth Amendment supersedes any other legislation. Any other legislation throughout these 50 states should be built within the framework of the Constitution. The Fourth Amendment is a part of the Constitution so how have they been getting away with coming into people's homes without court orders, without search warrants, searching people's homes and removing their most precious, most precious gift – their child – sometimes to never be reunited because part of the problem is they're not even assessing those families, they're investigating which is why then it spills out to the schools. "Hey what do you know about this family? Have you ever

seen that child dirty? Have you ever seen their hair untidy? Did they ever eat two meals? Do you think there's an indication that there wasn't food at home?" Checking medicine cabinets. They're not doctors.

Joyce McMillan:

They have no doctoral background in anything related to medicine but making decisions on whether or not you're capable of caring for your child based on what they may have found in your medicine cabinet. It's an illegal system. It shouldn't even exist and if it's going to exist, it should exist in a very small way because again, at least 85% of children who are there, are there for reasons related to neglect cases. If we want to have a system, it needs to focus on that very small portion of children who may be experiencing some harm at home but that is a very small percentage and they cast the net wide because people don't even know what they're supposed to be reporting on. They're completely confused about what to report so they report everything.

Shimon Cohen:

Yeah. I wanted to get into a couple things that you mentioned with that and when you're talking about the 85% and then the cases that are maybe imminent, physical abuse, torture, the severe cases, it reminds me of the system of mass incarceration for the smaller percentage of homicides or something like that for example or really violent, violent crime but yet we have two million people or more caught up in that system. Two things I wanted to really get into also is when you talk about children, they're the love of our lives, right? I mean, I'm a parent. I have two daughters and I'm thinking if someone tries to take my kids away they're going to have to probably lock me up to take my kids away and that's what happens in these situations too. So it's completely connected to the prison system.

Joyce McMillan:

It is in many different ways.

Victoria:

Yeah. I mean, you have literally mandatory reporting. The law literally reprimands people for not reporting so teachers, case workers, if they don't report, they face fines or face possible incarceration. So there is absolutely no question that the entire system is based on the exact same logics as the criminal justice system. It's very hard for me to understand why people are not seeing those connections when it's, "If you don't report, as a social worker you could go to jail or you could face a fine."

Joyce McMillan:

Not just that, families who are impacted... simply investigated. The New York Times wrote an article a couple of years ago, I think it was 2019, 2020, where they said that approximately 50,000 people went on the New York State Central Registry each year. Now, the New York State Central Registry is a registry much like the sex offender registry so being investigated, the case manager is the decision maker as to whether or not you go on the registry. Three fourths of the people who go on the registry each year in New York never have a day in court. They are never appointed an attorney, they're just investigated for 60, 80 days and the case manager makes a decision, "Yeah, it was something suspicious about that guy." "It was something suspicious about that girl." And they go on the registry.

Joyce McMillan:

Being on the registry is deep when we start talking about the parallels to the criminal justice system because it has a very close similarity to having a felony conviction as it can block you from employment

and other resources. But in addition to that, it is a part of the foundation of creating recidivism. Me as an example, my children are in childbearing ages. They're adults. They're young adults. And if I were a grandmother (I'm not) and they needed me to be a resource, before the bill changed in New York where we change the SCR under the Parent Legislative Action Network that I'm the founder of, I would stay on the registry until my youngest child turned the age of 28. My youngest child is 22.

Joyce McMillan:

That would leave my grandchildren in a position of going into foster care if my children would need me to be a resource and then they would say, "See, generationally they're bad. Her children were in foster care, now her grandchildren are in foster care. They're just bad. They're incorrigible. We can't help them. There's nothing we can do with them but care for them ourselves. We have to protect them." When you created the scenario, because I was more than capable of taking care of my own children, they should have never went in the system and I'm damn sure even more capable today of taking care of grands if I had them so this is another thing they use. And many people have never heard of the State Central Registry and every state has one.

Joyce McMillan:

I know in Seattle, Washington, it's a lifetime. I know a parent in Seattle who got arrested for domestic violence, went to prison over the weekend, left the child with her mom, never even knew her mom was on the registry in Seattle and her rights ended up getting terminated to her children because they took her children because they said she was neglectful by leaving them with someone who was on the registry.

Shimon Cohen:

Wow.

Victoria:

Yep, exactly. See this is happening nationwide and this is exactly how they... When we talk about violence, it's just not a one off in the system. It literally, generationally, cannot underscore that, and that generationally breaks people's bonds. It literally attempts to control Black mobilities in the future and it does it. It does it successfully and that's the problem.

Joyce McMillan:

It has to go, man. It just has to go.

Shimon Cohen:

Something else that is totally contradictory to how the system portrays itself using terms like child welfare and child protection is any of us who have studied child development, any just basic child development, we all know that attachment is one of the absolute, most important foundational aspects of sense of self, bonding, long term, healthy development outcomes, all of that. So you've got a kid who someone who's a mandatory reporter determines, for whatever reason, that there's neglect going on, the state goes in and separates this child from their parents and causes more trauma, puts them in a group home or in foster care and then that family gets money but the money could have gone to the child's family and the trauma isn't there, the attached doesn't get broken. So what are we doing?

Joyce McMillan:

Exactly.

Victoria:

Yeah. The funny thing is, social workers are aware of this. We absolutely know that a child is best suited with their families. We know that. That is something that it's honestly not even a discussion at this point, but it's all just something you learn in school, and the thing is we keep being into the system because we're so scared. We're scared of liability. We're scared because the system is... Society has been tricked. We're duped, largely Black and Indigenous communities and communities of color, but I will say that it's been so normalized in our communities to rely on this system that now we've put so much societal responsibility on the child welfare system to be this overseer of protection that now people are so scared to envision something without it. They're so scared.

