



Racial and Ethnic Disproportionality and Disparities in Child Welfare

Joint Meeting of the Eastern, Western, and NYC

Citizen Review Panels

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New York Office of Children and Family Services

Room 144 North

10:30 – 3:30

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Panel Member

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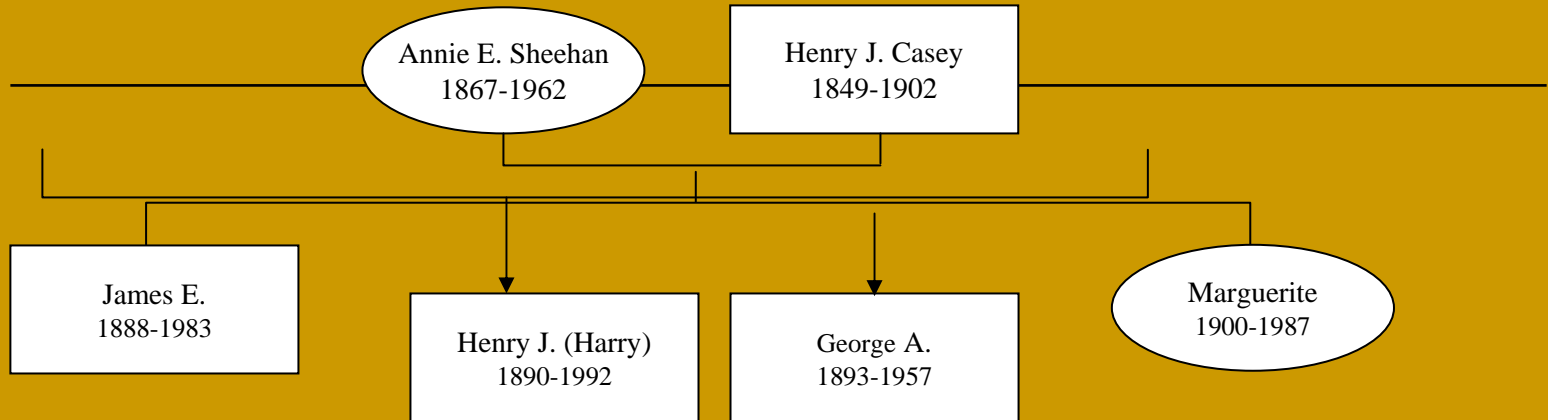
**What Is The Casey-CSSP Alliance
For Racial Equity In Child
Welfare?**

What Is the Casey-CSSP Alliance for Racial Equity in Child Welfare?

An Alliance of five foundations and non-profit organizations affiliated with Jim Casey, founder of the United Parcel Service (UPS), working to:

- ensure that all children and families receive fair treatment, support; and
- achieve good outcomes from the child welfare system – regardless of their race.

The Casey Family Connections



The Casey Family Connections

Annie E. Casey Foundation

- Grant Making (1948)
- Casey Family Services (1976)

Casey Family Programs

- Direct Services (1966)

Marguerite Casey Foundation

- Grant Making (2001)

**CSSP
(1979)**

**Jim Casey
Youth Opportunities Initiative
(2001)**

Mission and Primary Goal

Mission

To create a child welfare system that is free of structural racism and that benefits all children, families, and communities.

Long-Term Goal

By 2015, to significantly reduce racial and ethnic disproportionality and disparity in jurisdictions agreeing to partner with us.

Commitment

To leverage resources, expertise, and experience with others who share our goal to ensure that:

- ❖ All children and families in the child welfare system – regardless of race – receive the kind of opportunities and supports they need.



Getting on the Same Page: Defining Key Terminology

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1. Race

- A socially constructed idea that ascribes a meaning to biological differences in order to justify an unequal relationship between social groups.



Getting on the Same Page: Defining Key Terminology

2. Structural Racism

- The many factors that work together to produce and maintain racial hierarchies and inequities in America today.



Getting on the Same Page: Defining Key Terminology

3. Racial Equity

- A social outcome measure that occurs when the distribution of society's resources and the achievement of good and bad outcomes are no longer predictable by race.

Getting on the Same Page: Defining Key Terminology

4. Disproportionality

- Over-or-under-representation of minority children under age 18 in foster care compared to their representation in the general population.

Getting on the Same Page: Defining Key Terminology

5. Disparity:

- Disparate or inequitable treatment, services and outcomes for minority children as compared to those provided and experienced by similarly situated Caucasian children.



