



The Radical Push to Dismantle Child Protective Services

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Introduction

Every year, more than 2,000 children in the U.S. die of maltreatment¹—and, in most of these cases, the child’s family is known to child welfare or law enforcement *before* the fatal incidents. Most Americans agree that the main goal of the child welfare system should be to prevent these tragedies—by closing the gaps that lead to children being left in the custody of guardians who abuse and neglect them.

Balancing the safety and well-being of children with the rights of parents is no easy feat. A nationally representative poll conducted last year by the Bipartisan Policy Center (BPC) shows that the public is sensitive to this tension: a majority (58%) favored parents’ authority to raise their children as they see fit, over the government’s authority to intervene—but nearly the same percentage of respondents (57%) did *not* believe that the child welfare system is engaged in government overreach.²

Alarming, a small group of increasingly vocal activists are trying to upset this balance by pushing a radical policy agenda that would all but eliminate the government’s role in child protection.³ Not only is this agenda wholly incongruous with the broader American public’s views regarding the appropriate scope of child welfare systems; it also undermines the well-being of at-risk children across the country.

Illustrative of this broader push to weaken, if not wholly abolish, the child welfare system is a recent report issued by the New York Advisory Committee (NYSAC) to the U.S. Commission on Civil Rights, “Examining New York Child Welfare System and Its Impact on Black Children and Families.”⁴ One of the coauthors of this brief, Rafael Mangual, resigned from NYSAC in April 2024—after serving nearly four years on the committee—ahead of its final vote to approve its report on child welfare.

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The NYSAC report offers a litany of policy recommendations that would make it more difficult for child abuse and neglect to be reported and investigated. The report calls for a “new paradigm of child welfare” that deemphasizes “reporting, investigating, surveillance, and family separation,” and it recommends that “federal, State and Local government offices and agencies” enact “legislation, policies and practices” prohibiting “the conflation of the consequences of poverty [**including ‘parental/pregnancy substance use’**] with child maltreatment” (emphasis added).

The report also calls for federal law to be amended to:

- Eliminate or severely restrict mandatory and anonymous reporting of suspected child abuse or neglect
- Make it easier for convicted felons to become foster parents
- Revise the definition of neglect to exclude parental drug abuse (including while pregnant)

And for New York State law to be amended to:

- Prohibit routine drug screenings of pregnant women and newborns
- Establish a universal basic income

NYSAC’s proposals are ultimately premised on three false claims about the child welfare system: (1) what is often termed child neglect is often a consequence of poverty, which cannot justify traditional child welfare interventions; (2) parental drug abuse is an inadequate reason for intervention; and (3) racial disparities in child welfare enforcement in NY prove that the system is characterized by unlawful discrimination—particularly against black families.

This issue brief provides an overview of the child welfare system’s central role, responds to each of these three claims, and highlights the dangers invited by the recommendations made in the NYSAC report.

The Role of Child Welfare Systems

Intervention by the child welfare system consists of three steps. The first step is to identify at-risk children by sifting through and investigating reports of suspected abuse or neglect that come from mandated reporters⁵ and members of the public.

The second step is to determine the proper level of intervention, which could include offering parents rehabilitative services so that they understand and have the resources to properly care for their children (by far the most common intervention);⁶ or removing the children from their homes and placing them into the foster care system with relatives or nonrelatives.

The third step is to determine what to do with the children that have been placed in foster care. They can be reunified with their parents, placed permanently with extended family members, or placed in an adoptive home.

The first step is administered by the child welfare agency, and the last two are taken in conjunction with the juvenile or family courts.

Nationally, about 4.2 million reports of suspected child maltreatment occurred in 2022, the most recent year for which data are available.⁷ About half of those reports were “screened in,” meaning that the child welfare system responded in some way. Of those, about 600,000 cases of abuse and neglect were substantiated, and approximately 200,000 children entered foster care.⁸

There are disagreements in the field about what these numbers say about the effectiveness of the child welfare system. But three narratives have emerged in recent years, propagated by activists and academics and repeated by politicians and the media. In the following sections, we will show that none of these narratives is supported by the available evidence.

Narrative 1: Findings of neglect are mostly the result of poverty and therefore better addressed through the provision of additional financial support.

Advocates often point out that the poor are overrepresented in every stage of the child welfare system, which is true. It is also true that conditions in a home and the appearance of a child are often cited in child welfare investigations. Caseworkers will note that a home lacks food or heat or running water or that vermin are present. Teachers will report that a child has been showing up at school without having bathed or in dirty clothing. While poverty can make it more difficult to provide for a child, it is far from clear that the cause of these scenarios is a lack of material resources, or that simply providing more resources would solve these issues.