Victoria:

They know that families should be together. They know children do well with their parents and yet we use this fear, this fear of liability, this fear of litigation, this fear of failure to rationalize and justify the use of the system. And so part of that is we have to halt those false narratives and those fear of liability and just be very real with ourselves and say, "Yeah, it's not working." And guess what? We can also dream up something different because it's not working. We know it's not working. All the social workers I've talked to know it's not working but the second you say, "Abolish the system," they get terrified. They're terrified. They don't know what to do. So I think that's where we're at right now. I'm not even sure if we're at the point where we can convince people that children are best with their families because they know it, they're at this point not acting on it. They don't know what to do. They're scared of acting on it. I will say that's been my experience so far.

Joyce McMillan:

No, I agree. And that's why when you talk about narrowing the front door to prevent children from going into foster care, they start talking about, "How about those children who need foster care?" And that's such a small percentage. We need to be talking about the ones that are trapped in care that don't need to be there because we should always focus on the majority. We'll let one thing happen and then we'll create a whole law that impacts a bunch of people in an adverse manner because of one person. We need to focus on creating things around the majority and around this majority is family separated unnecessarily and we need to stop that from happening.

Joyce McMillan:

And we need to stop feeding money into this system to fix children after we've traumatized them and ripped them apart in every way possible and instead put that money on the front end to prevent them from going into care by helping families to have the things that they need because families are coming under the radar of this system for reasons, again, I can't say it enough, related to poverty in a lot of cases or related to my parenting looking different than yours. Guess what? I'm not saying you should curse at your children. I'm not saying I encourage that but there are parents who do and so with this reporting and how this reporting of families is designed, someone can see me yell at my child at a bus stop and be like, "She yelled at her child? She shouldn't have yelled at her child. That's abusive."

Joyce McMillan:

It's interpretation and Black people already have very little agency, so now that same person makes a report about me and next thing you know CPS is knocking on my door about an anonymous reporter. And so we got to stop how and why people report. We have to understand that people sometimes parent different. We don't have to always agree. I had a lady of Indian descent, a few years ago when I first started doing this work, had her children removed because the children were sleeping on what they call pallets, she had quilts in the floor but that's how they slept. It wasn't because she was poor. Her and her husband worked. It was because that's how they slept. That was their culture. So there's cultural differences and other things and we just need to allow people... The same way we separate church and state, we need to separate state and family. Families are not state business.

Shimon Cohen:

When Victoria was talking about all social workers know that children should be with their families and that's what's healthiest, I mean, I'm just going to bring something up about that because that jumped out at me. Maybe in a book it says something like that about, again, healthy child development but the part where white supremacy comes in, the part where ableism comes in, the part where heterosexism comes in... And I have heard it. I got to say this. I just feel like if I don't say this... I've heard people, case workers, people who work in this system, social workers who fully believe that many children are not better off with their families but it's not because something's wrong with the family.

Shimon Cohen:

It gets back in, also Joyce, to what you were saying about parenting of these cultural narratives of this dysfunction of a Black family or this child is in this poor family but if they were in the system they get a scholarship or they get tuition, as if that is... So it's these ideas of... Whose ideas are these? And I'm saying they're white supremacist, heterosexist, ableist ideas but we got to put that out there.

Joyce McMillan:

Absolutely. The bottom line Shimon, is they're mindfucking us. That's the truth. They are. Because listen to the narratives versus what they do. And then you look at even in the school system when they, again, are conditioning us to understand what it means to be policed. In Black schools children go through metal detectors. They have little of the resources that are needed and the narrative is because Black families don't care and they don't come to open school night but open school night is not what funds the school. What funds the school is the homeowner tax and in Black communities they're not residential communities so there's very few home owners and where there is the property value is undervalued.

Joyce McMillan:

This shit is by design. And so they'll turn around and make the narrative, "Oh, they don't care. They don't show up to open school." The reason they don't come to open school is because they're working two and three jobs. The reason they don't come to open school is because you're negative and they don't want to hear the negative crap that you're saying about their kid. Because I know when my child was seven or eight and I put my kids in a White school district there was always a complaint. "Oh, she's sassy." What the heck does sassy mean? "The way she sashays across the floor." She can't walk with confidence? "She ran in the hallway." "She had candy." These are not things I want to hear on open school night.

Joyce McMillan:

That's policing who my child is and her level of confidence that you're trying to strip her of. Schools are more into policing but then you go to the White schools where they actually shoot each other, there's no metal detectors. So you can't tell me that it's not a play on our mental as Black people to make us think that we're so dangerous that we need this, we need to be policed this way. My kindergartner needs to walk through a metal detector but in other schools where there's shootings happening there's none, they're protected from that?

Shimon Cohen:

Yeah. I think the layers of all of this is so important and that's why this one system can't just be discussed in this isolated way. I've learned a lot from the work of Dr. William Darity at Duke who writes about the racial wealth gap and what we get wrong about the racial wealth gap and it's like what you're talking about on the parent night. So one of the narratives is that part of the issue is that Black families don't value education and he just completely obliterates that by showing that not only do Black people of the same economic class as White people actually have more education but that when Black people and White people have the same amount of education, Black people still make less money and Black people with bachelor's degrees make less money than White people with no high school.

Shimon Cohen:

So that's part of what we have to change and I know you all, that's part of what you all do, but just so I know I'm thinking about who's going to be listening to this or reading the transcript of this and we've got to... I want to make sure to make that real explicit because that's part of this narrative too of who are the families in this family policing system being compared to and the narratives that are being told about them.

Joyce McMillan:

And why are they being compared? That's the bigger question.

Shimon Cohen:

Exactly.

Joyce McMillan:

We shouldn't be comparing people.

Victoria:

Yeah. To a point you were making earlier, when I'm saying that all... Social workers are taught that children belong with their families. Yeah. Yeah. I'm going to bring it up. I'm going to bring it up. We going to talk about it because... Yeah, no. I absolutely a thousand percent agree with you. We're taught in social work education that children are supposed to be with their families because of attachment, healthy development et cetera however underscore, there's always that 'but'. There's always a 'however', 'but' excluding these certain communities so of course that always falls on Black and brown communities.