What Is the Issue?

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Existing data suggest that disproportionate numbers of children of color:

- receive fewer child welfare services that would allow them to remain with their families.

As a result too many are:

- removed unnecessarily from their homes;
- left to languish in foster care; and
- are denied the support and family connections they need to transition successfully to adulthood.

What Is the Issue?

Indian Child Welfare Act of 1978

Concern

- High number of Native American children being removed from their families and placed outside of their Native communities.

Adoption Assistance and Child Welfare Act of 1980

Concern

- Too many children were being removed from their homes unnecessarily , and once placed in foster care, the reunification and adoption efforts were inadequate.



**FACTORS CONTRIBUTING
TO DISPROPORTIONALITY
AND DISPARITY**

Factors Contributing to Disproportionality and Disparity

Contributing factors: three themes

1. Correlation between poverty and maltreatment
2. Individual/family-level behavior
3. Structural racism: race does matter

Factors Contributing to Disproportionality and Disparity

Correlation Between Poverty and Maltreatment

- Highest risk among families with low income, single parents, parents not in labor force with large numbers of children.

Factors Contributing to Disproportionality and Disparity

Individual and Family Level Behaviors:

- Proliferation in rates of substance abuse and use of crack cocaine;
- Increase in overall incarceration rates, particularly impacting women/mothers; and
- Increased rates of HIV/AIDS.

Factors Contributing to Disproportionality and Disparity

Structural Racism - Race Does Matter:

- Concentrated poverty in racially segregated neighborhoods combined with cultural stereotypes;
- Vague definition of neglect;
- Broad discretion on the part of CPS workers; and
- Lack of adequate training on cultural competence and the impact of structural racism.

Factors Contributing to Disproportionality and Disparity

Child Welfare Examples:

- Journal of the American Medical Association report in 1999 found that there was a significant racial difference in their misdiagnoses of AHT;
- African American families (80 %) needing housing are less likely than whites (65%) to receive the services;
- Kin caregivers receive fewer services (foster parent training, respite care or tutoring for children) and benefits (welfare, Medicaid and food stamps) and lower financial assistance than non-related caregivers;
- CASA's spend less time with African American children than with other children; and
- National Child Welfare Leadership Center found during training for case workers that decisions about levels of risk and assessment were influenced by the race of the child and family.



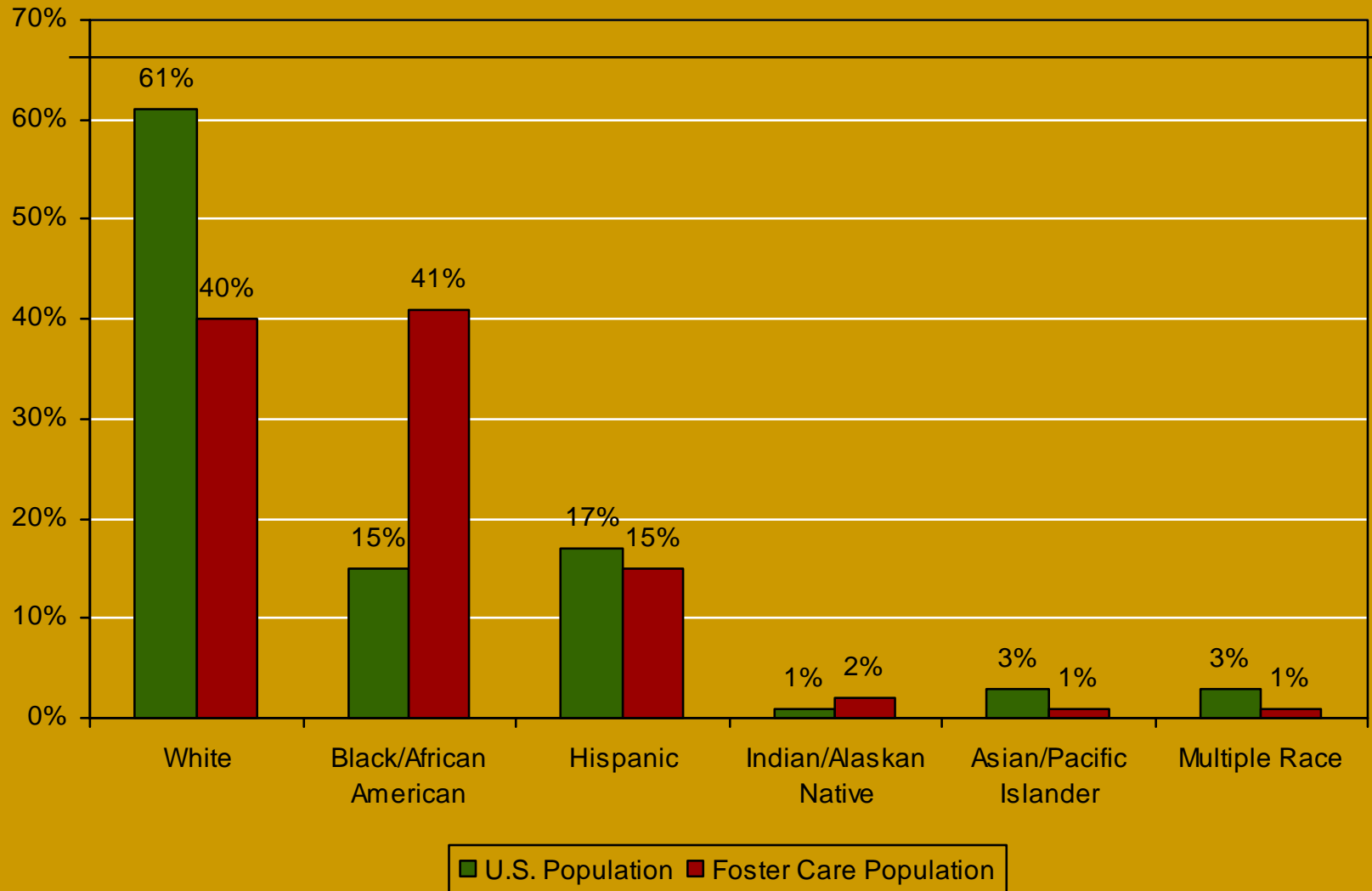
What Does the National Data Show?

