

Bronx County Family Court Focuses on Disproportionate Minority Representation

By Judge Gayle P. Roberts, Eva Doukakis, Esq., and Heather O'Hayre, LCSW

When are the children coming home? This question is now being asked with increasing frequency in Bronx (N.Y.) Family Court where neglect cases have been filed and children have been removed from their families. The impetus behind getting this issue more attention is the Bronx County Family Court Disproportionate Minority Representation Committee, or DMR.

The Committee, chaired by Bronx Family Court Judge Gayle P. Roberts, is a collaboration among various child welfare practitioners and professionals. Created in 2009, the primary goal of the Committee is reducing the disproportionate representation of minority children in the child welfare system through the Courts Catalyzing Change initiative. The Committee has followed the national agenda for court-based reform as outlined in the NCJFCJ publication, *RESOURCES GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases*.

In addition to Judge Roberts and other New York City child protective judges, the Committee includes representatives from Casey Family Programs and the New York State Child Welfare Court Improvement Project, the local department of social services, attorneys for parents and children, and other court-based and local community service providers.

National statistics clearly indicate that minority children enter into the child welfare system at disproportionate rates to those of Caucasian children. Children of minority race and ethnicity are more likely to be the subject of initial child abuse and neglect reports. After investigations are conducted on these reports, minority children are more likely to be found to have been the subject of abuse or neglect. Minority children also enter and stay in foster care longer than Caucasian children. The statistics for New York City from 2009 are staggering. Caucasian children represent 26.9% of the overall child population but only 7.1% of the children subject to child abuse reports; 5.9% of children in indicated reports; 3.7% of children entering foster care; and 4.1% of children residing in foster care. Black children represent 28.3% of the overall child population but constitute 52.6% of children entering care and 56.2% of children residing in foster care. Disproportionate representation can also be seen for Hispanic children and children of other minority races and ethnicities.

While acknowledging that poverty and related factors contribute to disproportionality rates, the focus of the DMR Committee is on taking concrete steps within the court system to effect change. Using the slogan, "When Are the Children Coming Home (WATCCH)?", the Committee hopes to spread the message that the question of when children in foster care can be returned home needs to be addressed at every court appearance.

In September, the DMR Committee hosted a workshop to introduce WATCCH and educate the child welfare community on the issue of disproportionality. Dr. Toni Lang from the New York State Permanent Judicial Commission on Justice for Children and Khatib Waheed, Senior Fellow at the Center for Study of Social Policy, discussed the overwhelming national statistics and helped attendees navigate the difficult conversation of race and inequity. In response to the positive feedback received after this presentation, a follow-up workshop was held in November. Mr. Waheed returned to facilitate a "Courageous Conversation" seminar which included a screening and discussion of the video *Race: The Power of Illusion*.

In October, three Bronx Family Court judges began utilizing CCC's judicial benchcard, which is a tool for judges that sets forth the essential elements of properly conducted removal hearings. The benchcard focuses on "best practices" in judicial decision making and strives to ensure that an objective inquiry is made into each family's individual situation or circumstances. The benchcard encourages personal reflection around race-neutral decision making before a decision is made about removing a child.

One major initiative currently underway in conjunction with the use of the benchcard is a data collection effort to determine how best to capture the effects of the benchcard on families involved in neglect and abuse cases. One of the ways families will have direct involvement in this initiative is by completing a form where they will self-report their race and ethnicity.

A series of educational presentations is also planned, including a panel discussion on New York's legal standard for the removal of children into foster care. Panelists will include experts from the legal and social work fields who will discuss the complexities of this crucial decision-making point in child welfare cases. Also upcoming is a presentation by Sauti Yetu, an agency that provides culturally and linguistically appropriate services to African women in the Bronx.

The child welfare community has welcomed these initiatives. Attorneys and case workers regularly ask to join and volunteer for the Committee. One social services caseworker reported that she planned to start a blog about disproportionality and the Committee's efforts.

In an environment where there is rarely consensus and everyone involved is overloaded with responsibilities, it is rare to see such positive consensus emerging around a single initiative.

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