Victoria:

I absolutely, a thousand percent, agree with you and I guess I just want to extend that if we don't even see Black people as human, we're still in this era of not seeing Black communities or Black individuals as human, as object, we're seeing them as object, as something to be commodified, as something to be policed, labeled, criminalized then we will never reach a point where we're even in the conversation about keeping children and families together and there will always be that 'but'. There will always be an excuse. There will always be an excuse to separate our families, keep our families surveilled et cetera and so yeah, I think when we're talking about this fear that people have, it's not just fear... And I guess the other point is there's so much fear around societal pressure but that societal pressure is only for certain communities. It's mostly for Black communities. It's mostly for Black, poor communities like Joyce is saying.

Victoria:

It's for communities who have to rely on certain social systems. They're forced to rely on certain social systems because of the disinvestment and the destruction of our communities. They literally set out to make it so that that's the only system we can rely on and that we should rely on. I guess I just wanted to emphasize that yes, I absolutely think that we are taught and... We are taught in school that families should be together. We read it in our books. It's in our textbooks, it's in our lectures however there's always that exception. It's always that 'but' and it's because it comes out of this dehumanization of Black communities and this need to regulate them and this fear that we have created around Black communities and how they parent.

Shimon Cohen:

A hundred percent. Yeah. Thanks for bringing it back. Thanks for bringing it back. I want to hit on a few more things before we wrap up. Color-blind removals, can we talk about what's wrong with that? Because that is going to come up... You know that's being talked about in child welfare classes and social work. You know it's being like, "Hey, look, there's this thing, color-blind removals and it removes racism." It's happening. This is happening so we need to have this out there to debunk it.

Joyce McMillan:

I don't believe in it because I think with color-blind removals, they remove all identifying information, supposedly, but the only people's houses they're going to are Black and Brown so how did you... Because you didn't share the zip code prior to going to the person's house when you were discussing the case. So all that means is maybe you don't make the decision right then and there. Sometimes you make the decision before you get to the person's house so the only thing we are doing is delaying the decision making process because once you come to my house and you see who I am, that's only a half hour later after the discussion.

Joyce McMillan:

The same effects go back into play so I call it BS. I just call it another layer of minutia. But when we talk about, Victoria was saying, the 'but's and the 'however's, slavery was abolished except, but for, when it applies to the Thirteenth Amendment so now we leave that door open. Then we create CAPTA where we have people surveilling people to send them into the foster care system. You're being surveillanced at school, you're being surveillanced in your housing complex, you're being surveillanced, in a shelter, all of these different places. Even if you go to a therapist you can't get real help because you can't share honestly.

Joyce McMillan:

Anyone will tell you, in order to get help when you're seeing a therapist you have to be able to tell the full truth and be engaged. And for things that don't rise to the level of imminent risk you got therapists reporting. And so it's pipelining. Pipelining. They leave a clear line open through everything and that's why you cannot tell me this system is accidentally this way. This system is this way because of capitalism, because poverty creates a funding stream for others. It is this way because Black people were never meant to be successful in this country. It is this way, because we were never meant to be free in this country, which is why we went from incarceration to mass incarceration, because there is free labor in that. None of this is by accident and we just need to blow the whole shit up. And I'm here for it.

Victoria:

Yeah. I guess... Oh God. We going to talk about it today, I guess. Yeah. I just think that we need to really think about what we're investing our energy in. We have to question a question. What does progress look like for us? And if we're talking about doing radical change and thinking about what it looks like to actually be about eliminating anti-Blackness or eliminating racism, and all these ramifications of capitalism, is a color-blind removal doing that work? Or is it reifying just the structural, horrible, awful things that are already, and still going on in the system? So if you're having color-blind removals, does that reduce the power of caseworkers structurally? Not really. Is it getting at the ramifications of anti-Blackness and racial capitalism in society? Not really.

Victoria:

Do caseworkers still have the power to remove children at the end of the day? Is it part of their most used tools in the system? Yeah. It's still a tool.

Victoria:

It's these questions we have to ask ourselves. What are we getting behind? And also a lot of these changes, they come with funding, and they come with money, and they come with more resources into the system to see if it's working, and to pilot it in these different counties. So, are we putting more money into the system to exist as is? This is the question I have about these sort of reforms that are being proposed.

Victoria:

The thing with these sorts of suggestions or these sorts of changes, I'm not going to cosign it, and I'll say, "Okay, try what you want. But don't say that it's abolitionist in any way. Don't say that it's aligning with trying to tackle anti-Blackness because it's not getting at the anti-Blackness that's rampant in the system." Because like Joyce said, there's so many other pipelines of decision making in the process, and it's, "Oh well, we're trying to reduce harm." I'm not actually sure that it's reducing the harm down the pipeline.

Victoria:

You're still having families that are being removed. At the end of the day, it's not necessarily about is there bias in decision making. There is bias in decision making. There will always be that bias in decision making, because we're human. No matter what, if you use predictive analytics to get rid of human bias, they're still biased, because of the data you're using.

Victoria:

So the point is, and the question we have to ask is, why are we giving caseworkers and social workers the power to make this decision in the first place? That is the main question that I will continue to bring up in every conversation I have. The point is, should caseworkers even be having the power to make this decision, generally speaking. And color-blind removals doesn't answer that question. I guess it does answer the question and it says, "Yes, it just needs to be better." But that's not necessarily stopping the harm that's being caused. It's not getting at the root of the problem, in my opinion, in my humble opinion.

Joyce McMillan:

But it's getting to the root of the purpose. The purpose again is policing, right?

Victoria:

Right.

Joyce McMillan:

And so, when you think about when policing was first started, it was for when slaves ran away, they caught the slaves. So when you think about how this system has been set up with mandated reporters, and our families got to live in secret, they got to keep their problems close to their chest. The parent can't go to school, and trust the teacher to say, "We're short on food, where's the pantry." You can't go to your therapist and say, "I got into a big loud argument with my spouse, my boyfriend, my lover." My whomever it is, for a fear that they may report." "Were the children at home when you got into an argument?" And you may be reported.