What Does the National Data Show?

National Incidence Survey (NIS) of Child Abuse and Neglect

- All three waves conducted in 1980, 1986 and 1993 found no significant differences in the overall rates of maltreatment between families of color and White children.

Demographics by Race: 2000



Population Reference Bureau, analysis of data from U.S. Census Bureau. 2000 Census Summary File 1. As cited in the Annie E. Casey Foundation 2002 KIDS COUNT Data Book, AECF, Baltimore, MD.

What Does the National Data Show?

In every state, children of color are represented disproportionately in foster care:

- African Americans overrepresented in all 50 states;
- Native Americans are overrepresented in 24 states; and
- Latinos are overrepresented in 10 states.

What Does the National Data Show: African American Children

Overrepresentation of African American children in foster care was classified into three categories:

- moderate disproportionality (between 1.00-2.49) in 19 states,
- high disproportionality (2.50-3.49) in 16 states, and
- extreme disproportionality (3.50 and over) in 16 states .

What Does the National Data Show: Native American/American Indian Alaskan Native Children

Overrepresentation of Native American children in foster care was classified into four categories:

- underrepresented (under .50) in 13 states;
- comparable proportionality (.50-.99) in 13 states;
- moderate disproportionality (between 1.00-2.49) in 12 states, and
- extreme disproportionality (3.50 and over) in 12 states.

What Does the National Data Show: Latino Children

Overrepresentation of Latino children in foster care was classified into three categories:

- underrepresented (under .50) in 17 states;
- comparable proportionality (.50-.99) in 23 states; and
- moderate disproportionality (1.00-2.49) in 10 states.

