



# Punished for Being Poor: The Relationship Between Poverty and Neglect in Texas

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## Key Points

- The majority of children who enter foster care enter due to allegations of neglect, and 75% of the victims of child maltreatment in Texas were victims of neglect only.
- Neglect has an overly broad definition that leaves room for families struggling to meet their basic needs to be unnecessarily involved in the child welfare system due to economic circumstances.
- Previous research found that families in poverty are more likely to become subjects of child maltreatment reports, whether substantiated or otherwise.
- Texas county-level data suggest there is a statistically significant relationship between child poverty and allegations of neglectful supervision.
- Texas must amend the definition of neglect to allow CPS to focus on children in imminent and immediate risk of harm and protect families from being punished for experiencing poverty.

## Executive Summary

The removal of children from their home and entry into foster care constitute a traumatic event that has shown long-lasting negative effects for children. The majority of the more than 262,000 children who entered foster care in 2018 entered due to allegations of neglect rather than physical or sexual abuse. In Texas, over 90% of foster cases in 2018 cited neglect as a contributing reason for removal. While chronic, intentional neglect is serious and requires intervention, allegations of neglect are often a misguided reaction to situational instances caused by poverty.

Many states, including Texas, have set the precedent that poverty itself is not child maltreatment. However, the statutory definitions of neglect and its sub-category “neglectful supervision” are broad and ill-defined, allowing for issues stemming from a foundation of poverty, such as the inability to access affordable child care or food insecurity, to lead to child welfare agency involvement. Within Texas, county-level child poverty shows a statistically significant correlation to higher rates of neglectful supervision allegations. Additionally, rural counties experience higher rates of neglectful supervision allegations when compared to their metropolitan counterparts. These results support previous research on the connection between poverty and allegations of neglect, and also suggest that less accessibility to community-based resources may exacerbate the probability of a future report of neglect.

Amidst an economic downturn following one of the most unpredictable health crises of our generation, Texas must consider the unfortunate possibility of an increase in the number of children entering foster care, possibly stemming from the consequences of increased unemployment and poverty. However, this possibility need not become a reality. To ensure families are not punished for their economic disadvantage caused by top-down responses to the current shutdown, Texas must change the statutory definition of neglect to include clear and concise language that will reduce the number of investigations and, consequently, children unnecessarily entering foster care due to economic conditions that could have been better addressed through community-based services.

## Introduction

More than 437,000 children are currently living in the U.S. foster care system ([Children’s Bureau, 2019, p. 1](#)). While the cases that make headlines tend to be those involving the most horrific incidents of physical or sexual abuse, the reality is that most children are removed due to allegations of neglect. For the first time,

in 2020, the Children's Bureau published data including the unique counts of child victims of neglect *only*. This report found that over 60% of all child maltreatment cases in the United States and 75% of cases in Texas are for neglect only. ([Children's Bureau, 2020, p. 41](#)). In fact, 62% of entries into foster care during FY2018 cited neglect as a reason for the removal ([Children's Bureau, 2019, p. 2](#)). By way of comparison, physical abuse accounts for roughly 10% of all maltreatment cases and is a contributing factor in 13% of entries into foster care ([Children's Bureau, 2020, p. 41](#); [Children's Bureau, 2019, p. 2](#)).

Instances of neglect can be serious and require intervention to protect children from imminent harm. However, many allegations are rooted in the misidentification of poverty as neglect ([Milner & Kelly, 2020](#)). The tendency to confuse poverty with neglect is bolstered by vague or overly broad legal definitions of neglect that can sweep families who are struggling to meet their basic needs into the child welfare system. Millions of Americans have found themselves suddenly out of work as a result of the economic downturn following the onset of the COVID-19 pandemic, with the national unemployment rate surging to its highest point in recorded history in April 2020. While some projections show that the unemployment rate has begun to and will continue to decline, it will still likely be at the end of 2021 far above where it was in February 2020 ([Congressional Budget Office, 2020](#)). Due to this economic insecurity, there is a possibility for an increase in the number of allegations of neglect and, consequently, the number of children entering foster care. States should thoughtfully reflect and examine the extent to which their child welfare policies contribute to the problem of conflating poverty with neglect and work to address it by developing more precise, narrowly tailored definitions.