Joyce McMillan:

They make us hide so that they can again come and find us. Just like they did with the slaves. They had to come and find them. They seek us out. They have people surveilling us to try to get a little inkling of a lead that something may be imperfect in our home. It's the foundation of the problem of policing and what that means to Black bodies.

Victoria:

Yeah. I don't want us to get caught in this making the system nicer about removals because that's where we're headed. We're trying to make it a more competent removal. We're trying to be more culturally aware with the removal. And as it was like, at the end of the day, you're still using the same exact tools. So you're basically just saying, you're trying to make punishment better. That doesn't make sense. It doesn't make sense to me.

Shimon Cohen:

A culturally competent removal.

Victoria:

That's what we're doing. That's what we're doing is like-

Shimon Cohen:

Which cultural competence is racist anyway, so I just want to say that-

Victoria:

That's what I'm saying, like, "We're going to remove your child, but first, I'm going to make sure I'm being competent and culturally aware." It's like, "No. It's not okay."

Shimon Cohen:

The question I have with it, and you touched on this is, if the conditions are created by racism, if the poverty, if the neglect that's showing up, we trace it to poverty. And the poverty is traced to racism, coupled with capitalism, racial capitalism, then a color-blind removal is color-blind racism.

Victoria:

Okay. I mean, look at CAPTA. So CAPTA, it required mandatory reporting. It also set the definitions for abuse and neglect, right? That states and counties have discretion over sort of figuring out what that looks like in practice.

Victoria:

Those definitions are based on fundamental ideals about what's considered neglectful and abuse. And the neglect is the worst part because it's really criminalizing poverty.

Victoria:

So if we're not even changing the fundamental definitions that drive the work that we're doing, what is a color-blind removal doing within that structure. You're not changing the fundamental structure of what the system has. The system is a law enforcement agency. So it's going to follow the law. If you're not changing the actual law, then you're not actually changing what caseworkers are able to do within their job. So it's, yeah, we're going to go in circles with these reforms and it kind of drives me crazy because we're just going to circles, and we're wasting energy and also resources that could just go back into community. So it just troubling.

Joyce McMillan:

We got to dismantle it. I'm telling you, it's like at the chain, you won't untangle it because it was designed to be convoluted and impossible to untangle. Because even if we stopped schools from reporting, you still got everyone else.

Joyce McMillan:

Even if you stopped knowing who the person was, and you did it blindly, you still come out with the same result. It's like with this informed consent legislation I'm pushing. Health and hospitals corporation said, "Okay, we surrender, we get it. We're not going to drug test mothers anymore." And people like, "Whoa, wow you guys are really putting pressure on, you won already." I'm like, "Why? They still going to test the babies? Isn't testing the babies going to net the same result." That's what reform is. And that's why I'm not here for reform. I'm here to dismantle it, and figure out what goes in its place.

Joyce McMillan:

And it won't be anything... In my head, as I think about what goes in place, it won't be connected to government. It will be something for the people, by the people in the community. And while it's hard to... And could take decades to redistribute the monies, there are foundations that pour millions of

dollars into these CPS systems across the states. The pressure needs to be applied to the foundations first and foremost, because that's easy money to transition.

Joyce McMillan:

Casey Foundation, one of the biggest offenders, the most money. I think that's FedEx money, UPS money or something like that. That's big money. And they have all these different cases. They got like eight different Caseys, and they're all giving money to systems. And the only thing that does is strengthen the system. It doesn't change. So we got to stop funding it. And it may take us a long time to get the government to switch their funding, or stop their funding or decrease their funding. But when we talk about defunding the police, we need to defund CPS for all the same reasons, because there's only a small portion of kids that need to be cared for, and your budget should fit the script to care for those children. And you should properly care for them. And it should be a small enough amount where you can actually manage it. And right now this system, you can't manage it. It's wilding out of control.

Shimon Cohen:

Joyce, when you just said, "It should be, by the people for the people." I mean, isn't that what Indigenous, and African, Black communities have always done to care for children? It's been communal, it's been by the people for the people until White Europeans came along and broke it all up.

Joyce McMillan:

Like they do with everything.

Shimon Cohen:

And still doing it.

Victoria:

I mean, if you look at the history of the system, we at some point were like that too. They were, "Oh, we're not going to help. You all are not included in these orphanages. You're not included in these systems that we have these structures. So you can figure it out yourself." And guess what we did, we figured it out ourselves because we know how to do that. We've had to do that.

Victoria:

That's literally the only way we've been able to survive in this country is to be self-sufficient. The problem is you keep coming over here and return and mind our business, and we're being criminalized and funneled into these systems for profit, for surplus. That's literally what's happening. There's a stake now. There's a economic stake in our suffering. I mean, there always has been, but it's ridiculous at this point.

Victoria:

They're better at masking it, but we were at one point forced to deal with these things by ourselves, trying to handle maltreatment that does happen. And it occurs in every family. In people's family lineages, abuse happens at some point. And so it's... For our families though, we were at one point expected to deal that on our own. And then we got subsumed into the system, and now they've been able to profit off of it. So now we're the main ones in the system. When this is happening to White

families, rich families, right? And they're not under the same punishment, and under the same eye, or gaze of the system, because they're able to have that privilege.

Joyce McMillan:

And if you're interested in my child's wellbeing, why are you so concerned with what I'm doing? When they come to your home to investigate, they don't make sure the child is okay. They worry about what Victoria's doing.

Joyce McMillan:

They're, "Victoria, can you take a drug test?" "Victoria, how much money do you make?" "Victoria, do you have a boyfriend?" "Victoria, when's the last time you stayed out past two in the morning?" "Victoria..." That's assessing her, that's investigating her. That's not even assessing the child's needs, but they say they need to protect the kids.

