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### Interpreting Black Women's Narratives about the Foster Care System as Counterstorytelling

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Interpreting Black Women's Narratives about the Foster Care System as Counterstorytelling

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April 12th 2018

Class of 2018

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## **Abstract**

This research examines Black mothers' narratives about the foster care system as counterstorytelling. This study analyzes the different ways Black mothers challenge systemic oppression through Critical Race Theory. This study offers a critical insight into the challenges Black mothers encounter with the foster care system and the different state actors that participate in maintaining common stereotype of Black mothers as poor parents. This project highlights the the role of the foster care system in suppressing Black mothers' ability to care for and protect their children. This study critiques the state's hypersurveillance and hypercriminalization of Black mothers and by extent, Black children. This project situates systemic racism, classism, and sexism so as to locate Black women within that paradigm. Lastly, this project offers a call to action that will mobilize readers to engage in activities that will undermine state violence towards Black women.

## **Acknowledgement**

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## Introduction

Last summer 2017, I was a legal intern at The Legal Aid Society in the Bronx. It is a private not-for-profit organization that is dedicated to serving low-income and underrepresented New York residents. I worked with the Juvenile Rights Practice Department and was able to conduct home visits as well as write home visit reports. On these visits I would be briefed on the family's history and given access to personal information. I was expected to inspect the homes for safety conditions and observe the child's behavior, attire, and inquire of his/her eating habits. This experience in combination with the recent New York Times article, *Foster care as Punishment: The New Reality of Jane Crow* by Stephanie Clifford (2017), sparked my interest in conducting further research. Controlling scripts frame Black women within a unidimensional narrative of incompetent mothers who are undeserving of their right to parent. My summer in the South Bronx was filled with Black and Brown on a conveyor belt, moving in and out of our offices and Black mothers appearing before judges to plead their cases. The Attorney-in-Chief explicitly told the interns, "there is no justice system for children of color" as white children have other institutions such as church, schools, and police officers to protect them. Similarly, I must add, there is no justice system for Black women. The Bronx comprises of 43.7% Black people with 23% of the total population living in poverty. Society's reduction of Black mothers operates within racist, classist and sexist stereotypes.

The purpose of this study is to highlight ways in which Black women's stories operate as counternarratives to stereotypes of Black mothers as inept parents and how does the foster care system reproduce these misconceptions. Mainstream construction of Black motherhood interprets Black parents through a deficit framework and through counter storytelling Black mothers redefine and reimagine themselves as parents. I used multiple sources to find answers to the different ways

Black women push against stereotypes of poor parents. Through the use of Critical Race Theory, I examine Black women's interaction with the foster care, judicial and education system. I analyze the manner in which race, class and gender, shape Black women's parenting style and experience with the state. Lastly, I think through strategies to move forward and how we can undermine systems that work against Black mothers.

## Literature Review

### Background

This project requires a historical understanding of Black women's constrained authority over their bodies as well as their children. Black mothers' current hypersurveillance by the state connects to their long history of enslavement and the destruction of their identities. More than 500,000 Africans were taken to North America between 1700 and 1861 (Roberts, 1997). The auction block symbolized additional trauma that mothers experienced as their children were taken, often never to be seen again. The slave trade in America was fueled through the separation of families. Roberts emphasizes the government's involvement in the enslavement and dispossession of an entire group of people. South Carolina courts acted as the "state's greatest slave auctioneering firm" (Russell, 1993). The courts ordered and supervised the sale of enslaved people.

Colonizers stripped Black mothers of their identities as providers and protectors. Black mothers were expected to leave their children for hours to work for their master (Marquis, 1996). White society referred to Black women as 'breeders' rather than 'mothers' (Davis, 1986). Colonizers subjected Black women to many forms of sexual coercion and exploitation. They did not treat Black women as physically inferior due to their gender and expected Black women to be 'masculine' (Davis, 1986). Moreover, white society held enslaved pregnant women to the same standards and expect each Black woman to meet the day's labor quota (Davis, 1986). A mother's absence was detrimental to her children and negatively impacted their chances of survival. The slave owner often whipped enslaved children who disobeyed or irritated the him; leaving Black mothers in a powerless position to defend their own children. Moreover, enslaved children were exposed to the inhumane and demoralizing punishments to which adults were subjected (Roberts, 1997).



As parents, enslaved mothers were silenced in at least two ways. Firstly, they were denied the right to name their children. Children were named after their masters, which reinforced their identity as property in connection to their masters. Additionally, the lack of familial names emphasized the child's submission to their master rather than their parent. Secondly, enslaved "children were denied the moral and social heritage of their families and the freedom to develop values in the more flexible and intimate environment of family" (Roberts, 1997). Nevertheless, although enslaved mothers were denied agency to parent their children they were constantly resistive in a manner that established their role as parents. Black mothers continuously made sacrifices for their children. In order to maintain the bond and attachment most mothers would carry their children on the backs into the fields. Moreover, mothers would also volunteer to be beaten in the place of their children (Marquis, 1996). Here, Black mothers tried to reclaim and reaffirm their role as protectors and providers. Black women found creative ways to subvert their oppressors' authority in order to insert their own authority.

One of the many stereotypes of Black women in the U.S. constructs Black mothers as inept parents who are in need of government intervention and regulation. A small body of research explores Black mothers' subjective experiences and an even smaller amount looks at these in relation to the foster care system. The statistics on children of color in the foster care system help to support the rhetoric of absentee Black mothers who are unsuitable to parent.

### **The Construction of Black Motherhood as Deviant**

Historically, the experiences of Black mothers have been excluded from research on the context of "normal" motherhood. Research that targets Black mothers is largely framed within a deficit narrative and positions Black mothers as "deviant" (Jenkin, 2005). During the 1980s and the 1990s President Ronald Reagan's pushed images of Black mothers as crack addicts as part of

his war on drug initiatives. These images influenced the swiftness with which judges, doctors, and police officers punished Black mothers for using drug while pregnant (Roberts ,1997). White motherhood operated and continues to operate as the standard for parenting thus, positioning Black mothers as *others*.

The myth of the Black matriarch within the context of a troubled culture blames Black mothers as the cause and center of Black problems. During the Post Civil War era sociologist and anthropologists began to study the war's impact on families; however, they examined race as a pathological factor (O'Conner, 2001). Psychiatrists, Abram Kardiner and Lionel Ovesey, reasoned that racism created negative ramifications for Black lower class people. Thus, Black families suffered from a cycle of internalized hatred from racism. They argued that the Black matriarch produced this continuous cycle. The high rates of Black male unemployment removed the patriarchal sovereignty which forced Black mothers to perform the dominant role of caregiver. The Black matriarch became so subsumed in her role of the dominant figure, she failed to properly care for her children. (O'Conner, 2001; Staples 1970). This rationale fed into the public's acceptance of the crack baby myth.

Dr. Ira Chasnoff's research findings on the crack baby 'epidemic' in the *New England Journal of Medicine* led many to believe in the crack baby myth. In September 1985 Dr. Chasnoff research, *Cocaine Use in Pregnancy*, use a total of twenty-three women divided into four groups, controlling for age, class, number of pregnancies, and alcohol use. One group contain women who only used cocaine and another group comprise of women who used cocaine and other narcotics. Dr. Chasnoff compares these two groups to women who used narcotics previously but continued to use methadone (opioid used as a transition drug) during pregnancy and another group of drug free women. Dr. Chasnoff concluded that "infants exposed to cocaine had significant depression

of interactive behavior and a poor organizational response to environmental stimuli” (Chasnoff, Schnoll, & Burns 1985). He noted the sample size as a limitation and suggested further research on a larger scale.

Many scholars and articles cited Dr. Chasnoff’s work as support for the epidemic of ‘crack babies’ and their fatal future. In 1989 Charles Krauthammer wrote for the Washington Post that the “ inner-city (Black) crack epidemic is now giving birth to the newest horror: a bio-underclass, a generation of physically damaged cocaine babies whose biological inferiority is stamped at birth” (Krauthammer 1989; Glenn 2006). Krauthammer contributed not only to the myth of crack babies but also connecting the phenomena to Black women; thereby, condemning, dehumanizing, and reducing Black women to a subcategory. A series of other research projects solidified and supported the widespread misinformation. There were three large myths surrounding the crack baby epidemic. Many believed exposure to prenatal crack was more dangerous than any other narcotics. They also believed exposed children only reside in inner-city neighborhoods and that all exposed children react similarly and required rigorous school intervention (Barone, 1994).

The myth created severe consequences for Black mothers and their children. The media and politicians echoed the crack baby myth. Police targeted Black mothers as the government criminalized the use of crack cocaine. Black women feared seeking prenatal assistance due to the risk of being arrested. The pejorative term ‘crack baby’ contributed to the negative way in which society viewed Black children. Many adoptive and foster parents denied children exposed to crack cocaine. Black children’s education suffered as well. Teachers labeled correctable and minute problems such as a lack of socialization within Black children as neurological deficiency (Coles, 1993).

In 2001 the Journal of American Medical Association published an article that countered the crack baby myth. Through a meta analysis of thirty previously published research on the impact of cocaine on infants and children, JAMA concluded that the findings made unsubstantiated claims. Previous studies presented little or no evidence that supported claims of crack cocaine's effect and that prenatal exposure had strong correlations with other factors such as alcohol, marijuana or tobacco (Koren, Sheer & Einarson, 1989). Over a decade later, the scientists challenged the myth; however, the effects of the crack baby myth still shape the way white society perceives Black mothers and their children. This myth in relation to other stereotypes frame Black mothers as poor parents.

