

Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care

and the

Bronx County Family Court Disproportionate Minority Representation Committee

Heather O'Hayre, LCSW.
NYS Child Welfare Court Improvement Project



Disproportionality

- A particular racial or ethnic group is represented within a social system at a rate/percentage that is not proportionate to the representation of the same racial or ethnic group in the general population.

Disparity

- Unfair or unequal treatment of a particular racial or ethnic group as compared to other groups.



Courts Catalyzing Change (CCC)

- Mission is to “create and disseminate judicial tools, policy and practice guidelines, and associated action plans that child abuse and neglect court systems can use to reduce disproportionality and disparities for children and families of color.” (S. I. Gatowski, et al)



Racial Equity Benchcard

- All necessary parties are present for the hearing
- Engage parents
- Due Process issues
- Legal standard of removal
- Reasonable efforts to prevent removal
- Barriers to children returning home TODAY
- Placement needs



Disproportionate Minority Representation (DMR) Committee

- Chaired by Hon. Gayle P. Roberts
- Comprised of members of the Bronx County Family Court and citywide administration, Bronx county child welfare professionals and ancillary agencies
- Education and understanding of the issue
- Goals
- Action plan



N.Y.C. Statistics - 2008

- Caucasian children
 - 26.7% of child population
 - 4.4% of children entering foster care
 - 4.2% of children residing in foster care
- African American children
 - 28.3% of child population
 - 53.9% of children entering foster care
 - 55.5% of children residing in foster care

Prepared by Dr. Toni Lang, Deputy Director, NYS Permanent Judicial Commission on Justice for Children.
Data source is NYS OCFS, 2009.



W.A.T.C.C.H.

When Are
The Children
Coming Home



The Three Critical Decision-Making Points

- Preliminary Protective/Intake Hearing
 - Determination of imminent risk
- Preliminary Conferences
 - Ongoing assessment of case prior to Fact Finding trial
- First Permanency Planning Hearing
 - Barriers to children returning home
 - Consideration of other permanency options



Intake Proceedings

- Focus on imminent risk
- Use of the NCJFCJ Benchcard
- Assessment of any alternatives that would allow the children to remain home
- Referrals to Child Permanency Mediation
- Immediate referrals to the Court's Mental Health Services clinic for imminent risk assessments
- Early engagement of fathers or other resources
- Imminent Risk training



Preliminary Conferences

- Determine if imminent risk continues
- Further inquiry about the engagement of fathers and other resources
- Discuss the service plan and referrals
- Discuss possible time frame for children to return home



Permanency Hearings

- Children of color, once they enter foster care, remain in foster care longer.
- Disproportionate numbers of children proceed to permanency options other than reunification.
- Use of the NCJFCJ Benchcard by Court Attorney Referee.
- Services provided to family in a timely manner.
- Set forth specific steps for agency and service providers to strengthen the family for reunification.



Data Collection

- Race and Ethnicity Questionnaire
- Information entered into UCMS
- Comparison to 2008 UCMS and ACS data