Shimon Cohen:

Something else I want to make sure we touch on before we wrap up is a little bit about mandatory reporting. And Joyce, you gave a scenario about a child saying they're hungry at school, or dirty at school and-

Joyce McMillan:

Subjective, by the way, dirty.

Shimon Cohen:

Of course. Let's take the dirty one out, but a child comes in, and says to their teacher, "I'm hungry." A child comes to school and says to their teacher they're hungry. And that teacher even under mandatory reporting, technically does not need to report that. Correct me if I'm wrong, but-

Joyce McMillan:

You're right.

Shimon Cohen:

... It's the teacher could say, "You know what, let me check in with the family. Let me check in with the parents, the guardian, the grandparent." Whoever is responsible for that child. Let me just check in and see what's going on. Let me see how, if they do need something. Let me see how I could help. That doesn't have to be considered neglect.

Joyce McMillan:

Right. Absolutely.

Victoria:

Because it's reasonable suspicion. Right?

Joyce McMillan:

But the thing is, the reporting laws are vague. The training is very vague. So people don't know what to report, and what not to report. And teachers get afraid and other professionals, "Oh, my license may get taken. I can be charged with a misdemeanor." So it's cover your own ass, better safe than sorry. And better you than me.

Shimon Cohen:

A hundred percent. I was trained that you make the report, and you let the hotline screener make the determination. That is the specific training I was given at multiple jobs by the hotline people as well, and in school. So it was not just reinforced. It was not just one time. This is like 4, 5, 6, 7, 8 reinforcements of that. And then it's take the decision off of you, and put it in the hands of the people that do this every day.

Joyce McMillan:

Right.

Shimon Cohen:

Which is actually ironic because the person who knows the family probably better in those situations is me.

Victoria:

Right.

Shimon Cohen:

Right. Joyce, you've mentioned your own situation with ACS, and I'm wondering, if you're open to it, if you would go into more detail about that.

Joyce McMillan:

Absolutely. I got into this work because of what happened to me. At first, I thought I was the only person in the world that this was happening to, not that extreme, but literally I didn't know anyone else who had ever been investigated or separated from their children due to what they call child welfare, family policing.

Joyce McMillan:

And when they came into my life, I acted according to my lack of knowledge, which is one of the reasons I'm pushing for Miranda rights right now in New York State, so that people will know their rights the moment ACS, CPS, whatever, they refer to themselves as, the moment they knock on the door.

Joyce McMillan:

I didn't know my rights. And I thought that they were probably a reasonable agency from what I had heard of them. And I cooperated. And in that cooperation that they asked me for a urinalysis. I gave it to them, and then they whisked my kids away. And that sent me into a quick depression. And there when everything, my life just completely unraveled.

Joyce McMillan:

I lost my job, my apartment, my car, my credit score, friends, family. They completely destroyed my life. And so sometimes I say they messed with the wrong person. And then at other times I say they absolutely mess with the right person because now here I stand today, challenging and making change.

Shimon Cohen:

Yeah. That is really powerful. And I thank you for sharing that. I imagine, you probably share about it in this work, but it can't be easy talking about it.

Joyce McMillan:

Yeah. For me, it's not difficult to talk about it because I realized today the ownership, the owners, it's not on me, right?

Shimon Cohen:

Mm-hmm (affirmative).

Joyce McMillan:

If they come in to protect, then that's what they should do. And that's not what they did. What I saw was pure destruction.

Shimon Cohen:

How old were your children at the time?

Joyce McMillan:

My baby at the time was a newborn. This happened in 1999. And that's how destructive that they were, that seven years ago, I decided to leave my employment. I was working for the State of New York, and to just figure out how to do this work. And I've been here ever since. My baby was a newborn. She was about three months old, and my older daughter was eight and a half turning nine.

Shimon Cohen:

And were you eventually able to get them back?

Joyce McMillan:

Took two and a half years.

Shimon Cohen:

Wow.

Joyce McMillan:

Two and a half years. And what's most funny, it's sad, but what I referred to as funny, is they didn't want to give me back my children because the urinalysis, of course, showed a use of a substance that I had been using since about the age of 12 or 13. But I refused to do a drug treatment program.

Joyce McMillan:

At points, I was mandated to do it through the criminal court side. After I became addicted actually to a substance, trying to self-medicate from the pain. And I went into these treatment programs and found it to be just like jail, and all of these systems operate the exact same way. So I wouldn't stay. And the judge would give me "another chance," and there's air quotes to that people, "another chance" to get it right. And every time he sent me to a program within two months, I absconded. I was out of there. It was bullshit.

Joyce McMillan:

There was no treatment to understand what the trauma was that caused me to pick up. There was no compassion, no empathy, no sympathy, no respect. I felt like a house cleaner. You had a lot of chores to keep the place clean. A lot of groups where people yelled at one another, and called each other out for the things that they believed they had done wrong. And this is going to send you back to using. I'm going to live today.

Joyce McMillan:

It was just a bunch of mind-conditioning and control. It was a horrible circumstance, and I wasn't there for it. So I tell that story to say, ultimately, I decided I'm not going to another treatment program. Do whatever it is you want to do. That's not for me, not going. So the judge decided to have me report and do urinalysis weekly, monthly.

Joyce McMillan:

And they were clean. That's the word they use, right? Because they don't think of anything other than being a user or not being a user. There's no medium world when it comes to people of color. And so I didn't have any substance in my urine, or whatever test they did. ACS was, "When we took the children, she signed the document saying she would complete a program and it's two and a half years later, she still hasn't completed that program. So we don't want to give her her kids back because she may still use again."

Shimon Cohen:

Wow.

Joyce McMillan:

It was the most stupid thing ever. And I have to give it to the judge. And I don't remember the judge's name because it was so long ago. And I guess at that time I didn't understand the significance. I was just happy that I had a White person sitting in front of me, who called them out for their stupidity, and told them simply that statement just didn't make sense because she had people who came into our court who were in treatment programs. And when they did a urine drop, they still had a substance in their system. And the fact that I was outside doing this on my own, and had not used in more than a year, she thought it was just ridiculous that they believed that I would begin to utilize a substance again, in order that my children be returned to me.