Research does not suggest that supplementing a family’s material resources will sufficiently address the risks to children in cases with a finding of abuse or neglect—at least not to the degree that would justify the types of radical recommendations advanced by many child welfare critics.⁹ More often than not, the conditions cited as evidence of neglect stem from other issues, such as untreated mental illness or chronic substance-abuse disorders. The NYSAC report implicitly recognizes this in its attempt to redefine parental drug abuse as a manifestation of poverty,¹⁰ even though drug abuse is by no means a problem confined to poor communities. (It’s also worth noting that poverty does not rule out the possibility of malice.)

A recent study of almost 300 case files in California, for instance, found that “nearly all investigations of physical neglect (99 percent) included concerns related to substance use, domestic violence, mental illness, co-reported abuse or an additional neglect allegation (i.e., abandonment).”¹¹

In other words, “neglect” is much more than material deprivation; and the prevalence of poverty among households where there is suspicion of neglect cannot, by itself, tell us whether neglect is simply a by-product of poverty. Mental health challenges and drug addiction, for example, may cause parents to become poor (because they cannot hold down a job or keep an apartment) and to mistreat their children by neglecting to feed them, pay electric bills, or ask for assistance if, say, their water gets turned off. NYSAC’s report not only misunderstands the causes of neglect; it also underplays its consequences. The report characterizes neglect cases as materially distinct from those in which “children [are] at risk for serious abuse or ‘suffering the risk of serious harm.’”¹² But malnutrition, lack of basic utilities, and poor hygiene can be dangerous for children—particularly, young children. In addition, the lack of attention to infants and toddlers—including failure to supervise or seek medical attention (both classified as neglect)—can have disastrous consequences. Indeed, neglect is responsible for the vast majority of the maltreatment deaths in this country.¹³

The American public seems largely aware of these problems. In the BPC survey, child neglect is attributed to parents not wanting to care for their child (72%) and abusing drugs and/or alcohol (69%). A similarly high proportion also attributed neglect to parents being uninformed or uneducated about how to parent (65%), and parents having untreated or unresolved mental illness (65%).¹⁴

When asked about the primary cause of child abuse, only 2% of respondents chose lack of financial resources; 1% identified lack of access to affordable housing. When asked about neglect, 10% pointed to lack of financial resources, and 3% cited lack of access to affordable housing.¹⁵

The data offer support for these survey results. As was noted, about 600,000 cases of suspected abuse or neglect were substantiated in 2022—a year in which the poverty rate for the approximately 72.5 million U.S. residents under the age of 18¹⁶ was 16.3%¹⁷ (meaning that more than 94% of U.S. children in poverty were *not* the subject of a substantiated claim of abuse or neglect in 2022, even if one assumes that each of the 600,000 substantiated cases involved a different child).

As with the issue of crime (where a trove of evidence undermines the claim that poverty explains most offending),¹⁸ the suggestion that child abuse or neglect naturally stems from poverty is an insult to the millions of Americans who live lives of decency and dignity despite poverty.

Narrative 2: Parental drug abuse does not pose harm to children significant enough to justify even temporary removal from the home.

The NYSAC report endorses the idea that parental drug use does not warrant government intervention. This view, promoted by some child welfare reformers and abolitionists, is now influencing policy. The Massachusetts General Brigham hospital system, for example, recently announced that it “will no longer report suspected abuse or neglect to state child welfare officials solely because a baby is born exposed to drugs.”¹⁹ In New York City, it is already official policy that parental drug use (in addition to parental criminal activity and parental mental health concerns) cannot, on its own, trigger a child welfare investigation.²⁰

This is folly.

Substance abuse by parents is particularly dangerous for children (especially infants and toddlers), who need constant attention and supervision. In recent years, these dangers have been manifest in a spike in deaths due to unsafe sleep by intoxicated parents and in drug overdoses by toddlers who have gotten hold of fentanyl, for instance.²¹ But the risks that parental drug abuse (both pre- and postnatal) poses to the short- and long-term health of children have been well established in the literature for some time.