### The Connection Between Poverty and Neglect

In addition to the trauma of a removal, the investigation that occurs prior creates an additional stressor for the family and is accompanied by a large fiscal note for the state. In FY2019, the Texas Department of Family and Protective Services spent over \$284 million for its investigative unit, and although investigations are informed by Statewide Intake—the agency unit responsible for screening reports of maltreatment prior to the onset of investigation—almost 80% of these investigations were found to

be unsubstantiated reports ([Texas Department of Family and Protective Services, 2019, p. 95](#); [Texas Department of Family and Protective Services, n.d.-a](#)). While the state continues to spend millions on investigating families, child welfare research has found that families experiencing economic hardship are more vulnerable to system involvement, specifically experiencing higher rates of neglect.

The most recent *National Incidence Study of Child Abuse and Neglect (NIS-4)* found that children of low socioeconomic status experienced higher rates of all types of maltreatment and were 7 times as likely to have been found to be victims of neglect ([Sedlak et al., 2010, p. 12](#)). Additionally, one study found that an association between reports of neglect and poverty indicators, such as employment levels and perceived material hardship, existed even after controlling for other characteristics such as parenting style and stress levels (Slack et al., 2004, p. 405). This finding suggests

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that, for many families, allegations of neglect result from the various disadvantages that accompany being poor rather than from an intentional act or failure on the part of the parent. Such allegations could be better addressed with alternative intervention strategies outside of the child welfare system. Rather than adding an additional burden to a family, such as a manda-

tory parenting class, or inducing unneeded trauma through removal, interventions for this demographic should focus on connecting families to community-based services that aid in providing for unmet needs, strengthening stability, and promoting independence.

Although neglect can result from a multitude of other factors that co-occur with poverty, like parental substance use or mental health issues, it is important to remember that each family's situation is unique, and such factors may themselves be symptomatic of other underlying stressors ([Dubowitz et al., 2011](#); [Vericker et al., 2010](#)). Additionally, as many cases cite neglect and substance abuse simultaneously as reason for removal, these co-occurring risk factors may not always rise to a level that warrants removal of a child ([Casey Family Programs, 2013, p. 12](#); [Huntzinger, 2020](#); [Radel et al., 2018](#)). It is critical, then, that child welfare agencies take a holistic approach to their investigations and responses to allegations of neglect that is focused on identifying root causes and prioritizing restoration of the family.

Previous research has consistently found a *correlation* between families in poverty and child welfare agency involvement. However, this does not automatically presume a *causal* effect—and a child experiencing poverty as an independent condition does not equate to child neglect. As these families are more likely to be coming into contact with government agencies and be more reliant upon various social services, they have an increased vulnerability to becoming the subject of an investigation of maltreatment by mandated reporters—even if they are coming into contact with these entities as an attempt to receive support or rehabilitate (Fong, 2017). It is vital that poverty, mental health issues, and parental substance use or abuse are not mistaken as maltreatment themselves but rather properly understood as circumstances and behaviors that often accompany poverty and place families at a greater risk for a maltreatment *allegation* and subsequent child welfare agency involvement, which can be better addressed through supportive community-based services rather than government intervention.

### A Closer Look at Poverty and Neglect in Texas

Texas parallels similar trends found in research on the higher rate of neglect allegations and victims when compared to other types of child maltreatment, such as physical and sexual abuse.

In FY2018, 47,592 Texas children were confirmed to be victims of neglect *only*, encompassing over 75% of the total child victims, coming in at over 14 percentage points higher than the national average ([Children's Bureau, 2020, p. 41](#)). Furthermore, 92.5% of children in care had neglect as a removal reason—30 percentage points higher than the national rate (National Data Archive on Child Abuse and Neglect, personal communication, January 2020; [Children's Bureau, 2019, p. 2](#)).