Shimon Cohen:

Wow. That is wild. But it just shows it's about the control. It's about the control that they have over you.

Joyce McMillan:

And in that moment, of course I would've signed anything that I thought would've meant to me getting my kids back.

Shimon Cohen:

Right. It's a coercive situation. How are your children? I mean, I know they're older and everything.

Joyce McMillan:

They're well.

Shimon Cohen:

Yeah.

Joyce McMillan:

My kids are well. Still, relationships are strained sometimes, especially with my younger daughter, where the bond was completely broken because I didn't often get visits. And even when you do have regular visits, the visits are one day a week for two hours. And if you do the math on that, I think I said earlier that equates only four days out of the year. In that time, of course there's reasons why the visits are canceled. And so there was no bond.

Joyce McMillan:

And I remember picking her up from the agency, just so happy and elated and skipping down the street to go get imagining this life we would have together. And she cried. She kicked, she screamed, she bit, she spit, she scratched. She did everything she could to protect her little body as she reached for, and called out mommy to the foster mother. And so it was a very traumatic experience for her. And she wasn't happy at home for a long period of time because she wanted the foster parent who she had bonded with. I mean, she barely saw me and she barely knew who I was with those little bits of visits here and there.

Shimon Cohen:

Wow. So damaging

Joyce McMillan:

It is damaging because that bond was never solidified in a way that it should be. I'd say we have a respectful relationship, but we don't have the bond that a mother and a daughter should have. And that's hurtful. That's extremely hurtful because I want it so bad, but it's not my choice.

Joyce McMillan:

I think from that time she was very independent because she didn't want me to do anything for her. She didn't want me. And it wasn't personal. It was what they did to her, and how they conditioned her, and where she had laid her roots. And I'm not suggesting in any way that we not return children to their parents, for those who listen and say, "That's why the foster family should just keep them if they're doing well there." I'm saying that to say, we should stop taking children in the first place, especially children of that age, with the billions of dollars that these agencies have.

Joyce McMillan:

There was a number of things that could have been done to ensure the safety if they felt my child would be unsafe, and she wasn't. She had all that she needed. And it was never a situation where she would be endangered by my use. I mean, I had functioned throughout life from the age of 12 or 13 utilizing the same substance.

Joyce McMillan:

People ask me sometimes why do I refer to it as a substance, and not what the drug of choice was? And I say, because that's not what's important because they treat all drugs the same. And the fact is a drug test is not a parenting test. It doesn't speak to my character. It doesn't speak to my knowledge. It doesn't speak to anything that would matter as to, or speak to my ability to parent.

Shimon Cohen:

Yeah. And the damage that was done by the way they handled it, it didn't need to be that way. It just didn't need to be that way. You've dedicated your life now to making sure it's not that way for other families, which is just incredible.

Joyce McMillan:

Listen, I'm going to flip them on their fucking head. I'm going to rip their heads off. I mean it. Not a joke. For real, for real. Because they lie, they lie a lot. They're just like the police and that's why we call them family police. You want to align yourself with social workers but you investigate, you don't assess. You want to align yourself with social work but you don't help, you cause harm.

Shimon Cohen:

And there's a lot of social workers who cause harm too because they have that same mentality.

Joyce McMillan:

Because of the agencies in which they work and that's how they frame the work that they do, punitive.

Shimon Cohen:

The training is very damaging.

Joyce McMillan:

Absolutely.

Shimon Cohen:

Thank you, Joyce, for sharing such a personal story of yours. I think it's important for people to hear about it, that you're a real person, these are real people this is affecting, not just affecting, really hurting, really harming. And again, it doesn't have to be this way.

Joyce McMillan:

Exactly, because I have a friend of mine who, her and her seven siblings grew up in foster care. And two of her siblings are deceased now. Two or three are incarcerated, probably never coming home, and it's just a horrific situation. And she readily admits her parents did not have the full ability to properly care

from them but what happened, she said after they left the home, was completely different. She said her parents were extreme drug users and oftentimes the building took care of them, the building where they lived. They gave them hand-me-down clothes. The building really took care of them and they said they felt safe at because their parents never hurt them. Their parents would just kind of lock up in their bedroom and do whatever it was they were doing, their drugs. But neighbors gave them food, they either invited them over or bought plates over for the children and when CPS found out, they removed them and they separated all of them. They didn't see each other for years.

Joyce McMillan:

One of her brothers was raped repeatedly in several different homes. Another sister was beaten badly and she still wears the scars today, in a congregate group setting. And they just all went through horrific experiences. And she said they were so much better at home, even though her parents were doing the wrong thing. And that's, what's really important to share. It's not always that the parents are doing what's right, it's the fact that they don't make it better.

Shimon Cohen:

Thanks again for sharing all of that. Victoria, do you want to talk a little more about how you got into this work?

Victoria:

So I got involved with the work around the family policing system for two different reasons. And so one was experiencing from my own family involvement in the family policing system. And so my father was in the system and he had a little bit of a different experience because he grew up in kinship care. And I guess his story is part of the reason why there is an argument for, even when DCFS does what they think is right in terms of keeping families together, they're still not doing enough. And so when he was growing up in kinship care, the system didn't give them barely any money to survive. So he was staying with his aunt and his elderly grandmother and they were struggling very hard. He was sleeping in the living room. He had really bad asthma. So he was sleeping next to this stove that used coal. So he would have asthma attacks every single night and almost every morning as well. And so he said he felt like he was dying every single day.

Victoria:

I mean, he's very grateful to have grown up with his family and to be around his aunt and things like that. But they struggled a lot to take care of him and the system, they like to, when they do things right, they like to brag that they do things right, "We're keeping families together," but they don't ever give them enough money to take care of the children. So it's, even when you say you're doing the things to keep families together, you're not even giving them enough money to survive or to take care of any of the children they're taking in. So he was also split up from his five siblings and that's affected us as a family. I don't know about my maternal grandmother. I'm still trying to piece together pieces of our family. I had to go buy an ancestry thing, which I know is surveillance but that's the only way I'm able to learn about my family. So I think, part of the horrible part about the system is that it breaks bonds generationally and we don't have those family photos with everyone together.