In 1976 Ronald Reagan formulated the term welfare queen as to characterize poor African American women who continuously reproduce in order to steal taxpayers' funds (Foster 2008). The stereotype operates to reduce Black women's as competent parents and paint them as frauds, undeserving of assistance. Similarly, policymakers and politicians use the controlling image of Black women as welfare queens to justify their hypercriminalization. Politicians used the image of the Welfare Queen "to justify class based sexist and racist assumptions about the presumed behavior and moral failures of welfare mothers" (Foster, 2008). The Welfare Queen creates a racist image of Black single mothers presumed to be at fault for their own economic instability. As a consequence, the construction of the Welfare Queen seems to justify the government's penal and criminalizing response to poverty and thus place Black mothers as targets for discrimination (Foster, 2008). Moreover, films reinforce some of these controlling scripts of Black mothers.

Black mothers in films often perpetuate the deficit understanding of Black mothers as inept. Mass media functions as an oppressive mechanism that distributes negative social rhetoric of Black

motherhood (Rousseau, 2013). News outlets portrays Black mothers through the stereotypical representation of crack addicts. News outlets help to facilitate the construction of Black mothers as *bad* (Roberts, 1997). Previous welfare policies shaped the ways in which Black mothers are depicted in films. These portrayals help to shape the continuous justification of regulating Black motherhood. Throughout films produced during 1990-2011 three major themes of survival (Black child trying to survive bad mother), desperation (Black mother in need of rescue), and silent/absent (distant Black mother and the honorary white mother) were used to contextualize Black mothers/motherhood (Rousseau, 2013).

Films captured Black mothers within stereotypical roles of mammy, Tragic Mulatto and Jezebel (Bailey, 2009). Black actresses in the mid-1900s cast for stereotypical roles of servants which reinforces mainstream understanding of Black people as domestic servants. For example: Although DeLilah Johnson, as Louise Beaver, lost weight during the production of *Imagination of life* (1934) due to the pressure of the role she played, the directors padded her in order to fit the image of a mammy, someone who ‘is capable of carrying the world on her shoulders’ (Bailey, 2009). The mammy figure is characterized as someone who is deeply concerned about her white employers yet her own children are absent or rarely cared for. There are few roles in which Black actresses are authoritative and command respect. The roles that Black women occupy reflect mainstream perceptions of Black mothers as deviant through the stereotype of the mammy. The negative construction of Black mothers produce violent consequences.

The criminalization of Black women infers the state’s justified intervention in women’s reproductive rights. The state subjected incarcerated women to paying for their freedom with their reproductive rights (Stern, 2005). For instance, in 1996 women were given the *choice* to take birth control instead of a long prison sentence. Reproductive regulatory policies disproportionately

impacted Black women. The 1970s was the peak of sterilization as it became the new method for birth control (Neubeck, 2001). Black women were sterilized without consent or even being informed about the procedure. Doctors also informed women that they had cancer, then performed hysterectomies. The money was used to fund new clinics (Katz, 2013). Teaching hospitals used Black women's bodies as teaching tools to perform unnecessary procedures such as hysterectomies (Robert, 1997).

During the 1970s doctors justified sterilization through the belief that they were preventing 'undesirable population growth of the poor' (Roberts, 1997). This language was often coded for Black and or poor women. Doctors saw sterilization as a solution to population control. Dr. Pierce of Aiken County South Carolina sterilized eighteen welfare mothers in 1972. Of the eighteen women, sixteen were Black. Dr. Pierce's policy was to sterilize mothers after their third child or demand that they find another doctor. He blamed welfare mothers for wasting taxpayers' dollars and this was his way of controlling state funds as well as the population (Roberts, 1997). Furthermore, in 1973 Judge Gerhard Gesell uncovered approximately 100,000 to 150,000 cases of poor women who were sterilized under government funded programs.

Nevertheless, Black feminists have mobilized to counteract the dominant beliefs about Black mothers as deviant (Katz, 2013). Puerto Rican political activists created the Third World Women's Alliance in 1971. The TWWA extends from the Black women's liberation Caucus as well as the Black Women's Liberation Organization. These programs were short lived but fiercely advocated for the rights of women of color. TWWA established a newspaper called *Triple Jeopardy*. Their goal was to eliminate racism and sexism. TWWA were relentless in their efforts to highlight the sterilization of Black women and the obstruction of Black women's agency. *Triple Jeopardy* was used as a platform to advocate for women who had been abused and exploited. They

spoke against the common misconceptions of Black women reproducing children outside of marriage. To counter the Moynihan Report which marked the Black Matriarch as defective, they argued that there are other forms of families besides the to the mainstream construction of nuclear families (Katz, 2013).

To further understand the current view of Black women one must understand the history of criminalizing poverty. The criminalization of welfare receivers is rooted in racist, classist, and sexist bias. Government support in the first portion of the twentieth century was geared towards supporting white working men and their dependent families. The Social Security Act of 1965 initiated through the Aid to Dependent children (ADC) assisted widowed women and children. The number of families on ADC grew to 3 million in the 1960s which included a growth in African American women participants (Gustafson, 2009). This growth was not mainly a result of widowed women but those that were filing for divorces. Simultaneously, policymakers crafted welfare policies to include *suitable homes* (children of married parents) and *substitute parents* (i.e. stepfathers) which discriminated against women of color. While a 1961 rule that banned the random search of suitable homes, there were still arbitrary midnight raids to see if there was a man in the house. The state viewed an unwed couple viewed as immoral and therefore unfit to receive welfare assistance (Gustafson, 2009).

In 1966, Mrs. Sylvester Smith's case with the ADA challenged their racist policies. Mrs. Sylvester Smith was a widow and mother of four children and lived in Dallas Alabama. The family was a part of the Aid to Families with Dependent Children program., formerly ADC, for, multiple years. She was informed that she was no longer on the recipient list due to a violation of the substitute father rule (any able-bodied man living in the home is responsible for providing for the entire family). She was being accused of having sexual relations with Mr. Williams who did not

father any of her children (Gustafson, 2009). Mr. Williams did not support her financially and also had his own family. Mrs. Smith brought an action to continue her welfare support on the basis that the FDC violated the Equal Protection Clause of the Constitution as well as Alabama's understanding of who qualifies as a non-absent parent (Crooke, 1969). Justice Douglas found that the mother's sexual relations should not hinder aid as long as there are children in need of assistance residing in the home (Crooke, 1969). This case became a victory for other families in similar situations. It also highlighted Mrs. Smith's direct challenge to the state's control of her family life.

Courtroom proceedings also maintain and reproduce Black mothers as deviant parents. Judges and prosecutors reinforce the narrative of Black mothers as incompetent parents through what Van Cleve terms "Ceremonial Charade" (Van Cleve, 2016). A Ceremonial Charade is a "reduced due process without substance for those deemed to be undeserving" (Van Cleve, 2016). These ceremonies facilitate the efficiency of the judicial system. Van Cleve conducted a three year case study of the Chicago Cook County Jail to unearth the racialized justice that people of color experience. Van Cleve's report documents a moment in which a prosecutor pointed to a Black teenage girl from the bulletproof glass of courtroom. The sheriff stormed into the space and removed the young girl without any information or inquiry. Although her mother sat beside her present during the altercation, the officer did not defer to her parental authority. The sheriff dismissed the mother's voice and role through an act on the behalf of the state. The young girl was placed in custody simply for being on her phone. Here a Black mother was openly belittled and disempowered among a room of spectators. Courtroom proceedings operate to expose Black mothers of their supposed moral failing to properly parent and thus the state must intervene.



Although the mother in this scenario was only a witness in the courtroom, she was still placed on trial for her constructed identity as a bad mother.

### **Criminalization of Black Mothers**

A wide body of research details the mass incarceration of African Americans and its impact on the community. The disruption of family ties, social norms and citizenship is often the result of the incarceration of Black mothers (Roberts, 2012). The US prison and the foster care system both operate together to punish Black women in an effort to maintain race, class and gender inequality. Roberts highlights that the most incarcerated women are mothers which relocates racial inequality to the next generation. Number of women of color in prison points to the political decision to focus on criminalizing Black mothers rather than addressing poverty's root causes and impacts.

The criminalization of Black mothers is further evident in the treatment of pregnant Black women who are incarcerated. The shackling of pregnant women serves as punishment for inept and undeserving mothers who dare to act upon their right to be mothers (Ocen, 2012). The tough on crime narrative and the war on drug policies significantly affected poor women of color. In 2009 over 114,979 women were imprisoned. Additionally, there were more than 800,000 women on probation or parole in 2010. On these women, approximately 33 % were Black regardless of the fact that Black women contributed to only 7 % of the total population. Black women are the fastest increasing portion of the prison population (Ocen, 2012). During 1980 and 2003, drug related arrests of Black women grew by 888 percent while their white counterparts saw an increase of roughly 400 percent. The rise in incarceration rate increased child births in jails and prisons (Buchanan, 2007).

Michelle Alexander (2012) writes that the current establishment of mass incarceration would be absent if not for the "race of the imagined enemy". She defines mass incarceration as

“not only to the criminal justice system but also the larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison” (Alexander, 2012). Studies show that the more severe punishments related to drug abuse are allocated to people of color and the intensity is loosened in relation to white people. The policing of marijuana use supports this point. In the early 1900s marijuana use was stereotypically associated with Black and Mexican Americans. This belief facilitated the passing of the Boggs Act of the 1950s. The Boggs Acts established that possession of marijuana could lead to a sentence of two to five years of imprisonment. However, in the 1960s marijuana use became affiliated with white middle class college students. Studies were promptly conducted to better understand whether marijuana was as harmful as the previously assumed it to be. By the 1970s the Comprehensive Drug Abuse Prevention and control Act classified marijuana separately from other narcotics and thus reduced the sentencing for possession. A drug that was deemed harmful when associated with minoritized groups was reimagined as less damaging when attached to white communities. Simultaneously, policymakers blamed drugs as the cause for neighborhood destruction rather than institutional racism that disproportionately targets communities of color (Alexander, 2012).

Black people are disproportionately represented in all levels of the criminal justice system- prison, probation and parole (Miller & Alexander, 2016). In the era of mass incarceration people are subjected to different levels of supervision that creates a form of exclusion. Those who were formerly incarcerated become victims of the stigma attached to imprisonment as well as formal and informal forms of sanctions. Black and Brown people have been channeled into a new form of citizenship due to prison expansion. Scholars refer to this as carceral citizenship. The criminalized poor are restricted from receiving educational, welfare, housing and labor services.