Due to the ambiguous nature of the definition of neglect in Texas, the subcategories of neglectful supervision, physical neglect, and medical neglect, were created as an attempt to add clarification to allegations surrounding neglect ([Tx. Fam. Code Sec. 261.001\(4\)\(A\)\(ii\)\(c\)](#); [Tex. Admin. Code Sec 70.465](#)). In essence, this means a family is not investigated for “neglect,” but rather grouped into one of these three categories depending upon the circumstances of the case. This can be confusing when using both federal and state-specific data, as federal data disregards subcategories and is aggregated to form the larger definition of “neglect,” while Texas-specific data separates them out by type.

Neglectful supervision is significantly most common, leading to questions surrounding the subjectivity and interpretation of its definition. Upon analyzing all allegations with or without subsequent removals, while 12.3% and 13.1% of physical and sexual abuse allegations, respectively, were later deemed substantiated, 32.9% of neglectful supervision allegations were later found confirmed—*more than doubling* the ratio of confirmed cases out of allegations for both physical and sexual abuse ([Texas Department of Family and Protective Services, n.d.-a](#)). The atypical ratio of confirmed cases of neglect out of total allegations as compared with other types of maltreatment is a cause for concern. Logically, there would be a larger proportion of substantiated allegations of physical or sexual abuse due to the definitions of and cultural norms surrounding this type of maltreatment in the United States. However, as poverty is often misinterpreted as neglect, this, in turn, could be creating this influx of allegations. These misinterpretations, combined with loose and nuanced definitions of neglect, could be leading investigators to become more likely to identify an

allegation as substantiated when, in fact, it may be largely stemming from poverty rather than intentional acts.

Given the state's diversity in terms of both geography and population, it is useful to investigate the current relationship between

poverty and neglect from a county-level perspective. To do so, I conducted two regression analyses—each of which concluded in statistically significant correlations.

As Texas separates neglect into three subcategories—physical neglect, medical neglect, and neglectful supervision—I chose to analyze allegations of neglectful supervision, as it is the most common form of neglect and the most likely to be a misinterpretation of poverty. The first analysis compared the neglectful supervision allegations of 50 Texas counties—the 25 counties with the highest rate of neglectful supervision allegations and the 25 counties with the lowest rate—and their subsequent rate of child poverty. The analysis indicated a statistically significant, moderate linear relationship between the number of neglectful supervision allegations and their subsequent level of child poverty ( $R = 0.63$ ) ( $p\text{-value} = 1.07E-06$ ) ([United States Census Bureau, n.d.](#); [Texas Department of Family and Protective Services, n.d.-a](#)). These results illustrate that the theoretical connection between allegations of neglect and poverty is occurring not only nationally, but also at a local level in Texas counties.

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75% of all victims in Texas are for neglect only.

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The second analysis compared the child poverty levels of 50 Texas counties—the 25 counties with the highest levels of child poverty and the 25 counties with the lowest levels—and their subsequent rate of neglectful supervision allegations. This analysis also indicated a statistically significant, moderate linear relationship between county-level child poverty and their subsequent rate of neglectful supervision allegations ( $R = 0.58$ ) ( $p\text{-value} = 9.71\text{E-}06$ ) ([United States Census Bureau, n.d.](#); [Texas Department of Family and Protective Services, n.d.-a](#)). This provides further support to the argument that poverty is playing a contributing role in child welfare investigations within Texas.