Victoria:

We don't have those stories where we're able to talk about, "What did our grandmother teach us?" And things like that. As a Black woman, thinking about having my own kids, I don't have a maternal

grandmother to ask, "Oh, how was it trying to raise kids as a Black woman?" Because my mother is Asian. So it's very hard. It's very difficult and these are things that you can't replace. And these are wounds that my dad still carries around. And when I was showing him pictures or I'll show him the death certificate of his grandparents or his mother, he gets teary-eyed because those are pieces of the puzzle he's never been able to put together. And when he talks about, he had to go into the military when he was young, it's because there was nothing for him. They grew up poor and there was nothing for him at home. So that's my way of saying, even when the system says it's doing stuff up to help by keeping families together, they don't even give them enough resources for them to even provide for children.

Victoria:

So that's one piece of why I was trying to do work around the system. But the other piece is, when I was finishing up my undergrad degree, I started working with youth in my specific neighborhood, in North Las Vegas, who were a little bit younger than me but around the same age as me and they were involved in the juvenile injustice system as well as child welfare. So I was helping them try to get off of probation so that they would be able to see their kids, they'd be reunited with their children because a lot of them were in the child welfare system but also had kids to themselves. So I was trying to get them off of probation so that they would be able to be reunified with their children and just be able to be 18 and not be under the system anymore. And so that was the most frustrating job I've ever had. The court room is one of the most violent spaces I've ever been in. Judges don't care. You would be lucky if you get a judge who cares. Judges don't care about these children.

Victoria:

I've seen caseworkers or social workers lie on children all the time. And I was an "advocate". So I was with these youth every step of the way. I was completing their community service with them. I was taking to their classes because if you are five minutes late to a parenting class, they'll kick you out and say you have to restart the whole program. And you have to go to wherever these programs are. So for one of my youth, it was 45 minutes out of the way. There was no way they would've made it on the bus after school. There's no way. So I was getting all these youth who were just stuck in the system because of stupid rules like that. But then, at the time the court date comes, the social worker's like, "Oh, they're not trying hard enough. Oh, they finished their community service but she still got attitude. Oh, we're not able to find housing, so that means she stays in the system."

Victoria:

And they were coming up with all of these, excuse my language, but all these bullshit excuses as to why the youth would still, you need to stay in the system and then they question why the children would run away. Why would anyone want to stay six more months because you're saying they're not trying hard enough or you are saying that there's no housing available, so they have to stay in the system, that's the only way we can keep eyes on them? It's just ridiculous. I had people in charge of the group homes who would say that the youth I was working with had addictive behaviors because they liked to eat the same food every day. I had them taking nail polish away because it was contraband. It's just ridiculous.

Shimon Cohen:

Wow.

Victoria:

I had, if a youth, they're doing the whole day of school, then after school, they have to go to drug classes and parenting classes. And then they have to go home and follow whatever rules the group home person has, wake up at 5:00 AM the next morning to catch the bus to go back to school, also that they could see their child on Saturday, proving that they had good behavior throughout the week so that they could see their child on Saturday. That is absolutely ridiculous. And they really dangle visitation over people's heads. It's an incentive and not an actual right for a mother to see their child. Again, it was one of the worst experiences I've had to endure. I can't even imagine what it felt like to be 17 and having to deal with all of this, 16, because that's how young the youth were. It was just absolutely ridiculous and there was not one time where I had a probation officer or a social worker help in any way. And it was never my word that the judge would take, it was always the caseworker's word that they would take.

Victoria:

So if the caseworker's writing in their notes that the child is skipping school or they're not trying hard enough or grandma's non-responsive, that is what the judge listens to. And that's how much power caseworkers have. And I don't know if they notice that but that's literally how much power they have in the courtroom for a judge to be like, "Oh, your caseworker's saying you're not reliable, you got a attitude, then I know you haven't changed and that's a wrap." And it's really hard to see. It's really, really hard to see. It was very difficult to see people in my own neighborhood, my own peers, going through it. So I was really interested in how caseworkers or social workers were making their decisions and that's the reason I got my social work degree. I didn't have intentions on working for the system or within the system. I saw how messed up it could be. I was really interested in how they were being trained and what they were being trained on and I was like, "What better way to do it than to go and get a social work degree?"

Victoria:

And it basically confirmed all of my suspicions but I was really just appalled by what I was seeing in the courts. So that's basically how I got involved in the system.

Shimon Cohen:

Thank you for sharing all that. And these experiences, they shape us and for you to take that and keep doing the work, so to speak, is so important because some people would just be like, "I just can't do this." And Joyce, too. Some people would just be like, "I'm defeated," or, "I got my kids back," or, "I just got to get on with my life," because when you go up against them, that's a risk too, to go up against these systems. It puts you in a very vulnerable position. So I just appreciate you two so much and our time together talking about all of this and abolishing this system. I want to encourage people to check out your website and I'm going to put it in the show notes because there's some, I mean, in addition to the excellent work you're doing around Miranda rights and all your campaigns and organizing, there's also some really important material about mandatory supporting and shifting this from mandatory reporting to mandatory supporting.

Shimon Cohen:

And I think that those of us who are mandated reporters need to really think about what decision-making we have, given what the law says and really break down the law, which is done in those materials. And I know it's geared to New York but people from wherever can look up their laws and look at, because if it says suspected abuse and the child is hungry, how is that abuse? How can you really say,

as a mandated reporter, even, that you're suspecting abuse? Come on. Help that kid get a meal, check in with the family, figure out what's going on, if you're connected with them or otherwise, do not make this worse. Do not make this worse. We're supposed to do no harm. We're supposed to do no harm. We're supposed to be about social justice and challenging oppression, the social work folks, especially. That's in the newly revised Code of Ethics. We actually have to be against oppression.