One in nine Black children have a family member that has been incarcerated which creates a generational disadvantage (Miller & Alexander 2016).

### **Foster Care System as Punitive**

My project draws heavily upon Dorothy Roberts's research on the foster care system due to her direct analysis of the foster care system and its relations to Black women. Roberts situates her research within a white supremacy context. Black children are disproportionately represented in the child welfare system (Chand, 1999). Anyone who suspected maltreatment or neglect can make a referral to CPS. In 2008 over 3 million referrals were made (Casey, 2011). Although not all states have uniform policies on reporting the race of all children, the disparity is visible in states that account for race. For example, Illinois has a high percentage of racial disparity within the foster care system. In 2003 Black children represented 18% of the population yet 68 % of those in the foster care system. Also in California, Black children comprise 28.2 % of the foster care population yet only 7.2 % make up the overall California children population (Shaw 2008).

Despite the foster care system being framed as a safety net for children, it lacks the necessary resources to provide for children and youth in the system. Approximately half the youth in the foster care system fail to receive the necessary mental health services, and lack basic medical attention and almost one third live below the poverty line (Krinsky 2010). Over 75% of foster care youth perform below their grade level and only 15% attend college. Additionally, of those who leave foster care 51% are unemployed, one third on public assistance, 25 percent become homeless, and another 25 percent will be incarcerated within the first few years (Krinsky 2010). As a result of the challenges that foster care youth face, many enter a smooth route into the criminal justice system (Krinsky 2010). Foster care youth are also more prone to being recruited into violent

gangs. Once these youth enter into the juvenile system, they remain there for an extended period or under supervision due to homelessness (Krinsky, 2010).

Poverty and racial bias are two major factors that contribute to the overwhelming representation of Black children in the welfare system (Webb, 2002). There is a high correlation between poverty and cases of abuse and neglect: “Parental income is a better predictor of removal from the home than is the severity of the alleged child maltreatment” (Roberts, 2003). Thus, because Black families are disproportionately impoverished, there is an expected racial gap within the foster care system. In 2015 an estimated 12 percent of white families lived below the poverty line in comparison to roughly 25 percent of Black families. In 2016 the numbers were estimated to be at the at the same percentages (US census Bureau). Black families are three times as likely to be poor than white families. Children with family incomes below the poverty line are at a greater risk of being removed from their families because of neglect (Robert, 2003). Black children are more likely to be reported for physical abuse cases than their white counterparts. Similarly, Black families are more likely to be the subjects of child abuse investigations (Webb, 2002). The state invests in criminalizing poverty. Black families are disproportionately poor thus criminalizing poverty adds to the criminalization of Blackness.

Garland, Ellis-MacLeod, and Landsverk’s study (1998), *Minority Populations in the Child Welfare System: The visibility Hypothesis Reexamined*, further supports Webbs claim that race influences the rate of foster care placements. Garland and Ellis-Maclood studied the “visibility hypothesis” that reasons there is a higher chance for minority children to be placed in foster care system when they have a low representation in that geographic area. Researchers conducted a longitudinal study between May1990 and October 1991 of the number maltreatment reports of minors referred to the San Diego County, California. They found that African American children

were reported almost six times greater than their population representation. The researcher concludes that race and ethnicity factors into place of residence. This study supports Jenkins and Diamond's previous study that argues the more visible a child is in the community, the greater their probability of being placed into foster care (Garland, Ellis-MacLeod, & Landsverk 1998).

Furthermore, the child welfare system is deeply flawed and operates on the assumption that all the child's needs will be catered for by parents. The state then intervenes after the parents have failed to properly care for their children. Thus the approach to state intervention is flawed in three ways according to Roberts. Firstly, parental responsibilities are placed solely upon parents without state intervention or support. The context of child rearing is not taken into account such as the socioeconomic and political barriers that impede parents' abilities to guide and provide for their children. Secondly, the initiation of state intervention begins after families have undergone traumatic experiences. Accusations of neglect guides Black mothers into a path where they are provided with services usually unavailable to other poor parents. These services include: "housing assistance, treatment for drug and alcohol addiction, therapy bus vouchers, and parenting classes" (Miller, 2016). The role of government is limited to rescuing children who have been mistreated by parents who are considered deficient, rather than ensuring the health and welfare of all families. Lastly, the harm that children experience is interpreted as parental failure, an individual problem, rather than a reflection of societal shortcomings. Thus state intervention becomes punitive as it disrupts family structures rather than addressing root causes of child neglect. Unfortunately, the child welfare system demands a huge price in which parents sacrifice their parental rights in exchange for state assistance (Miller, 2016).

Roberts points out that there is no rationale to divide women who experience state intervention into two groups of guilty and innocent (2012). I must elaborate on Roberts' point that

racism distates an innate guilt for Black mothers. The state's rules of categorizing Black women into guilty and innocent operates as a facade in which Black women almost never get labeled as innocent. For example, the state sanctions survivors of domestic violence for exposing their children to such violence. Lastly, Roberts argues that there is an intersection between the prison and foster care system. Both systems disrupt Black families and communities as the prison system makes it challenging for formerly incarcerated mothers to regain custody of their children (Roberts, 2012).

### **Conclusion**

In essence, Black women have a long history of hypersurveillance and criminalization that dates to slavery. Slave owners restricted and often denied Black mothers' ability to parent their children. However, enslaved women found ways to reinforce their role as parents. Moreover, the late 19th century into the 20th century generated myths that negatively impacted both Black women and their children. The crack baby myth produced violent responses towards Black mothers and children. White society constructed Black motherhood as deviant and interpreted their experiences through a deficit lens. Similarly, movie portrayals of Black women in stereotypical roles amplifies the image of Black mothers as inept parents. These images fuel the hyper-criminalization of Black women who are disproportionately represented in the judicial system. The child welfare system acts as a reactive solution to the problems that Black mothers face rather than a preventative measure. Research studies support claims of race and poverty as contributing factors to the disproportionate percentage of Black children in the foster care system.

### **Research Question**

How do Black mothers' use counterstorytelling to challenge state sanctions imposed through the foster care system upon Black mothers?

### **Methodology and Data Collection**

At the conception of this project, I wrestled with whether or not I should collect first person narratives from Black women about their experiences. This would have been a powerful project upon completion but after thinking with my research committee, the negative effects of that project outweighed the possibilities. As an undergraduate senior, this is one of my first projects and I am learning how to utilize research tools as well as understanding the ethical responsibilities of conducting human research. The narratives of Black mothers' experience with the foster care system can engender recurring trauma. I understand that my research experience is limited and I am not properly equipped to execute a project of this magnitude that is not at the expense of Black mothers. I struggled to answer other questions of who would be among my participants and which space would provide access to Black mothers as a student in Indiana.

With the eight month timeline for this project, I decided to collect public narratives that although each counter common understanding of Black mothers, a composition as well as critical analysis of these narratives present a more powerful challenge. I have collected fifteen narratives that describe Black mothers encounters with the judicial system. These narratives were expressed through different mediums such as documentaries, newspaper, and film. I was very intentional about selecting stories that rarely factor into mainstream understandings of Black women. Through critical analysis, I demonstrate the work of Black women's narratives. Although, these narratives

are public, rarely do readers interpret Black women's narratives as counterstories. The stories that I have selected function as a way to disrupt common understanding of Black mothers as poor child care providers. They point to the systemic suppression that Black women experience and challenge the notion of Black mothers' absolute agency and free will when dealing with the Foster care system. By collecting these narratives, I intend to highlight a pattern in Black women's experience with a racist judicial system and provoke critical thinking into how we can continue to disrupt and reshape our understanding of Black mothers and the welfare system.

I rely heavily on critical race theory to analyze Black women's narratives. Critical Race Theory (CRT) allows for Black women's voices to have a platform. Those in powerful positions often create knowledge that fails to identify the innate biases that propel research (Van Heertum, 2005). Richard Delgado writes, in *Critical Race Theory: An Introduction*, that Critical race theorists use everyday experiences and the power of stories to gain a better understanding of how African Americans see race. CRT opens a window to alternate realities and questions long held *truths*. Stories serve as a powerful function for communities of color, which Delgado describes as a "cure for silencing" (Delgado, 2001). CRT marks experiential knowledge of people of color as "legitimate, appropriate, and critical to understanding, analyzing, and teaching about racial subordination" (Yosso & Parker, 2005). CRT presents Black women's narratives in a manner that centers their humanity.

Tara Yosso explains in *Critical Race Counterstories Along the Chicana/Chicano Educational Pipeline* that counterstorytelling, a core CRT method, is "a means to humanize the statistical representation" (2006). Yosso asserts that in the same manner that theory disempowers, it can be used to empower people. Furthermore, CRT unmask racism that is coded as "neutral scientific principle" and "normative values" and provides a platform where a multidimensional



narrative people of color can be shared. Counterstories challenge discourse that omits and distorts the experiences of communities of color” (Yosso & Parker, 2005). As such, storytellers resist and push back against dominant constructions of Black mothers.

Counterstorytelling, therefore, creates a platform for Black women’s narratives to challenge the dominant misconception of Black women as bad mother: predisposed to being abusive, negligent and uncaring. The collection of narratives I analyze present multiple perspectives of Black women’s hypercriminalization by the state, proxy agents such as landlords or even through film portrayals. Pierre Bourdieu defines the state as including the cabinet, the judiciary, and government advisory boards (Swartz, 1997). The narratives that I have collected are second hand accounts of Black women’s experiences. I recognize that these narratives are filtered through the lens of their authors and producers; however, I argue that they represent perspectives often silenced by the state and popular media discourse. These narratives capture a deep and important themes of how Black mothers have to shape their parenting in the context of white supremacy. Those in positions of power often misrecognize and mislabel Black mothers’ forms of parenting. As a result, the state reproduces the hypercriminalization and dehumanization of Black mothers by failing to acknowledge systemic oppression.