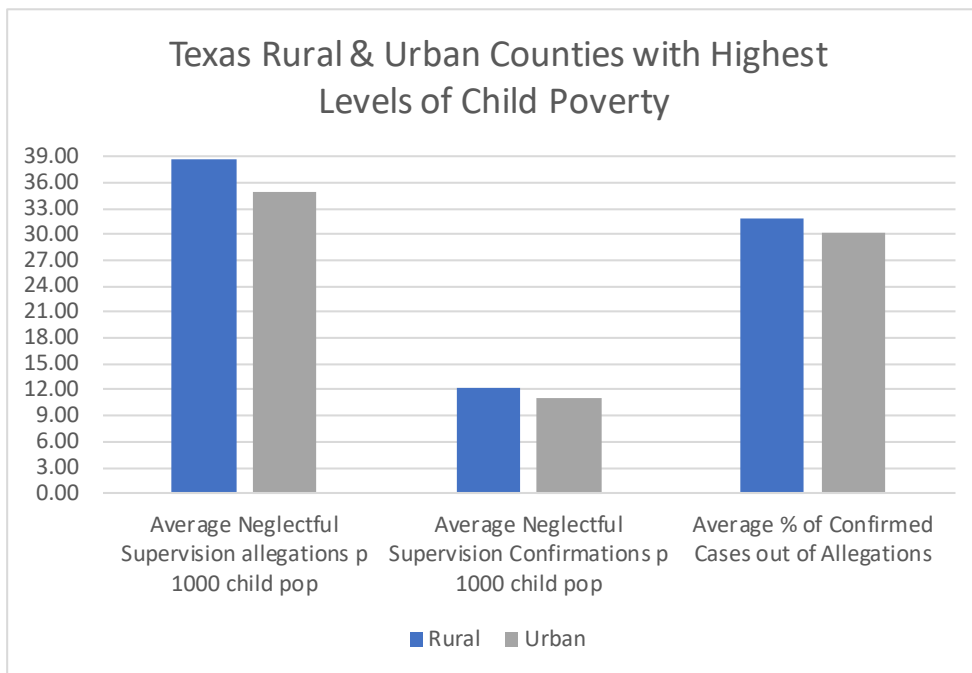
Through my analysis, I found that as the sample size becomes smaller and the county levels of child poverty deviate farther from the average, the correlation strengthens slightly. For the 20 counties with the highest and lowest levels of child poverty, the correlation was still moderate but rose slightly ( $R = 0.60$ ) ( $p\text{-value} = 0.005$ ). As the sample size becomes larger, and more counties with child poverty levels that are closer to the norm are included, the correlation becomes weaker. This could imply that there are other variables affecting these counties, such as accessibility of resources, cost of living, or perhaps less tangible components of social capital, such as relationship quality, community involvement, or the perceived level of trust in one’s community, although further research is needed to identify these specific variables.

**Rural vs. Metropolitan Counties**

In addition to variation between allegations based on the relative wealth of counties, differences in allegations of neglectful supervision in rural and metropolitan counties also exist. Families living in poverty look different in rural versus metropolitan areas. Families in rural counties face additional barriers to obtaining services that may help them escape or cope with the effects of poverty, such as needing to travel farther to access resources and more limited employment or resource options. Taking a closer look at Texas counties is essential to further understand how rural counties may be experiencing the effects of poverty differently than their metropolitan counterparts.

**Figure 1**

*Comparing Neglectful Supervision in Texas Rural and Urban Counties with the Highest Rates of Child Poverty*



Note: From *Small Area Income and Poverty Estimates (SAIPE)*, by United States Census Bureau, n.d. (<https://rb.gy/eow1iv>); *CPI Completed Investigations: Alleged & Confirmed Types of Abuse*, by Texas Department of Family and Protective Services, n.d. ([https://www.dfps.state.tx.us/About\\_DFPS/Data\\_Book/Child\\_Protective\\_Investigations/Investigations/Types\\_of\\_Abuse.asp](https://www.dfps.state.tx.us/About_DFPS/Data_Book/Child_Protective_Investigations/Investigations/Types_of_Abuse.asp)); *Texas County Designations*, by Office of Rural Affairs, 2012 (<https://www.texasagriculture.gov/Portals/0/forms/ER/Rural-Metro%20Counties.pdf>).