Research and Literature Review

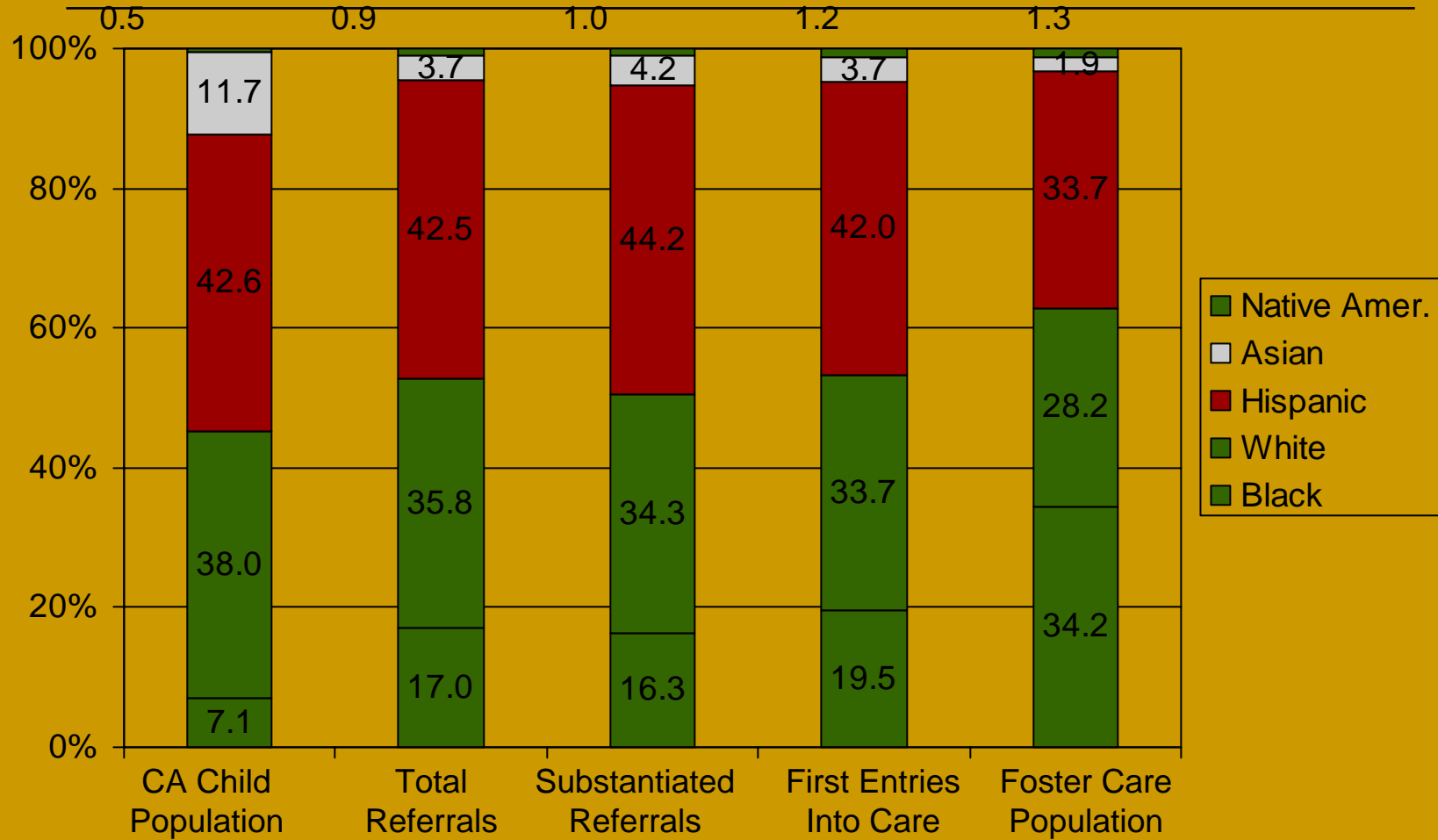
Re-Analysis of National Survey of Child and Adolescent Well-Being (NSCAW)

Confirmed that Black children who initially remained in-home were:

- disproportionately represented among the children who are investigated for child maltreatment;
- have an unsuccessful CWS service plan; and
- are subsequently placed into out-of-home care.

California: Race, Ethnicity and Child Welfare

Data developed by John Mattingly, AECF, 2004



Literature Review and Research

Synthesis of Research by Robert Hill, PhD: Key Decision Points

- Most studies reviewed identified race as a primary determinant of decisions of child protective services at the stages of reporting, investigations, substantiation, placement, and exit from care.
- Re-entry is the only stage where no racial differences were found.



Places to Watch: Promising Practices

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Casey-CSSP Alliance for Racial Equity Sites

- Guilford County, North Carolina
- King County, Washington
- Ramsey County, Minnesota
- Woodbury County, Iowa



Places to Watch: Promising Practices

Alliance Site Work:

All four of the jurisdictions where the Alliance has recently begun to do work were either doing or have subsequently begun to:

- Use data more strategically;
- Engage birth parents and youth;
- Promote strength-based decision making;
- Emphasize need for cultural competence and anti-racism training;
- Engage a broad cross sector of stakeholders; and
- Increase permanency.