In conjunction with CRT, I use coding to track the narratives that I have collected. A code “in qualitative inquiry is most often a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data” (Saldana, 2008). I use codes such as protection, undermined parenting, poor, and abused to find commonalities between the narratives and possibility constructing themes from those codes. I create codes as a read new material and continue to keep a master list of those codes. I also use thematic analysis to categorize Black mothers’ experiences. Thematic analysis is not a research

method but rather an analytical approach. There are five purposes of thematic analysis: it is a way (1) of seeing, (2) of finding relationships, (3) of analyzing, (4) of systematically observing a case, and (5) of quantifying qualitative data. Thematic analysis allows for a summarization of the data without losing its meaning and context (Lapadat, 2010). “Thematic analysis provides a purely qualitative, detailed, and nuanced account of data” (Vaismoradi 2013). By generating themes from these narratives, I search for different ways that these narratives interact with each other. My goal is to situate these narratives in a manner that does not present them as isolated incidents but rather expose the greater structural platforms that impact Black mothers’ experiences.

The title of each section changed based on the narratives I added. I created subheadings based on a small collection of narratives and as the collection grew, I change the titles to reflect the narratives. The titles hold significance in that they highlight how systems interact to oppress Black mothers and by extent, Black children. Rather than mirror stereotypes and myths about Black mothers, I intentionally pointed out the foster care’s shortcomings in its claims to protect Black children. These titles create spaces to analyze Black mothers’ experiences in connection to the power relations of the judicial, education, prison, and foster care system.

I explore multiple mediums such as mainstream newspaper companies, social media sites, and documentaries. I intentionally selected narratives that suggest an alternate truth and reality to mainstream understandings of Black mothers. The stories range from police officers making false accusations against Black mothers, to judge abusing power, to extreme police officers killing Black children. While I was selective in the narratives being told, I struggled with accumulating a large number of narratives. Few newspapers and scholarly articles offer Black mothers platform to share their narratives as sources of knowledge or spaces to theorize and create change.

## Data Analysis

### Removal as First Resort

Article 1 of the Convention on the Rights of the Child reads, “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. The Convention on the rights of the Child was ratified in 1989 and enacted in 1990. The United States was one of the 190 countries that signed the UN document. However, the state’s interaction with Black mothers counter their stated aim of prioritizing the child’s best interest. The privileges of the child fail to transfer to Black children and Black mothers. The state justifies its hypersurveillance of Black mothers as a form of child protection but the narratives below hold contrary to the states proposed intentions. By removing the racial context in which Black mothers parent, the state fails to both protect Black mothers as well as Black children. In turn, the state causes significant damages to the familial structure as well as undermines Black mothers’ authority as parents.

On July 27<sup>th</sup> 2017 the New York Times published an article titled *Foster Care as Punishment: The New Reality of Jane Crow* illuminating inherently racist punitive measures used against Black mothers. Police officers, judges, and landlords criminalize Black womens’ Blackness as well as their economic status. Maisha Joefield is only one of many Black mothers whose child was taken away by the state. In the Times article, Ms. Joefield is characterized as someone who put her personal interests second to her daughter’s. Ms. Joefield slept on a pull out couch while her daughter slept in princess themed room. Ms. Joefield, after putting her daughter Deja to sleep, decided to put her headphones in while taking a bath. Deja was awakened before Ms. Joefield finished her bath. Deja could not find her mother and instinctively walked towards her grandmother’s house which was only a few blocks away. While Ms. Joefield hoped to explain

the situation to the police, they removed Deja from her home and placed her in foster care (Clifford & Greenberg, 2017). Child Protective Services accused Ms. Joefield of endangering the welfare of her child. Ms. Joefield spent the next thirty days going to court appearances and meeting attorneys in order to regain custody of her child.

The removal of a child from its home should be a last resort rather than an initial response. Child abuse and neglect can cause detrimental harm to the child and should not be taken lightly. In cases of real abuse and neglect, the state's intervention to protect the child becomes necessary. However, when the level of intervention includes removal, the step as well as its consequences are not trivial. Sakaran and Church's research shows that in 2013, 25,000 children removed from their homes spent less than 30 days in foster care before returning home. Researchers acknowledge that a child's removal from their homes "lies outside of typical childhood experience" (Sakaran & Church, 2016). A child's removal disconnects the child from familial relationships and places them in unfamiliar settings. It can also debilitate the child's ability to form other forms of relationships. These problems disproportionately impact children placed into foster care rather than those who were able to remain at home. The uncertainty of this experience poses a threat to Black children's well-being during the separation process (Sakaran & Church, 2016).

Similar effects emerge from Deja's removal process. The process of removing Deja from her home for a mere four days was not in her best interest. Deja's school records indicate low academic performance after her removal. Ms. Joefield observed that upon her return Deja was "always second-guessing if she did something wrong, if I was mad at her" (Clifford & Greenberg, 2017). Deja's response indicates a fear of removal again, a sort of anxious anticipation. Her fear is not unfounded as "child protective agencies are far more likely to place Black Children in foster care rather than offering their families less traumatic services" (Roberts, 2002). Deja seemed to

have internalized the incident as her fault and questions her actions around her mother. Their trusting maternal relationship suffered after the state's decision to relocate Deja.

The state's disregard for the value of the relationship between Black mothers and their children desensitizes the harm that removal does to both parties involved in the process (Roberts, 1994). Black children were historically omitted from Foster care services until after World War II. The number of Black children entering into the system became proportionate to the services that child care agencies provided. Black Children are more likely to be removed from their homes as opposed to their white counterparts and have the smallest opportunities to be reunited with their families or be adopted. Black children also received inferior services. The poor treatment of Black children mirrored the policies child welfare policies. Funds dedicated to removal increased as opposed to in-home assistance (Roberts, 2002).

The fear of possibly being separated from her child contributes to Ms. Joefied's fear regarding her parenting tactics. Ms. Joefield comments that "[She] still gets nervous. You're afraid to parent the way you would normally parent" (Clifford & Greenberg, 2017). Her understanding of normalcy and parenting tactics have been challenged through the state's intervention. The state labels her parenting style as insufficient and negligent yet she classifies her parenting style as normal. The states intervention undermines her ability to parent in the manner that she sees fit and appropriate for her child. The process of disruption and child removal psychologically impacted Ms. Joefield in a manner that incites anxiety.

The state's decision to intervene hinges on the stereotype of Black mother's unfitness. In Ms. Joefield's case, Deja's removal was unnecessary and could have been dealt without the formalities of the juvenile system. While the state's written goal is to ensure the safety of all children, the disproportionate removal of Black children is antithetical to this mission. The state

envisions Black mothers through a deficit lens in which they are rarely given the benefit of the doubt. Black mothers, as with Ms. Joefield, are guilty until proven innocent. There is a presupposition that Black mothers are already guilty by having children. One attorney commented, “there’s this judgment that these (Black) mothers don’t have the ability to make decisions about their kids, and in that, society both infantilizes them and holds them to superhuman standards” (Clifford & Greenberg, 2017).

The authors’ of the Times piece note Ms. Joefield’s racialized treatment. It is this excessive treatment of Black mothers that has gained the title of Jane Crow. Here, Ms. Joefield took precautionary measures by putting Deja to sleep prior to taking a bath. There was an expectation that Deja would continue to sleep as opposed to an intentional harm committed. “They are putting me in a box of bad mothers,” said Ms. Joefield. Ms. Joefield’s decision to take a bath while her daughter sleeps represent a responsible decision that counters CPS’s charge of neglect. Her engagement with simple self-care routine turns is interpreted as an act of violence. Clifford and Greenberg note that “in another community [it’s] a story to tell later”. Here, ‘another community’ is an imagined oppositional neighborhood that is predominantly white and upper middle class. Case workers often measure Black mothers’ parenting against the construction of white mothers as caring and good, bound within the pathologizing of Black women and Black mothers.

Ms. Joefield’s account operates as a counternarrative to the construction of Black mothers as neglectful. According to Clifford’s and Greenberg’s report, Ms. Joefield met and at times exceeded her daughter’s needs. An important note is the role of Ms. Joefield’s mother as a part of a community dedicated to Deja’s care. Black mothers rely upon othermothers as a survival mechanism. Patricia Hill Collins writes that othermothers are “women who assist blood mothers by sharing mothering responsibilities” (1990). Black mothers utilize a communal form of

childrearing and rely upon the support of other women. Additionally, bell hooks asserts, “this form of parenting is revolutionary in this society because it takes place in opposition to the idea parents, especially mothers, should be the only child rearers (Hooks 1984).”

Although Ms. Joefield is longer in a relationship with Deja’s father, they prioritize her parental relationship by going on vacations together. Ms. Joefield’s described actions in no mean jeopardize Deja’s safety or well-being. Ms. Joefield’s story not only adds a narrative to the numbers of Black children in foster care but it also points out the extreme scrutiny that Black mothers experience. Ms. Joefield intentionally provides as much as possible for her daughter. The state’s disruption of their relationship compromises their relationship as well as the how Ms. Joefield executes her authority as a parent.

Ann Arnett Ferguson’s *Bad Boys: Public Schools in the Making of Black Masculinity* captures a similar story of a mother whose parenting authority and style had been compromised due to the interruption by Child protective services. Mariana Tompkins, Donte’s mother, hit her son, ten-year-old Donte, with a belt after he left his home at night for several hours without telling his sister who was babysitting. Ms. Tompkins’ neighbor called the police and reported her. The police arrived and held her at gunpoint. They asked her partner to leave the scene of the incident. The police first checked Donte for bruises and marks and later performed additional tests such as blood count. Donte had bruises from a bike accident but the police concluded that they resulted from Ms. Tompkins beatings. Ms. Tompkins was jailed for more than 12 hours before seeing the judge. The judge gave Ms. Tompkins two-year probation, a mental health counselor, as well as bi-monthly court visits.