Start with prenatal drug use: a meta-analysis and systematic review of the evidence published in 2022 found consistently and significantly higher risk of sudden infant death syndrome (SIDS) in infants exposed to any prenatal drug use, even controlling for various socioeconomic factors.²²

Nor do the dangers of illicit parental drug use subside after birth. Evidence shows that children that survive infancy despite parental drug abuse are nevertheless at a higher risk of a range of problems over the course of their lives. A 2023 systematic review and meta-analysis published in the journal *Addiction* found that maternal and paternal substance use was associated with child substance use, as well as behavioral problems, including anxiety, depression, aggression, impulsivity, deviance, and hyperactivity.²³ A 2020 multilevel meta-analysis, published in *Development and Psychopathology*, found that “parental substance abuse is a risk factor for subsequent child well-being,”²⁴ based on a broad body of research on links between parental substance abuse and a host of negative effects such as reduced supervision, family breakdown, parent–child attachment,²⁵ and poor relationship development with peers. In many studies, exposure to parental drug abuse is often considered a type of adverse childhood experience that can have negative effects on various measures of well-being in later life.²⁶

Not only is parental drug abuse associated with a host of negative life outcomes; pre- and postnatal parental substance use actually *predict* child maltreatment and foster care placement transitions.²⁷ In other words, the behavior that so many have convinced themselves (and others) is not harmful enough to justify child welfare intervention is often a canary in the coal mine that can tell child welfare agencies who is at elevated risk of future maltreatment.

For most of the public—but not for activists—this is intuitive, which is why it is not surprising that 81% of respondents in the BPC survey said that they want authorities to investigate in cases in which a newborn shows signs of exposure to substance use during pregnancy.²⁸

Narrative 3: The child welfare system is “systemically racist.”

To support this third, and most repeated, narrative, critics of the child welfare point to top-line racial disparities: black children are more likely to be represented in every stage of the child welfare system, they are more likely to be reported and investigated, their cases are more likely to be substantiated, and they are more likely to be removed to foster care. And when in foster care, they are more likely to be placed in a congregate setting. But these figures do not control for relevant race-neutral factors that might explain them or shrink their magnitude.

Are these data points *prima facie* evidence of racism? Just as ambulances are deployed to handle medical emergencies and police officers are deployed to respond to crime, child protection service workers are deployed to help children that have been the victims of abuse and neglect. A 2023 analysis by Brett Drake et al., published in *Child Maltreatment*, looked at racial disparities in several non-CPS-related measures generally considered risk factors for maltreatment and neglect. It found “no evidence that Black children were overreported relative to observed risks and harms reflected in non-CPS data,”²⁹ such as infant mortality.

Other risks, such as rates of domestic violence, are higher in the black community. According to the Institute on Domestic Violence in the African American Community, “Black women are three times more likely to die at the hands of a partner or ex-partner than members of other racial groups,” and homicide is “the leading cause of death among young Black women age 15 to 34.”³⁰

The overrepresentation of black children in the child welfare system owes *not* to bias but to other social problems that are unfortunately more common in the black community. As the Drake study concludes, after disparity analysis adjusts for race-neutral controls, “Black children were less likely to be substantiated or placed into out-of-home care following a report than White children.”³¹

Though underemphasized by the NYSAC report and in other work by child welfare abolitionists, the grim reality is that black children experience child maltreatment fatalities at three times the rate of their white peers.³² In New York, the disparities might be even larger. An analysis of 83 child homicides in NYC in 2016–22 found that, in cases where black children were killed, family members were charged with a crime at about seven times the rate for white and Asian children and three times the rate for Hispanic children.³³ That disparity in risk goes a long way toward explaining the higher rate of reports, investigations, and removals that the NYSAC report seizes on to make the case for radically upending child welfare enforcement policy. To the extent that radical recommendations, such as those advanced by NYSAC, are acted upon, the already-large disparities in harm experienced by black children will be only exacerbated.

NYSAC’s hyperfocus on disparities in investigations and foster care placements fails to consider that black children might be benefiting from enforcement. Reducing the footprint of child welfare enforcement vis-à-vis black children will deny them important protections.

Several studies lend support to this proposition.³⁴ A recent working paper authored by scholars at Duke, MIT, University of Michigan, and the Federal Reserve provides important evidence for understanding why racial disparities in child welfare outcomes do not, on their own, substantiate the claim of systemic racism. The authors found that, even after controlling for a host of socioeconomic factors, black children are placed in foster care at significantly higher rates than white children; but they also found that “the placement disparity is concentrated among children with subsequent maltreatment potential in the home.”³⁵ Indeed, the black children in this high-risk subgroup were “placed in foster care at nearly twice the rate of calls involving white children in the same risk category (8.5% versus 4.5%).” This is important because it suggests that the disparity is driven *not* by the *over*-placement of *black* children in foster care, but instead by the *under*-placement of *white* children. Especially for children at high risk of abuse, there are protective benefits to children that stem from foster care placements. This raises an important question: Why would a system supposedly rooted in white supremacy and therefore fundamentally hostile toward black families produce disparities that disproportionately *benefit* black children and disproportionately expose white children to future *harm*?