Upon analyzing 30 Texas metropolitan and rural counties with the highest child poverty, a clear variance was found that is analogous to the hypothesized effects. Rural counties had higher rates of allegations of neglectful supervision per 1,000 of the child population ( $38.67 > 34.91$ ), higher rates of confirmed cases of neglectful supervision per 1,000 of the child population ( $12.14 > 10.97$ ), and a slightly higher rate of confirmed cases of neglectful supervision out of total allegations ( $31.9\% > 30.9\%$ ) ([United States Census Bureau, n.d.](#); [Texas Department of Family and Protective Services, n.d.-a](#); [Office of Rural Affairs, 2012](#)). Additionally, the average rate of child poverty in rural counties was significantly higher than in metropolitan counties, at 40.8% and 30.1%, respectively.

These outcomes indicate that Texas parents and children in rural counties feel the child welfare agency associated effects of poverty at higher rates than their metropolitan counterparts.

**State Response to Poverty and Neglect**

A large majority of states acknowledge that poverty itself does not equal neglect and have responded by introducing poverty exemptions into their statutory definitions. While some states have taken a more aggressive approach, outright exempting allegations of neglect where poverty is a factor,

other states have pursued more gentle language, focusing on environmental and financial factors. Additionally, several states have explicitly stated that parental rights may not be terminated on grounds of poverty alone (Dale, 2014).

Courts have consistently supported the notion that experiencing poverty is not a reason for termination of the parent-child relationship. In *In re G.S.R.* (2008), the California Court of Appeals found a father’s parental rights wrongfully terminated as the trial court had failed to find the father unfit but rather terminated his rights due to his inability to find stable housing as an effect of poverty. The court reversed the termination and also commented on the “absurdity” surrounding the agency’s desire to terminate the father’s rights on the basis of financial inadequacy, while being willing and able to indefinitely finance the children’s placement in foster care or subsidize future adoptive payments (*In re G.S.R.*, 2008).

Arkansas and West Virginia may be corroborating examples that show that having a more linguistically precise definition of neglect may decrease the number of allegations of “neglect only.” Despite ranking 48th for child poverty in the United States, Arkansas has almost half the percentage of confirmed cases of “neglect only” than the national average (Center for American Progress, n.d.-a; Children’s Bureau, 2020, p. 41). The Arkansas statutory definition of neglect explicitly states that neglect is not substantiated if it is “caused primarily by the financial inability of the person legally responsible and no services of relief have been offered” (Ark. Code 12-18-103(13)(A)(ii)). Additionally, despite ranking 47th in the nation for child poverty, West Virginia had only 18.6% of confirmed cases of “neglect only”—less than a third of the national average (Center for American Progress, n.d.-b; Children’s Bureau, 2020, p. 41). West Virginia has also explicitly stated in statute that a child is not a victim of neglect if the neglect is due “primarily to a lack of financial means...” to cause “a present refusal, failure or inability” of the caregiver (West Virginia Code Sec. 49.1.3(i)(1)(A)).

**Defining Neglect in Texas**

Over the past 10 years, the number of investigations into and confirmed allegations of neglectful supervision have been higher than the number of combined physical and sexual abuse investigations and confirmations. Today, over half of all CPS investigations are for allegations of neglectful supervision (Texas Department of Family and Protective Services, n.d.-a). Additionally, in FY2018, 92.5% of the children placed in Texas foster care had an allegation of

some form of neglect as a reason for removal, 63.4% had drug abuse as a removal reason, and 14.6% had inadequate housing as a reason for removal (National Data Archive on Child Abuse and Neglect, personal communication, January 2020). As previously discussed, while there are undoubtedly many factors at play in the significant rise in neglect cases, an overly broad and flexible definition of neglect contributes to this phenomenon by increasing the likelihood that conditions of poverty will be confused with neglect.