A qualitative study at the Center for the Study of Social Policy’s Racial Equity Review found that many social workers ascribe negative characteristics to Black mothers. The social

workers failed to properly evaluate the clients' strengths and weaknesses in relation to their ability to care for their children. Black parents were described with terms such as "hostile," "aggressive," "angry," "loud," "incorrigible," and "cognitively delayed" without acknowledging the context or providing any justification for these labels' (Roberts, 2012). Similarly, the police officers had already presumed Ms. Tompkins guilt based on a phone call. Although Ms. Tompkins explained that her son received bruises from falling from his bike, the police did not believe her. Social workers interviewed Donte and he confirmed that the incident occurred but the social workers selected pieces of information to believe. Ms. Tompkins note, the change in her relationship to her children, "It's not the same because they had labeled me as a child abuser" (Ferguson, 2000). Ms. Tompkins interactions with her children have been riddled with fear of returning to jail. Ms. Tompkins saw her actions as a form of protection rather than abusive.

In Ms. Tompkins' case, the judge ignored her reasons for hitting her son. The context in which the beating took place became irrelevant and the most important act became the judges official labeling of Ms. Tompkins as a bad mother. Ms. Tompkins explained her actions as a form of preventative tool for her son rather than a threat to him. Ms. Tompkins continues, "The white man don't care. They don't care if he would'a got killed that night" (Ferguson, 2000). Ms. Tompkins' actions occurred within the understanding that white people including police officers perceive Blackness as violent and deserving of a violent response; an explicit disregard for Black lives. Ms. Tompkins believed that the street is a dangerous place for her son particularly at night. Police officers perceived dismissal of her claims either point to their misrecognition of this threat or a blatant disregard for the value of Black lives. She explains her actions as necessary for the preservation/ survival of her Black son. Her role as a guardian is assuring her Black son's survival in a racist society. However, her actions were seen as violent and in need of punishment.



Ms. Tompkins narrative suggests that the state reserves sole rights to corporally punish Black males. The judge that presided over Ms. Tompkins' case was annoyed by the case and asked the attorney to never "bring another case like this in front of me again" (Ferguson, 2000). Although the judge interpreted the case as a waste of time and unnecessary for a court proceeding, the judge gave Mariana two-year probation, assigned mental health counsellor, and required to attend court twice a month. Nicole Gonzalez Van Cleve in, Crook County, conducted a case study of Cook County Courthouse. From her study, she asserts the racialized justice that is executed and the expediency with which court officials distribute sentences (2016). Van Cleve reasons that "by wielding morality as a currency, professionals create sincere fictions that rationalize the 'doing of justice' and the 'doing of racism'" (Van Cleve, 2016). The pathological perspective of Black motherhood as innately deviant rescinded any empathy for Ms. Tompkins. Ms. Tompkins presents a key insight into her experience. In her conversations with both the judge and police officers, she posed the question of what they would do in her situation. They all responded that they would do the same. Yet, upon arrival, the police officers drew their guns at Ms. Tompkins and the judge, despite being annoyed by the case, distributed a sentencing. Mariana's story points to the hypercriminalization of Black mother's. Although both the judge and officers would have committed the same act of hitting their child, they could not empathize with Marianna, a Black woman.

The state in its stated mission to protect everyone fell short in its claims to protect Black mothers and children. The historical exclusion from the foster care and later mass removal of Black children from their homes suggest a legacy of the state's neglect of Black children. While the state should be working together with Black mothers, it has countered Black mothers' aims to protect their children by undermining their parenting authority. Consequently, the state's involvement

discredited Ms. Tompkins' authority as a mother. After returning home, it was difficult for Ms. Tompkins' to repair her relationship with her son. Donte continuously used, "If you hit me, I'll call the police" as his own weapon to further invalidate Mariana's role as a mother (Ferguson 2000). Ms. Tompkins' feared not only losing her son to the state but also losing her son to racially charged acts of violence. Her beatings served as a cautionary reminder that Black boys do not roam the streets with the same agency as his white counterparts. Ms. Joefield also expresses the same fears and concerns regarding her child.

### **Illusion of Innocence**

*I am a Public Defender  
I am the guardian of the presumption of innocence, due process, and fair trial.  
To me is entrusted the preservation of those principles  
With every fiber I will fight for my clients  
My clients are the indigent accused  
They are the lonely, the friendless  
My voice will be raised in their defense  
This will my credo  
And if upon my death  
There are a few lonely people who have benefitted  
My efforts will not have been in vain.*

*-Public Defender's Creed (Van Cleve 2017)*

One afternoon, at a Prindle Institute event during my Fall semester of my junior year, one year prior to her release, Michelle Jones and other women from the Indiana Women's Prison, led a group discussion via skype on the prison system and its rate of recidivism. I recall being amazed by her work and intellect. While incarcerated, Ms. Jones published works on African American History and participated in multiple talks across indiana. After being released, Ms. Jones applied to Harvard History program and was accepted. Later, Harvard,recanted their offer upon claims that Ms. Jones "downplayed her crime in the application process" (Hager, 2017). Ms. Jones' rejection

suggest that for Black women, innocence is unattainable. Black women's incarceration becomes a formal mark of guilt and never a possible trajectory to innocence.

The judicial system has transitioned into a for profit institution that relies partially on incarcerating people for sustenance. Detainees are often charged for usage fees, such as arrestee fees, prosecution, investigation, public defender, a trial and incarceration. "These fees serve to criminalize and severely amplify the burden that criminal punishment imposes on poor communities" (Harvard Law Review, 2015). Police officers target poor people due to their inability to pay the legal fees attached to their arrest. These fees incur taxes and other additional charges for late payments (Harvard Law Review, 2015). Black poor mothers experience the burden of being criminalized for being poor as well as Black. They are neither innocent until proven guilty nor guilty until proven innocent; but rather guilty forever as their guilt is tied to their Blackness. As a result, incarceration becomes an act in which Black women attempt to buy their innocence.

PBS Frontline released a documentary called *The Plea* in 2004. The documentary tracks four different clients who the state offered a plea bargain and the repercussions of those clients' decision to accept or deny. In East Texas Erma Stewart and Regina Kelly live in the same public housing complex. The police raided their complex based on a tip from a 'confidential informant' that all the residents were involved in drug distribution. Police arrested 25 men and two women, of which only one person was not Black (Alexander, 2010). The police did not provide any justification for their arrest. Both women were single mothers whose first priority was returning home to their children. They both experienced the state's abuse of authority as well as its blatant disregard for Black motherhood.

Without any evidence, the police offered both women ten-years probation if they plead guilty to narcotic distribution. While both women maintained their innocence, Regina Kelly

remained adamant, rejected her plea deal and was released. On the other hand Erma Stewart had a more challenging experience. Her attorney strongly pressured her to accept the plea deal and refused to provide her with any information about what a plea deal entails. Ms. Stewart's son was ill at the time and her first priority was returning home to take care of him. She accepted the 10 year probation deal and was released after a month of being imprisoned (Alexander, 2010). In the documentary, the attorney listed on her file could not recall neither Ms. Stewart nor her case. She was also not listed among his client records. The attorney refused to engage in a lawyer client relationship with either Ms. Stewart or Ms. Kelly. To him, it was almost as if Ms. Stewart never existed.

While in custody, the judge and attorney interacted with Ms. Stewart and Ms. Kelly as invisible targets, yet used race and social class as a locating system. The judge's failure to acknowledge Ms. Stewart's personhood not only demonstrates a lack of respect but also "implies, for the misrecognized, a 'loss of face' and a denial of a place in the social world (Jean & Feagin, 1998)." The state's hyper criminalization of Black women maintains Black women's guilt before any evidence is presented. As such, Black women's right to exist is penalized as well as their children's right to a maternal relationship. The district attorney that prosecuted the case responded, "I believe every one of them was guilty but the state didn't have enough evidence." It appears that the state does not extend the policy of innocent until proven guilty to Black women. They later found the informant to be unreliable yet the district attorney still maintained that they were guilty despite insufficient evidence. Here, poor Black mothers are not given the same opportunity to freedom, justice and the pursuit of happiness.

Black women's bodies are still commodified and used in part to maintain the prison system. One of slavery's foundational tenets was the profiteering of Black bodies; a process of constant

taking from Black women: “The logic of slavery positions Black people as inherently slave-able and anchors capitalism, which ultimately commodifies all people while perpetually locating Black at the bottom of this hierarchy” (Sefa Dei, 2017). The judicial system’s need for Black women’s bodies still persists and Black women are used to partially fund the judicial system. Due to Ms. Stewart’s ignorance surrounding her case and the repercussions of a plea deal, the consequences for her would be unexpectedly severe. Three years later, Ms. Stewart became ineligible for food stamps and federal grant money for education, evicted from public housing, and unable to vote until two years after the ten-year probation. She is homeless and her children move from house to house. Her job pays her \$5.75 an hour. Ms. Stewart owed over \$1000 fine in court costs and late probation fees. Steve Bright, director for Southern Center for Human Rights, comments, “When the court is in pursuit of profit, that is in conflict of the pursuit of justice” (PBS, 2004). The surplus charges fuels the judicial system. In this plea deal, the state prioritized financial gain over social justice.

Ms. Stewart and Ms. Kelly’s narratives expose the state’s blatant abuse of power and the repercussions that Black women face. The weight of the state’s decision wore heavily on Ms. Stewart. She was open and explained that she had multiple suicidal thoughts. Ms. Kelly comforted her and told her that she has to stay alive for her children. The psychological turmoil is life threatening as Ms. Stewart could not see a solution to her problems. Although there is no evidence to prove her guilt, her case cannot be overturned because Ms. Stewart accepted the plea deal. The district attorney did not make a public apology for ruining so many lives. Not only was Ms. Stewart removed from her children during her arrest but the one hour that she spent in jail had the potential of removing her from her children permanently. Once again, Black women experience systemic suppression of their right to be parents. The state’s cry of child protection seems antithetical to

their hypercriminalization of Black mothers; however, within the historical framework of racism and sexism; the system works perfectly.