To the extent that reducing racial disparities is a legitimate goal of child welfare reformers, it could reasonably be pursued (at least in part) by *increasing* enforcement actions in cases involving white children rather than by *decreasing* enforcement in cases involving black children.

Foster care placement is often portrayed as the source of harm or abuse for children, which is why advocates have been pushing so hard for reductions in placements. However, maltreatment in the foster care system is rare. Consider coauthor Riley’s op-ed in the *New York Times*:

In 2014, the median rate of reported maltreatment of children in foster care was 0.27 percent, which is much lower than the rate for the general population—around 1 percent. On the other hand, according to Elizabeth Bartholet, the faculty director of Harvard Law School’s Child Advocacy Program, roughly a third of children who are returned to biological parents who maltreat them will be maltreated again. A court-appointed panel in New York found, back in 1997, that 43 percent of children who entered the child-welfare system were again abused or neglected by their families.³⁶

A 2018 New York Department of Investigation report on maltreatment of children in the city’s foster care system found that a majority of the incidents happened while foster kids were visiting their biological parents. Foster parents were the perpetrators in just 19% of maltreatment incidents.³⁷ A study of child maltreatment fatalities in Minnesota 2014–22 found that of the seven children that died while in foster care, six of them were in kinship placements.³⁸

Conclusion

The push to “reimagine” child welfare policy is driven by narratives reflecting an underestimation of the dangers of substance abuse, an overestimation of the potential benefits of additional social spending on child maltreatment, and the misinterpretation of top-line racial disparities in child welfare. The policy agenda built atop these narratives is gaining momentum, which is producing a dangerous combination of conditions for the country’s most vulnerable children. Although child welfare systems throughout the country are imperfect, that imperfection stems *not* from taking reports of suspected child abuse and neglect too seriously but often from not taking them seriously enough, leaving vulnerable children in dire straits. The dangerous agenda reflected in NYSAC’s recommendations will only place more children in harm’s way.



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Though intended as a guide, the NYSAC report should be received by policymakers as a wakeup call. If left unchallenged, shortsighted activists will continue taking a sledgehammer to a system whose improvement requires a scalpel.

Endnotes

- ¹ Marie Cohen, “A Jumble of Standards: How State and Federal Authorities Have Underestimated Child Maltreatment Fatalities,” American Enterprise Institute, May 2024.
- ² Harris Poll and the Bipartisan Policy Center (BPS), “Child Welfare Initiative 2023 Harris National Poll Results,” Nov. 8, 2023.
- ³ See upEND Movement, <https://upendmovement.org/about>.
- ⁴ New York Advisory Committee to the U.S. Commission on Civil Rights, “Examining the New York Child Welfare System and Its Impact on Black Children and Families,” May 2024 (hereinafter, “NYSAC Report”).
- ⁵ Mandated reporters are defined by statute and include certain classes of professionals, such as teachers, school administrators, and pediatricians.
- ⁶ See U.S. Dept. of Health and Human Services (HHS), Administration on Children, Youth and Families, “Child Maltreatment 2022” (Jan. 29, 2024), 77, 79, showing that in FY 2022, there were more than 1.9 million estimated child recipients of “prevention services” (defined as services “provided to parents whose children are at risk of abuse and neglect” that are “designed to improve child-rearing competencies of the parents and other caregivers via education on the developmental stages of childhood and the provision of other types of assistance”) and fewer than 150,000 estimated children removed from their homes.
- ⁷ Ibid.
- ⁸ Ibid.
- ⁹ Some studies (with significant limitations) do find that income supplements can have small effects on the risk of child maltreatment; see, e.g., Maria Cancian, Mi-Youn Yang, and Kristen Shook Slack, “The Effect of Additional Child Support Income on the Risk of Child Maltreatment,” *Social Service Review* 87, no. 3 (September 2013): 417–37, which finds that an experimental group of mothers who received additional child support income were roughly 10% less likely to have a “screened-in” report of maltreatment.
- ¹⁰ NYSAC Report, 102, specifically, recommendation 1.e. iii.3, which recommends a prohibition on the “treatment of poverty-related circumstances (lack of financial resources, or parental/ pregnancy substance use as factors standing alone) as warranting child welfare interventions.”
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- ¹² NYSAC Report, finding XV, 67.
- ¹³ Toria Herd et al., “Disentangling Neglect from Poverty,” Center for Innovation in Child Maltreatment Policy, Washington University, June 2022.
- ¹⁴ Harris Poll and BPC, “Child Welfare Initiative 2023.”
- ¹⁵ Ibid.