**Table 1**

*Contributing Circumstances for Removal in Texas in FY2018*

| Removal Reason     | Count  | Percent |
|--------------------|--------|---------|
| Neglect            | 48,433 | 92.5    |
| Drug Abuse         | 33,185 | 63.4    |
| Physical Abuse     | 14,714 | 28.1    |
| Inadequate Housing | 7,635  | 14.6    |
| Sexual Abuse       | 4,040  | 7.7     |
| Alcohol Abuse      | 3,483  | 6.7     |

*Note:* From *Adoption and Foster Care Analysis and Reporting System (AFCARS), Foster Care File 2018*, National Data Archive on Child Abuse and Neglect, 2020 (personal communication).

While the Texas Family Code does attempt to protect families in poverty by explicitly excluding allegations of neglect for “failure to provide a child with food, clothing, or shelter necessary to sustain life or health of the child,” when the failure is “caused primarily by financial inability unless relief services had been offered and refused,” it is unclear how closely practice aligns with this definition, and the subcategory “neglectful supervision” does not include the financial inability omission (Tx. Fam. Code Sec. 261.001(4)(A)(ii)(c); Tex. Admin. Code Sec 70.465; Texas Department of Family and Protective Services, n.d.-b; Fong, 2017, p. 6). This provides an avenue for the agency to remove a child due to various scenarios that may have occurred as a side effect of economic hardship, such as leaving a child alone due to the inability to obtain adequate child care, unstable housing posing a “substantial risk” of harm, or any behavior leading to “improper supervision of a child left alone” that poses a substantial risk (Tx. Fam. Code Sec. 261.001(4)(A)(ii)(c); Tex. Admin. Code Sec 70.465).

**Recommendations for Texas**

The loose and ambiguous definition of neglect that leads to the creation of the subcategory of neglectful supervision, combined with instances of situational neglect that are byproducts of other deficiencies, creates a dangerous combination. This combination of factors leads to higher rates of

\* The data used in this publication (Dataset 235, AFCARS Foster Care File 2018) were obtained from the National Data Archive on Child Abuse and Neglect and have been used in accordance with its Terms of Use Agreement license. The Administration on Children, Youth and Families, the Children’s Bureau, the original dataset collection personnel or funding source, NDACAN, Cornell University and their agents or employees bear no responsibility for the analyses or interpretations presented here.

contact with the system and has unintended consequences, such as adding additional barriers or inducing unhelpful intervention practices for families, producing a significantly higher proportion of confirmed neglect allegations, likely contributing to rises in the number of children entering foster care. If Texas does not act to change the way we are interacting with families in poverty, these issues will continue to plague our communities.

Texas should revise its definition of neglect to clarify that it requires an act or failure to act on the part of the parent, which evidences a blatant disregard of the consequences and results in harm to the child or creates an immediate danger to the child's physical health or safety.

Tightening the statutory definition of neglect protects the rights of families, reduces the risk of confusing poverty with neglect, allows CPS to focus on protecting the children who are at imminent and immediate risk of harm, and prevents additional unnecessary trauma through familial separation. Texas can use this statutory change as an opportunity to provide families with pathways to community-based

services to address the root cause of an issue, rather than punish them for enduring economic hardship.

## Conclusion

Child welfare investigations and familial separation are both inherently traumatic events and should be avoided unless necessary to protect the child from imminent harm. Entry into foster care and prolonged familial separation can lead to a variety of long-term negative health, education, developmental, and behavioral outcomes (Baker et al., 2007; youth.gov, n.d.). Additionally, any contact with the foster care system, regardless of the length of time, has been linked to negative developmental and behavioral effects and should be avoided unless absolutely necessary (Lawrence et al., 2006). It is crucial that poverty is not mistaken as a form of child maltreatment, but rather a disadvantage for families that is often accompanied by other barriers and stressors that are co-occurring and intergenerational. Agencies must work to provide the most appropriate and efficient intervention strategies that take a holistic approach and address the root issue, rather than punishing families for being poor. ★

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