Ms. Stapleton's narrative supports my previous claim of Black women's invisibility and innate guilt. In the New York Times article, *The New Jane Crow*, Police officers charged Colyssa Stapleton with marijuana possession in December 2011. Ms. Stapleton reported that she used all the baby's formula, and after calling Nevaeh's (her child's) father he said he would bring the formula to her. She left Nevaeh upstairs as she went to meet her father. At the same time, her aunt was outside smoking marijuana. Police officers were driving by and charged both women with marijuana possession, despite reporting they found Ms. Stapleton without any narcotics. Ms. Stapleton explained that she left her child alone upstairs and the officers charged her with "endangering the welfare of a child". Child Protective Services placed Nevaeh in her father's care and placed Ms. Stapleton on six-month no contact watch. Ms. Stapleton described this punishment as being "robbed" of intimate and important experiences with her child (Clifford, 2017).

The police officers seemed to be in search of anything that would convict Ms. Stapleton. They offered so sense of support or understanding. It appeared as if they were more concerned with Ms. Stapleton's than the well-being of her family. Black mothers' experience within the criminal system is also Black children's experiences. Black mothers continuously have to prove their innocence through official processing. Their words do not warrant trust from police offices who seem to apply an innate guilt to Blackness. Through due process Black women participate in a charade that demeans, undermines their authority, and reminds them of their guilt. Although, a court decision might release a Black woman, the court's release does not prevent another search or arrest. This due process is a temporary granting of innocence, a sort of illusion.

On September 24th 2015, The Washington Post reported a story of Mother A, an African American woman who lived in Jackson, Mississippi (Balko, 2017). She was in the passenger seat of her friend's car and her child was in secured in the back seat. Police pulled them over for a minor traffic violation. Both women, however, had "outstanding warrants for routine misdemeanor offenses" (Balko, 2017). After the officer arrested both women, he called DHS and reported an abandoned child. The baby's grandmother arrived at the scene and offered to take the baby home but the officer demanded that he take the child before Judge John Shirley at Pearl Youth Court. Although the Judge granted custody to the baby's grandmother, he requested that Mother A have no contact with her child until she paid her court fees. Mother A was unable to see her child for 14 of the first 18 months that the child was alive. Multiple investigation into Judge Shirley's cases revealed that he had a history of separating mothers from their children due to "unpaid misdemeanors" (Balko, 2017).

The legacy and price of Blackness precedes everyone who would embody that being. The controlling images of Black women as irresponsible mothers formulate the general perception of Black women, which dehumanizes and devalues Black women's motherhood. Black mothers struggle in the judicial system to be heard and seen as by those in positions of authority. On the other hand, "whiteness has value, whiteness is valued, and whiteness is expected to be valued in law" (Cacho, 2012). Juxtaposed to whiteness, Blackness fails to receive the same level of protection.f Judge Shirley sees Mother A's suspension of her parental rights as a fair trade for unpaid fines. Mother A's removal from her child implied she posed some harm towards her child. Her small misdemeanor completely revoked her parental privileges. Mother A's relationship with her child was less significant than paying her fines. Moreover, the police report was fallacious. At the start of the incident, Mother A's characterization as a parent was tainted before she was

presented to the judge: the child was “abandoned”. Once again, a Black woman is guilty of being a mother and therefore deserving of punishment. Mother A’s story told by the Washington Post serves as a pointer towards the racist judicial system and its reproduction of the stereotype of Black mothers as negligent parents.

The police officer’s blatant disregard for the child’s grandmother’s role as a guardian undermines Black mothers’ survival strategies. Mother A was not negligent as she had her mother to assume responsibilities in her absence. Andrea O’Reilly (2004) views othermothering as a tactic that ensures all children receive the mothering that would bring about both psychological and physical well-being and makes empowerment possible regardless of whether the biological mother is present or not. Mother A’s narrative dismantles the myth of the Black matriarch as the head of the household whose model of parenting places her children in danger. The child’s grandmother was present and willing to take care of the child. Both the judge and the officer helped to perpetuate the stereotype of the Black careless mother who poses a threat to her own child.

These narratives push back against the rationale of Black mothers as violent, careless mothers and address the innate guilt that the state attaches to Black mothers’ bodies. The state intentionally seeks to punish Black mothers either for no obstruction of justice or extend a harsh punishment. The dominant interpretation of Ms. Stewart, Ms. Kelly and Mother A’s experience in the judicial system suggests inherent violence and negligence. However, these stories highlight the limitations of the law to protect Black women. In these accounts, the state penalizes poor Black women for being both Black and poor. The harsh treatment of Black mothers insinuates the state’s interpretation of Black mothers as welfare queens and by extent leeches of the state. As such, the judicial system forces Black mothers to pay fines that they believe Black women are capable of paying due to their real or imagined welfare status. These fines become rationalized through the



perception of Black mothers as a state burden and then seen as reparations to the state. These fines further impoverish and imperil Black mothers and their children.

### **Black Victim as Oxymoron**

For my criminology course, my professor assigned Van Cleve's Crook County which tracks the different ways justice is performed and racialized. Van Cleve documents a moment in which a grandmother, a domestic violence survivor charged with homicide, begged for her life as the judge and prosecutor engaged in victim-blaming. This moment of framing the victim as the villain revealed how Black women are not allowed to be victims. The very idea is contrary to white society's construction of Black mothers' as welfare leeches and violent parents. While I coded my the narratives, similar themes emerged between Black mothers and the foster care system. Motherhood extends beyond biological parenting or even the experience of raising a child. The tasks of providing emotional and physical support for the child rests heavily upon the mother rather than the father. Jenkins writes, "motherhood is, in fact, a social institution--one that is controlled by the systems of patriarchy and the economic relations in which it is embedded. It is a socially constructed identity, involving empathy, emotional care and providing economic support" (Jenkins 2005). As mentioned earlier, the state interacts with Black mothers from a point of presumptive guilt. Then, any other acts that counter the state's conception of good mothers render Black mothers to harsh punishment.

Tolando Hall was in an abusive relationship where her boyfriend frequently choked her, punched her and threw objects at her, and spewed verbally abusive words at her. He isolated her from her friends and family and tried to stop her from showing any affection towards her children. He often threatened to take away her children and said she would never see them again. She saw bruises on her son's head and heard her daughter scream from another room but her boyfriend

always had an explanation. One afternoon she noticed that her 20 month old son's leg had begun to swell so she took him to the hospital. The baby had a broken femur and 12 fractured ribs. Her young daughter also had a broken femur, 12 fractured ribs and a broken toe. Ms. Hall and her boyfriend Roberts Braxton Jr. were arrested and charged with abuse. Braxton pled guilty and was given 10 years. Eight years were removed from his sentencing after Ms. Hall could not provide definitive evidence of her boyfriend's abuse and he was released in two years. Ms. Hall, however, took a blind plea deal that gave her 30 years in prison. She will not be given any parole until she had served at least 85% of her sentence (Campbell, 2015).

Ms. Hall, just like Ms Stewart in the falsely reported raid, took a plea deal that crippled her freedom. The judge believed that if her narrative were true then she would have solid evidence of her boyfriend's involvement. "At the foundation of law, certain racialized populations are excluded from its protections and its processes of legitimation, but they are not quite imagined outside the law because to be outside the law suggests that eventual inclusion is possible" (Cacho, 2012). Tolando Hall is a domestic violence survivor whose volatile relationship severely impacted her children. Ms. Hall, although a survivor, is now paying more than her abuser for the damages that her children experienced.

Attorneys have a challenging time understanding that Black women can be victims as well. They have devoted much of their time to finding the bad guys presumed to be Black that Black people's protection becomes void (Van Cleve, 2016). Similarly, Ms. Hall's racial identity and the controlling scripts of a incompetent mother clouded the possibility of her victimhood. The state's gender roles and expectations emerge within its ruling for Ms. Hall. It appears that Black men's punishment for child neglect and abandonment differs from Black women's. The state seems to

anticipate Black men's behavior as violent and abusive while Black women should be the protectors.

Disbelieving domestic violence survivors' narratives diminish their courage and attempts to seek assistance. The state's response to Ms. Hall's experience echoes the dangerous logic of victim-blaming. The state turns to Ms. Hall, as a Black woman and as a mother, to find other reasons, besides domestic violence, for her inability to protect her children. 'Endangering the welfare of the child' becomes dangerous when the state fails to consider the welfare of Black mothers. Both well being must be congruent. It appears that the state expects Ms. Hall to be superhuman in her responsibility to protect her children. Ms. Hall's verdict suggests that Black women's trauma does not get factored into their due process. As the other cases suggest in the *Illusion of Innocence*, Black women's guilt and presumed negative parenting abilities automatically infers harsh sentencing. With Ms. Hall, the court failed to acknowledge the trauma and hurt that she, too, experienced during her relationship. Ms. Hall could not be both Black and a victim because the state would then be advocating for and providing justice for Black women.

Additionally, landlords also engage in the exploitation and removal of Black mothers from considerations of victimhood. Bernadette Charles' narrative reported in the New York Times, *The New Jane Crow* (Clifford, 2017), exposed the different ways that Landlords manipulate and target poor Black mothers. Landlords use the threat of child protective services to disempower tenants. This allows landlords to remove lower paying tenants or rescind their maintenance duties. Bernadette Charles found herself in this scenario when she found brown water seeping through her ceiling and destroying her couch. Soon huge rats found refuge in her kitchen. The problems increased as she found mold in her bathroom. After alerting 311 about her living conditions, Mrs.

Charles' landlord punished her by calling child protective services. The family was reunited after three days.