Victoria:

Don't get me started on the Code of Ethics. That's a whole another conversation.

Joyce McMillan:

We should have NASW on this call.

Victoria:

That's a whole another conversation. But I will say, I did want to bring up a point before we wrap up too. When you were talking about mandatory reporting and calling the hotline and then being like, "All right, well due diligence, fear of litigation or fear of liability over, I did what I need to do." And I think we have to really, really, really get into that narrative because what we're seeing right now, at least in LA County is, the child protection hotline is being automated and someone who works for the system, an administrator for the system, has said themselves that they are already, this was about two years ago, using over, I believe, 18 computered systems on the hotline alone. And they were looking into learning how to use some machine learning, so just some algorithms in the hotline, to determine or flag high-risk words. So when those words are said, it would just immediately flag it as high-risk.

Victoria:

So that is a situation in which you're calling into. So you're not even necessarily, that whole filtering out, "Oh, we'll just leave it to the hotline," that is extremely harmful. It's extremely harmful logic and it's extremely harmful justifications because a lot of these systems are being automated now. So what you say, what you write in your case notes, et cetera, those are all going to be used against families. So I would really just caution people when they're thinking about these situations, what are alternative ways to deal with the situation at hand? Are you jumping to assumptions? Is there a way you could talk to the child and get more information? There are just so many things. Are you able to coordinate with a school? If you know someone's not getting fed at home, can you coordinate with a school to maybe get some free lunches in the classroom or some free resources to hand out to kids? There are other ways. We have to really be creative and we do not have to rely on this system.

Victoria:

I really want us to sort of get away from that logic because it's been taught to so many of us in these programs, immediately. I remember some caseworker came in to train us in our program and she slapped her wrist. This White lady slapped her wrist with three fingers and she was like, "You see I'm turning red, that's abuse." I was like, "Oh my goodness. This is so crazy." This is really what they're teaching us though. This is what they're teaching us and the children. It's really bad but they're so, see people are very fearful of child death and being responsible for another child dying because you see on the Netflix specials, The Trials of Gabriel Fernandez, the worst cases always get the media attention. So in response to that, they go hard on teaching us that we have to report every single thing. And so I'm really just trying to disrupt that narrative and give us some other ways of thinking about how to address these issues that do happen but to address them without relying on a punishment system.

Shimon Cohen:

I'm so glad you brought that back up. And we really do. That is something I've been thinking a lot about lately, especially doing work around community crisis response and alternatives to 911 and what happens when you're trying to create these alternative systems yet you're still held to these laws that are oppressive. So I really appreciate you bringing that back, Victoria. And also, I just want to say I just appreciate this conversation so much. This is such an important conversation. Joyce, the work you're doing, I'll put the link in, JMac For Families. Victoria, we haven't said anything about the upEND Movement, maybe you can briefly say something about the upEND Movement, so people hear that and they can check that out too.

Victoria:

So upEND Movement, really thought of by multiple people but shout out to Alan Dettlaff, at the University of Houston, who is really a champion of that work. And we're just trying to push social workers, specifically but everybody to think about, "How do we change the narrative of this 'child welfare system' and really focus on what it really does?" And that is family policing. And so upEND has done several different conferences and those are all recorded and can be viewed on their website. I can't remember the exact website but I'm sure we can provide that information. I just published an article with Maya Pendleton on the Surveillance of Black Families in the Family Policing System. So it's really getting to the root of anti-Blackness and how that really has shaped this thing called racializing surveillance in the system and how that is perpetuated through the family policing system. So I think it's a really good introduction for people, I think, to understand what's really at stake within this system and how it's really truly impacting families foundationally.

Victoria:

So I would check out upEND and then also plugging the Stop LAPD Spying Coalition, who put out a report, I think about a year ago, on abolishing the family policing system and we are working on another report right now that'll be coming out soon, really centering families in Skid Row. So just keeping a look out for that as well.

Joyce McMillan:

I want to shout-out upEND along with Victoria and the work that she's doing with upEND. I've done a few panels with them. I love the work that they're doing. I'm in contact with a few people there, Maya Pendleton, Alan Dettlaff, Mr. Burton and a few others and I just think they're doing amazing work. And I think one of the things that we have to do as grassroots organizers or organizers in general, is we have to come out of the silos and we have to stretch ourselves and work together. And even though they're in Texas and I'm in New York, we have conversations. We've written papers together and we've done panels together. And a shout-out to my mentor, Dorothy Roberts, for the work that she was doing long before this work was popular and just to the shoulders of the people that I stand on and to the people who have my back and are standing by my side and rolling up their sleeves with me. Shout-out to Victoria, someone else who I look up to.

Victoria:

I look up to you, Joyce, I love this. I will also, sorry, I also don't know if we can add some more but we weren't able to get really into it but there are abolitionist resources on dealing with or responding to child sexual abuse and some of these more serious forms of, all of these are serious, but these more, I don't know, high-priority cases of abuse that happen. So sexual abuse, physical abuse, things like that.

So Generation FIVE had published a handbook on ending child sexual abuse from an abolitionist perspective. And that has been really informative. And then, Love WITH Accountability by Aishah Simmons, is also this anthology about thinking through child sexual abuse from an abolitionist perspective. So there are resources out here for us to learn from and to study, they're just not widely used in social work programs. So I would advise people to do the work. There are answers out here. People have been trying to do this work and it's just about us continuing that and not getting distracted by these reforms and really just trying to double down on changing the narrative of the system.

Shimon Cohen:

Thank you for saying all that and I'll follow up with you and get links to those materials so we can get them linked to the episode on the website so people can have access to that. And Joyce and Victoria, I just, again, want to thank you both for coming on here and most of all, thank you for doing the work in the community.

Joyce McMillan:

Thank you for having us.

Victoria:

Yes. Thank you.

Shimon Cohen:

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