Places to Watch: Promising Practices

Breakthrough Series Collaborative (BSC)

13 jurisdictions participated:

- Alaska Office of Children's Services
- Arizona Department of Economic Security, Division of Children, Youth and Families
- Connecticut Department of Children and Families
- Guilford County Department of Social Services (North Carolina)
- Iowa Department of Human Services
- Kentucky Department for Community Based Services

Places to Watch: Promising Practices

Breakthrough Series Collaborative (BSC):

- Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Health and Human Services, Department of Social Services
- Michigan Department of Human Services
- Ramsey County Community Human Services Department (Minnesota)
- The City and County of San Francisco Human Services Agency (California)
- Texas Department of Family and Protective Services
- Wake County Human Services (North Carolina)
- Washington State Department of Social and Health Services, Children's Administration

Racial and Ethnic Equity in Child Welfare

The Alliance's goal in this area is to identify and promote effective policies at the federal, state, and local levels that can help reduce – and eventually eliminate – the serious disproportionality and disparities that characterize current child welfare services in all states. By recommending policy solutions to this problem, the Alliance seeks to:

- Equip policymakers with evidence about the effectiveness of policies;
- Highlight best practices and examples of current state and local policies that make a difference; and
- Promote additional action at the federal, state, and local levels to implement policies to achieve greater race equity in child welfare services.



Racial and Ethnic Equity in Child Welfare

Objectives:

- Summarize the findings of the United States General Accountability Office Report on African American children in foster care (GAO Report)
- Highlight the GAO Report's policy recommendations
- Examine relevant policy and practice developments, e.g., Michigan and Texas



Racial and Ethnic Equity in Child Welfare

Background to the GAO report:

2004 Congressional Briefing by the Alliance

2006 Congressional Research Office study confirms racial and ethnic equities in child welfare

2006 Congressman Rangel requested an audit by the GAO

2007 African American Children in Foster Care: Additional HHS Assistance Needed to Help States Reduce the Proportion in Care (GAO-07-816) is released

Disproportionality of African American Children in Foster Care

Concerned about why African American children are overrepresented in foster care, Congressman Rangel asked the GAO to analyze:

1. The major factors that have been identified as influencing the proportion of African American children entering and remaining in foster care compared to children of other races and ethnicities
2. The extent that states and localities have implemented strategies that appear promising in addressing African American representation in foster care
3. The ways in which key federal child welfare policies may have influenced African American representation in foster care



Disproportionality of African American Children in Foster Care

The GAO Audit Team met with members of the Alliance on June 7, 2006 seeking input on:

- framing of the research questions
- seeking access to relevant data, research, and literature references
- identifying contributing factors and impact of disproportionality and disparity
- recommendations about places to visit that were implementing promising practices or generating evidence-based solutions



Disproportionality of African American Children in Foster Care

Methodologies used by the GAO included:

- administering a state survey
- conducting site visits
- interviewing researchers and federal agency officials
- conducting a literature review
- analyzing federal legislation and policies



Disproportionality of African American Children in Foster Care: Factors that Influence

Four main factors influence the proportion of African American children in care:

1. A higher rate of poverty
2. Challenges in accessing support services
3. Racial bias
4. Difficulties in finding appropriate, permanent homes

Disproportionality of African American Children in Foster Care: Factors that Influence

1. Higher concentration of poverty:

- Compared to 6% of Whites living in poverty in 2005, 23% of African Americans lived below the poverty level
- To varying degrees, 33 states reported that high rates of poverty in the African American community may increase disproportionality
- To varying degrees, states identified:
 - single-parenthood (25)
 - substance abuse (24)
 - interaction with mandated reporters (14)

as poverty-related factors influencing disproportionality

Disproportionality of African American Children in Foster Care: Factors that Influence

2. Support and preventive services: state child welfare directors reported the following factors may increase the proportion of African American children entering foster care:
 - Lack of affordable housing (25)
 - Lack of substance abuse services (25)
 - Limited access to family support services to prevent entry and re-entry into foster care (24)
 - Limited or inadequate legal representation of birth parents (20)

Disproportionality of African American Children in Foster Care: Factors that Influence

3. Racial bias or cultural misunderstanding – in this category “distrust of the child welfare system” rated first among 28 state directors as influencing disproportionality, followed by:
 - Racial bias or cultural misunderstanding among mandated reporters (23)
 - Caseworker bias, cultural misunderstanding, or inadequate training in making placement decisions (21)
 - Racial bias or cultural misunderstanding in judicial rulings (17)