These narratives suggests the state's intentional role in relegating Black women to being perpetrators rather than victims. The controlling script of Black women as poor parents presents dangerous and violent consequences. These constructs strip away Black women's humanity and vulnerability. It seems as if Black women cannot be perceived as anything else but abusive parents who intentionally harm their children. Sefa Dei argues that "whiteness can claim multiplicity in identity as opposed to racialized bodies that are viewed in terms of an essentialized and singular identity" (Sefa Dei, 2017). To white society, Blackness operates solely within the stereotypes it created. White society confines Black women to a uniform understanding of Blackness with no room to be complex individuals. White society anticipates Black women following the controlling narrative of the incompetent matriarch in order to justify Black women's oppression. Even the simple concept that Black women's need for protection appears as a stretch in the white imagination.

Both Ms. Hall and Ms. Charles' narratives exemplify counterstories that push back against the mainstream myths of Black mothers and expose different ways that authority figures exploit and silence Black women. Ms. Hall tried to advocate for both her and her children in court but the state punished her with 30 years behind bar. Ms. Hall tried to explain the manipulative techniques that her partner used to abuse her and the children but the court ruled that they needed more evidence to convict the father. Ms. Hall's narrative is a significant counterstory because while the court paints her as an abuser, she bravely tells her own narrative of survival and resilience. Similarly, Ms. Charles only wanted to provide the best living condition for her children. The landlord understood and exploited Ms. Charles' vulnerability. He knew that the state interprets

Black mothers as innately guilty and therefore, could not be victims. Ms. Charles story exposes another layer of Black women's oppression. Her story forces me to think about the countless actors that contribute to the shifting and shaping of how the state perceive Black women.

### **Mental Illness As An Oppressive Tool**

Last summer at the Legal Aid Society, the time that I did not spend shadowing attorneys I would organize clients' files. Within their files most mothers' cases ended with a mental health evaluation. It was as if their journey to gaining full custody of their children involved a package deal with mental health evaluation as part of the deal. While I acknowledge lack of mental health resources for Black mothers and the need for greater access to these amenities, the manner in which prosecutors prescribe mental health evaluations to Black mothers create a questionable pattern. In the narratives that I have selected, the State's questioning of Black mothers' mental health appears as a tactic to undermine Black mothers parenting authority.

The use of mental illness as an oppressive tool dates back to slavery. Historically, physicians used mental illnesses as a means to maintain systems of oppression. In 1851 Samuel Cartwright, assigned to his new role as chairman of a Louisiana State Medical Convention, developed a new disease for enslaved people called Drapetomania. Drapetomania originates from two Greek words for 'runaway slave' and 'mad or crazy' (Bynum, 2000). Cartwright believed that enslavement was the 'natural' state for Africans and their desire for freedom countered their innate instincts. Those who tried to escape from their masters were deemed insane. As such, Cartwright reasoned that the 'cure' for such an illness was a strict master who provided a 'structured work environment' (Bynum, 2000). Slave owners used this rationale to further suppress Black people's desire for freedom.

Mental health stigma limits Black women's desire to seek professional assistance. (Okeke, 2013). The controlling image of the strong Black woman, while affirming, can be dangerous when mental illnesses are perceived as a weaknesses. Historically, white supremacists believed that Black women were less intelligent and the pressure to maintain a strong composure has root in disproving that myth. While this notion affects how mental health stigmas are perceived in the Black community, actual medical abuse reinforces Black women's distrust towards professional medical assistance. Enslaved women were offered as subjects in experiments and used at the physicians discretion (Okeke, 2013). The countless forced experiments conducted on Black women's bodies fueled their distrust.

Last year, February 16th, the Los Angeles Times wrote an article detailing Monique Baker's 10 month battle to regain custody of her children (Therolf, 2017). The Los Angeles County Department of Child and Family Services removed Ms. Baker's two oldest children, Jaeson (14) and Angelica (11), with charges that Ms. Baker's mental health prevented her from providing the necessary care for her children. Her younger children Amor (6) and Anica (4) were also brought into protective custody. In 2007 child protective services received a call that Baker's children attended school with foul odor but the claims were unfounded. The state charged Baker with "mental and emotional problems, including major anxiety disorder, major depression and PTSD, which renders the mother unable to provide regular care". Upon her final evaluation, Baker was diagnosed with anxiety in remission. The county offered to drop all the charges if Baker confessed that her mental illnesses impaired her ability provide her children's needs. Despite Baker's protest and disbelief in the accusations, she signed in hopes of being reunited with her children (Therolf, 2017).

The state's excess charges against Ms. Baker are emblematic of the harsh treatments distributed to Black mothers. While Ms. Baker expressed the challenges of having anxiety, the state deemed her unfit due to depression, PTSD, and anxiety. Ms. Baker would have needed treatment for each illness and therefore lose custody of her children for a longer period. In this case, Ms. Baker's mental health threatened her time with her children. Even worse, the state interpreted her mental health as a threat to her children despite a lack of evidence to confirm that Ms. Baker exhibited any violent or negligent behavior towards her children. While the state provided Ms. Baker with a psychiatrist, she was still charged and deemed unfit despite making significant progress in her evaluations. Here, the state maintains the stigma of mental illness being on a regressive continuum. Despite providing Ms. Baker the necessary resource, the state labeled her as unfit to parent due to her anxiety. The state fashioned itself as untrustworthy and as a result discourages other mothers who are mentally ill from seeking their assistance (see Ashley, 2014).

While Ms. Baker's narrative highlights the state's disregard for her progress and relentlessness in tagging her as mentally unfit, her narrative points to her resilience. Ms. Baker demonstrated, counter to the stereotypical image of the mammy and the welfare queen, a Black mother sacrificing a clean record, like Ms. Stewart, to be reunited with her children. It points to Ms. Baker's understanding that her children are safer and better suited to be with her. Rather than allow the state to permanently separate her from her children, Ms. Baker was determined to be a constant figure in her children's lives. To the best of her ability, she wanted to provide and protect her children. Ms. Baker's narrative exposes the demeaning way in which the state understood and approached mental illness.

### **Consequences of Challenging the State**

In previous sections I outlined the different ways the the Child Welfare System and other systems (judicial, school etc.) appear to target Black mothers and as a result create a disproportional representation of Black children within the foster care system. Black mothers parent within the context of white supremacy and they understand increasingly the danger that gets attached to Black bodies. Over the past few years, the rise in access to technology correlates to the plethora of viral videos that expose the egregious and abusive behaviors of police officers. Out of “creative anger” Black women led and continue to lead protests that demand justice and police accountability. Within these protests and demonstrations Black women call for a recognition of state sanctioned violence against Black bodies and the urgency of recognizing Black people’s humanity. Police officers interpret all Black led protests as violent and respond with militarized weapons and gears.

It is important to challenge the state’s hypocrisy and manipulative ways of policing Black mothers various ways of parenting. Multiple news outlets such as the Washington Post and the New York Times frame Toya Graham as ‘Baltimore Hero Mom’ and ‘Mother of the Year’ because she publicly scolded her son for attending the protest of Freddie Gray’s murder by a white police officer in Baltimore. A Youtube video with 8 million views captures Ms. Graham removing her son from the protest scene while simultaneously hitting him. She expressed her disappointment that he would put himself in danger. Many television personnel such as Whoopi, Anderson, Gayle and Oprah offered Ms. Graham air time (McCoy, 2015).

Despite the public display of physical force, the state did not interpret Ms. Graham’s actions as violent but instead, protective. It prompts the question: who does Ms. Graham’s son need protection from or who does the state need protection from? It is a manipulative rhetoric to praise Ms. Graham for scolding her son in response to state sanctioned violence. The state penalize



Black mothers for acting in the same accord. Ms. Tompkins scolded her son for walking around late at night in an effort to protect him from those who perceive his Blackness as violent; this include police officers. The state deems this form of protection as abusive and deserving of imprisonment. Ms. Graham's fear of losing her son to the hands of police officers and the fear of his name becoming another rallying cry for justice. It is this crippling fear that the state and other white gazers praise. Ms. Graham's decision to remove her son from the protest does not pose a challenge to police brutality and nor the hypersurveillance of Black mothers. Nevertheless, this is one of the many ways that Black mothers engage in survival tactics especially when parenting with a deep understanding that police/ state violence is often unaccounted. Allowing her son to stay would be interpreted as endangering the welfare of a child.

While Ms. Graham received mainstream attention for her actions, there were other Black mothers who believe direct participation in protests offer an invaluable lesson. These parents take their children to the protests to be agents in the fight for their lives. Some mothers reason that in a decade they want their children to be proud of the roles they played in changes to come. The Huffington Post documents Black mothers and their children holding posters demanding justice for Michael (Mike) Brown. A white police officer shot and killed Brown who was unarmed. Kendra Pierson brought her two sons 6 and 2 years old to protests his death because she knows white women will not see them as "adorable" after a while. In the same post, a picture of a Black woman consoling her 8 year old son who was hit in the head with tear gas. How can the state demand that Black mothers protect their children when the state seems to prey upon Black bodies; even the ones they claim to defend, Black children?

In response to Mike Brown, someone tweeted, "When Parenting Feels Like a Fool's Errand: On the Death of Mike Brown". Parenting is complex as explaining to children that police

officers expect a heightened level of respect from Black children does not equate to safety. Respectability politics does not guarantee a new level of safety for Black children. On the other hand, simply explaining to Black children that following the laws each day will keep the police away reflects a naive mindset. The state continuously challenges Black mothers' authority to protect their children and puts those same children in danger. Black mothers' positionality as provider and protector can be easily removed as used to keep societal order; an understanding of Black women's place within the lower rung of the hierarchy. Black mothers ask and try to answer how can they protect their children when very few resources are available to protect Black women. Teaching children to be free, meaning living within the context of the laws without additional accounts for race and teaching children to go above and beyond to demonstrate respect for authority figures often produce the same outcome. Being Black in America seems to offer a death warrant without explanation.