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- ¹⁶ Federal Interagency Forum on Child and Family Statistics, “America’s Children: Key National Indicators of Well-Being, 2023” (Sept. 27, 2023), vii (“Demographic Background”).
- ¹⁷ Craig Benson, “Child Poverty Rate Still Higher than for Older Populations but Declining,” U.S. Census Bureau, Dec. 4, 2023.
- ¹⁸ Jens Ludwig and Kevin Schnepel, “Does Nothing Stop a Bullet Like a Job? The Effects of Income on Crime,” National Bureau of Economic Research (NBER), working paper no. 32297, April 2024; idem, “Does Nothing Stop a Bullet Like a Job?” *Vital City*, May 16, 2024.
- ¹⁹ Matt Stout, “Mass General Brigham to Stop Filing Neglect Reports Solely Because a Baby Is Born with Drugs in Its System,” *Boston Globe*, Apr. 2, 2024.
- ²⁰ Naomi Schaefer Riley, “How New York’s Child Services System Is Failing City Kids,” *New York Post*, Apr. 20, 2024.
- ²¹ See HHS, “Child Maltreatment 2022,” 179, 246.
- ²² Louise Makarios, Arthur Teng, and Ju Lee Oei, “SIDS Is Associated with Prenatal Drug Use: A Meta-Analysis and Systematic Review of 4,238,685 Infants,” *Archives of Disease in Childhood: Fetal & Neonatal* 107, no. 6 (November 2022): 617–23.
- ²³ Ruth McGovern et al., “The Association Between Maternal and Paternal Substance Use and Child Substance Use, Internalizing and Externalizing Problems: A Systematic Review and Meta-Analysis,” *Addiction* 118, no. 5 (May 2023): 804–18; see also Amelie Nikstat and Rainer Riemann, “On the Etiology of Internalizing and Externalizing Problem Behavior: A Twin-Family Study,” *PLOS One* 15, no. 3 (March 2020): e0230626.
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- ²⁵ See also Noora Hyysalo, Marissa Gastelle, and Marjo Flykt, “Maternal Pre- and Postnatal Substance Use and Attachment in Young Children: A Systematic Review and Meta-Analysis,” *Development and Psychopathology* 34, no. 4 (October 2022): 1231–48.
- ²⁶ See, e.g., Karen Hughes et al., “The Effect of Multiple Adverse Childhood Experiences on Health: A Systematic Review and Meta-Analysis,” *The Lancet Public Health* 2, no. 8 (2017): e356–e366; Mark A. Bellis et al., “Life Course Health Consequences and Associated Annual Costs of Adverse Childhood Experiences Across Europe and North America: A Systematic Review and Meta-Analysis,” *The Lancet Public Health* 4, no. 10 (2019): e517–e528; Kaitlyn Petruccelli, Joshua Davis, and Tara Berman, “Adverse Childhood Experiences and Associated Health Outcomes: A Systematic Review and Meta-Analysis,” *Child Abuse & Neglect* 97 (2019): 104127.
- ²⁷ Dana K. Smith et al., “Child Maltreatment and Foster Care: Unpacking the Effects of Prenatal and Postnatal Parental Substance Use,” *Child Maltreatment* 12, no. 2 (May 2007): 150–60.
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- ³² HHS, “Child Maltreatment 2022,” 55.
- ³³ Andy Newman, “Is N.Y.’s Child Welfare System Racist? Some of Its Own Workers Say Yes,” *New York Times*, Nov. 22, 2022.
- ³⁴ See, e.g., Janet U. Schneiderman, John Prindle, and Emily Putnam-Hornstein, “Infant Deaths from Medical Causes After a Maltreatment Report,” *Pediatrics* 148, no. 3 (September 2021): e2020048389, which finds that infants placed in foster care had only half the risk of death, as compared with other infants reported for maltreatment; Max Gross, “Foster Care and Children’s Wellbeing,” Youth Policy Lab, University of Michigan (May 2020), leveraging the random assignment of cases to child welfare investigators (who vary in their propensity to place children in foster care) to find that “candidate children who were placed in foster care were less likely to be abused or neglected in the future, had higher school attendance rates, and performed better on standardized math tests than those who were not placed”); E. Jason Baron and Max Gross, “Is There a Foster Care-to-Prison Pipeline? Evidence from Quasi-Randomly Assigned Investigators,” NBER, working paper no. 29922, April 2022, which also leveraged random assignment to find causal evidence that “foster care placement substantially reduced the chances of adult arrests, convictions, and incarceration for children at the margin” and that “foster care also improved a range of children’s safety, academic, and behavioral intermediate outcomes.”
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