Disproportionality of African American Children in Foster Care: Factors that Influence

4. Difficulties in finding permanent homes – a factor affecting longer time in foster care (on average nine months):
 - Insufficient number of appropriate adoptive homes (29)
 - Difficulty finding families willing to adopt older African American children (21)
 - More likely to be diagnosed as “special needs” – making them more difficult to adopt (16)

Disproportionality of African American Children in Foster Care: Factors that Influence

Kinship care as a factor:

- African American children more likely to enter into relative care
- Kinship placements are associated with longer lengths of stay
- Generally viewed as a positive placement option
- Note: Legal guardianship by relatives is an alternative to kinship care in 39 states

Impact of Federal Child Welfare Policies

Federal child welfare policies that may have influenced African American representation in foster care include policies that:

- provide family support services
- promote adoption, such as requirements to recruit minority adoptive parents and subsidies to families adopting children identified as having special needs
- permit federal block grant funds to be used to provide family services like substance abuse treatment
- limit the use of foster care funding for family support services and legal guardianships were reported to have a negative effect
- only benefit children in foster care help increase disproportionality such as:
 - Capped funding for preventive services
 - Lack of flexibility to use funds intended for foster care or adoption for other purposes, including families at risk of child removal, such as parenting classes

Impact of Federal Child Welfare Policies

Federal child welfare policies that may have influenced African American representation in foster care include policies that:

- recognize legal guardianships
- do not limit the use of federal funds to pay subsidies to guardians, similar to those provided to adoptive parents, as a barrier
- impose timeframes that may shorten time children remain in care but also impede state's ability to reunify children with their parents



GAO Report: Recommendation #1

Congress should consider amending current law to allow subsidies for legal guardianships.

GAO Report: Recommendation #1

In order to assist states in their efforts to increase the number of homes available for permanent placement of African American and other children in foster care, HHS should:

- conduct a study to determine the feasibility of allowing adoption assistance payments to also be used for legal guardianship
- begin with the promising waiver results and examine whether subsidized guardianship can be implemented more broadly with similar results
- depending upon the results, HHS should then consider submitting a legislative proposal to either reauthorize the use of federal demonstration waivers to subsidize legal guardianships, or alternatively, amend current law to allow federal reimbursement of legal guardianship



GAO Report: Recommendation #2

HHS further assist states in addressing disproportionality.

GAO Report: Recommendation #2

In order to enhance the ability of states to reduce the proportion of African American children in foster care, the secretary of HHS should further assist states in efforts to understand the nature and extent of disproportionality and take steps to address the issue by:

- encouraging states to regularly track state and county level data on racial disproportionality in foster care and use the data to develop strategies that “can better enable them to prevent children’s entry into foster care and speed their exit into permanent homes”
- encouraging states to make increased use of HHS’ National Resource Centers
- completing and making publicly available information on disproportionality that HHS is developing under its Culturally Competent Practice Knowledge Initiative so that states have easier access to tools and strategies useful for addressing the issue

Promising Strategies

Extent that states and localities have implemented strategies that appear promising:

1. Most states reported implementing some strategies that experts identify as promising
2. Researchers and analysts stress that there is no single strategy or silver bullet
3. Strategies that increase access to support services, reduce bias, and increase availability of permanent homes all hold promise
4. 38 states reported collaborating with neighborhood-based organizations as a way to expand availability of support services
5. Most states sought ways to reduce bias by including family in making key decisions
6. More than half the states engaged in diligent searches for relatives of children in foster care who might be willing to provide permanent homes, recruited African American adoptive families, and offered subsidies to guardians who were not willing to adopt, as is currently allowed for adoptive families
7. Fewer states reported focusing attention on disproportionality itself by enacting state legislation or establishing councils on racial disproportionality



Policy Development: Examples

- Michigan State Legislature
- Texas State Legislature

Next Steps for NYS?

- Hold public hearings
- Conduct an internal survey, analyze, and make the results public
- Authorize independent research
- Co-sponsor a symposium between OCFS, the Family Court, and members of the relevant legislative committees (Judiciary, Children and Families, and Ways and Means, Senate Finance)
- Develop peer-to-peer learning opportunities
- Coordinate site visits; e.g., Michigan, Texas
- Seek technical assistance from the Alliance, Black Administrators in Child Welfare, the Center for the Study of Social Policy
- Establish an inter-agency taskforce with built in accountability to report back by a certain date