It is also important to analyze childhood as a social construct in order to better contextualize Black children's experiences as well as the labor that goes into Black mothers' parenting. Saraceno writes that government policies "shape the cultural and material conditions for childhood" (1984). She terms age-grading as the requirements that the government prescribes for development. For example what tools each child should have at a particular age to meet development standards. Younger children are expected to be in kindergarten or first grade at a certain age. The different ways that institutions are labeled also reflects the various childhood experiences such as compulsory schooling versus day care. Similarly, parents who receive maternity leave from their jobs and those who do not tend to have different experiences in raising their children. These resources are not provided to poor families and as a result alter the way in which poor children experience their childhood development. This analysis from Serano creates a general surface but

does not push to the root problems. Jessica Fields' *"Children Having Children": Race, Innocence, and Sexuality Education* takes us there.

Society interprets childhood as synonymous to innocence. Jessica Fields' article dismantles the idea that children's innocence prevents them from being introduced to sex education. By contextualizing the history of Black children as being hypersexualized, Fields' demonstrates that ideas of innocence are not conferred to Black children. White society often refers to Black children as savages to help justify their oppression (Fields, 2005). "A 'savage' youth was considered fully sexually mature, sexually active, at an age when the 'civilized' adolescent was just beginning his most strenuous period of mental and spiritual growth" (Moran, 2000). White society perceives Black children as sexual and criminal and as a result they do not receive the same protection. Black children's childhood falls outside of the perimeters of innocence.

The state's presumptions of guilt transfers from Black mothers to their children. The death of Korryn Gaines sparked a national outcry and a necessary conversation on mental health as well as the protection of Black children. The Washington Post and the Baltimore Sun reported on the fatal police shooting of Korryn Gaines, who suffers from anxiety and depression, on August 1st 2016. Police officers arrived at Ms. Gaines' home to issue an arrest warrant for her missed court appearance for a traffic violation in March. Part of Ms. Gaines' distrust for the police officers stems from an earlier violent encounter in which police officers "kidnapped" her. Police maltreatment caused her to have a miscarriage in which she lost her unborn twin. After six hours of negotiation with Ms. Gaines to open her door, police officers barged into her house and opened fire. Ms. Gaines sat on her floor with her son in one arm and her shotgun in another. When the police entered her home their cameras were off. Police officers killed Ms. Gaines and injured her son in the process (gunshot wound to the face).

Police officers, representations of the state, claim to have the best interest of the child yet places Ms. Gaines' child in danger. The child was fortunate to not have been killed in the encounter. In the same breath, the state acts as the protector and the murderer. Police officers not only embarrass and undermine Black mothers' authority, they also kill Black mothers in front of their children. It seems as if little consideration goes into the trauma and the dislocation that Black children experience in these violent situations. Police officers knew of Ms. Gaines' distrust and past experiences with law enforcement yet arrived with militarized force. Korryn Gaines' death points to the violence that Black mothers experience with police officers, actors of the state. Ms. Gaines did not leave her house because she knew the level of authority that police officers could enforce over her body within a 'legal' space. The police refused to employ other resources that would destabilize the encounter despite knowing about her mental illness.

Bilson (1995) argues that women are the "keepers of the culture." Bilson and others drawing from this work argue women, as such, are policed and their bodies controlled, and their sexuality and sexual engagement under constant scrutiny. Within this framing, the state works to undermine Black mothers' role as keepers of the culture. The state's hypersurveillance and criminalization of Black mother restrict Black women's ability to be "keepers of Black culture" and in turn, their children. Black women act as conductors for their culture, passing it on through gender expectations such as nurturing and care giving; unless the state intervenes. The state pathologizes Black culture and believes that through this culture, Black women recreate generational poverty.

### **Moving Forward: A Call to Action**

Throughout the eight months that I wrote my project I developed an elevator pitch that I believe captures the essence of my project and why Black women's counterstories are necessary and powerful. However, I have had mixed responses to my project. When I share my plans with white staff and white students most respond with grief and pity. I do not want my audience to misinterpret the goals and intent of my project. The purpose is not to generate pity but a call to action. To recognize the various forms of injustice that Black mothers experience and work to create change so that the judicial system (and those who act on its behalf) does not continue to criminalize, dehumanize, and punish Black mothers. The narratives that I have presented embody different forms of resistance and through analysis operate as counterstories. This discussion provides additional ways to counter the injustices that Black women face. I borrow ideas and theories from authors, thinkers, and creators who have found effective strategies in their own activism.

In Nicole Gonzalez Van Cleve's *Crook County*, she offers a call to action based on her Van Cleve's methodology which included 130 court watchers. A wide variety of people who would sit within the courtrooms in plain clothes and observe court proceedings as well as the behavior of judges, jailers, attorneys, clients and court recorder. Van Cleve interviewed court personnels as well. Van Cleve noticed that her project was more than data collection as the

stenographer failed to capture the different gestures that the judge used to silence a client. Van Cleve writes that “I am the court record” because she was the only one capturing all the details of the court proceedings (Van Cleve, 2016).

With this token, Van Cleve encourages everyone to become a court watcher. She writes that court watching is “a type of activism, a way to lend a conscience to an otherwise unaccountable system.” Court watching engages in a form of gazing back that disrupts the norms of racialized justice in which state actors punish, and mock poor people of color. Van Cleve explains that court watching becomes powerful when the judges and attorneys are aware of the critical lens they are placed under. She further urges that school trips take place in the form of court watching rather than tours. Tours create a facade of the true courtroom cultures and does little to counter the injustice that currently prevails. Van Cleve also encourages everyone to be involved in voting for judges. Through court watching citizens can better gage the virtues and ethics of potential judges who promise to uphold the law (Van Cleve, 2016).

Van Cleve’s call to action within the criminal courts apply to Black women’s experience within the judicial system and the foster care system. Court watching and voting hold key players to be more accountable to their responsibilities. I encourage everyone to be active participants in the judicial system so that we can be closer to reaching a more just system. The narratives that I have collected should not be dismissed as rare occurrences but be seen as disturbing accounts of the production of racialized justice. I believe that Van Cleve’s suggestions for court watching in the criminal courts are applicable and efficient for cases concerning Black mothers. I included Van Cleves’ court watching forms to underscore the urgency of protecting Black women’s innocence.

Van Cleve’s suggested court watching in conjunction with proposed strategies by the Alliance for Racial Equity in The Child Welfare System prove stronger in exposing and

dismantling a racist judicial and foster care system. The Alliance conducted an “internet-based survey of of child welfare administrators and other professionals” to gather information on the various strategies they implement to move towards racial equity. Survey respondents were from 12 different states and 22 respondents volunteered for an interview. The team found 7 themes that facilitate “disparity-reduction efforts”. I believe three of the 7 initiatives are pertinent to the improvement of Black women’s experience with the foster care system as well as their ability to parent in a safe environment. One theme is *Legislative Directives and Executive Mandates*. This calls for executive leaders such as mayors and governors to address the racial inequity within the child welfare system. The Alliance sites Minnesota as an example. There, legislators conduct hearings to better understand African Americans’ experience with the system. These hearings produced the Minnesota Department of Human Services racial inequities and provide recommendations for alleviating disparities. A similar committee is also in Oregon, Child Welfare Equity Task Force, that investigates disparities and produce solutions.

These suggested initiatives and mandates seem vague but still filled with potential. The Alliance did not provide any statistics about the committee’s efficiency or efforts to reducing the hypercriminalization of Black mothers. The hearings suggested above are powerful grounds on which Black women can share their stories of punishment and dehumanization. They can share the different ways that the child welfare system seem to believe in the stereotypes of incompetent Black mothers and engage in the reproduction of those stereotypes as well. Yes, the first step is to acknowledge the racial disparity and then listen. However, the state must be cautious in its request for Black mothers to continuously retell their stories. Black mothers’ narratives list above are deeply traumatic. The state might do more harm if they have no strategy to address Black mothers’ violent and traumatic experiences.

The Alliance also noted the *Disparity- Reduction Partnerships* between the Child Welfare and other major systems. The Child Welfare system relies on multiple organizations and community members to report whether a child is in danger. Thus, the relationship between the child welfare system and the organizations depends on a strong relationship. In Minnesota the officials visited schools that made the most reports. They worked together to understand familial history and challenges. Officials worked to provide resources that provide supplemental support. Illinois has a similar system. Local counties developed Local Action Teams of approximately 40-50 participants to congregate and review data of children and families. They use what they have found to “identify unmet service and support” so that they can find specific programs and strategies that will reduce the racial disparity within the foster care system. This strategy attacks one of Roberts’ critique of the foster care system. Most systems provide support and parental resources after someone reports the child to be in danger. In this manner, officials step ahead of potential child removal and work with both the school and family to provide the best solution.

The another important factor is *Community Engagement Strategies*. Multiple agencies implemented techniques and policies that will build trust with communities of color. This way the agencies plan to better locate families in need of support. Iowa created an African American Case Review Team that centers relative/ familial placements. Pastors and Ministers Project ensures that a clergy is available during the pre/post removal conferences. Pennsylvania and Minnesota have implemented “cultural consultants” who are both familiar with the child welfare system and are respected within their communities for input on strategies. These policy initiatives seem to be effective in their designated areas.

More specifically, policymakers should recognize the abusive tactics that landlords use against Black mothers and offer counter measures that discourage their motives. The foster care



system's vague interpretation of 'endangering the welfare of the child allows poor Black women to be exploited and manipulated by their landlord. Landlords should be held responsible for endangering the welfare of the child. The same level of accountability that the state confers onto Black women should be placed onto landlords, especially if Black mothers made the necessary steps to report any housing problems such as rodents or a lack of heat.

## **Conclusion**

Through the use of court watching and policy initiatives, Mother A and Ms. Tompkins' cases could have different outcomes. Gazing back at judges who abuse their powers and intentionally punish Black mother can disrupt this common practice. Policies that target racial disparities within the foster care system provides solutions to addressing the violent that Black mothers and Black children experience. By understanding Black mothers narratives as counterstories, readers acknowledge the labor and resistance that Black mothers engage in. Counterstorytelling works as only one faucet to many possible ways that Black women push against dominant understanding of their Black mothers as incompetent. These narratives also underscore the role of the foster care, judicial, and education system in reproducing pathologized constructions of Black mothers.

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