

## Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care

### **Mission**

The Courts Catalyzing Change Initiative brings together judicial officers and other child welfare system experts to set a national agenda for court-based training, research, and reform initiatives to reduce the disproportionate representation of children of color in dependency court systems. The Initiative will create and disseminate judicial tools, policy and practice guidelines and associated action plans that dependency court systems can use to reduce disproportionality and disparities for minority children and families. The Initiative will re-evaluate federal, state and local policy and make recommendations for changes or improvements. The Initiative will define and evaluate all decision points in the dependency court system to determine where action can be taken.

### ***National Agenda for Reducing Racial Disproportionality and Disparities in the Dependency Court System***

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#### **Statement of Principles**

- Minority children and families must be an integral part of the planning problem-solving process.
- Judges – as the final arbiters of justice - must be leaders in their communities on the issue of disproportionality and disparity in the child welfare system.
- Broad-based, multidisciplinary alliances and honest collaboration must be formed to effectively and comprehensively reduce disproportionality and disparate treatment.
- Reducing minority overrepresentation in the child welfare system must be linked with a broader effort to eliminate institutional and structural racism
- Accomplishing this mission requires that each judicial leader examine his or her personal beliefs and biases through a comprehensive facilitated process and work to minimize the role he or she plays in perpetuating disproportionality and disparate treatment of families of color.

#### **Key Components**

NCJFCJ, Casey and NCJFCJ VAMC Lead Judges will take the lead at the local, state and national level to promote the following Key Components and implement the associated Strategies to reduce disproportionate representation and disparate treatment of children of color in the child welfare system.

- I. Engage national, state, local and tribal stakeholders, community partners and children and families
- II. Transform judicial practice from the bench
- III. Participate in policy and law advocacy
- IV. Examine and employ research, data and promising practices
- V. Impact service array and delivery

## **I. ENGAGE NATIONAL, STATE, LOCAL and TRIBAL STAKEHOLDERS, COMMUNITY PARTNERS and CHILDREN and FAMILIES**

NCJFCJ & Casey leadership will...

- Take the lead to establish partnerships with national organizations in the field and encourage them to pursue reducing disproportionality and disparities in the child welfare system as a top priority.
- Serve as a clearinghouse for judges and courts nationwide regarding information and activities related to this effort.
- Learn from and build upon the work of other national organizations who have developed successful approaches to reducing the overrepresentation of minority children and families in the child welfare system.
- Reach out to federal policy makers and federal entities to educate, garner support and bring attention to this issue.

NCJFJC VAMC Lead Judges will...

- Engage local and state judicial leaders and court administrators to promote the reduction of disproportionality through action-oriented and solution-driven statewide advisory committees, task forces and educational forums.
- Lead their local community in developing a plan to reduce the disproportionality and disparate treatment of minority children and families in the child welfare system.
- Raise awareness about disproportionality and disparate treatment by communicating with national, state and local media about the pervasiveness of the problem as well as efforts and initiatives to reduce disproportionality and disparate treatment.

## **II. TRANSFORM JUDICIAL PRACTICE**

NCJFCJ & Casey Leadership will...

- Re-examine the NCJFCJ *RESOURCE GUIDELINES* through a racial equity lens and develop a specific set of judicial decision-making tools directed at reducing disproportionate representation.
- Develop and promote judicial education, training and guidance on the issue of disproportionality and disparity in the child welfare system.
- Develop formal feedback processes for children, families and other parties and participants involved with child welfare proceedings.

NCJFJC VAMC Lead Judges will...

- Examine personal bias and prejudice to understand and moderate its impact on judicial decision-making.
- Practice and promote principles of therapeutic jurisprudence through family engagement both in court and in the child welfare case planning process.
- Conduct thorough hearings and examine all decisions where disparate treatment may disadvantage children and families of color.
- Commit to training and education regarding disproportionality and disparate treatment for themselves and their colleagues who have jurisdiction over child protection matters.
- Promote the provision of culturally appropriate services.

### **III. PARTICIPATE IN POLICY & LAW ADVOCACY**

NCJFCJ & Casey Leadership will...

- Identify and examine state and federal laws and policies that drive children into the child welfare system in a racially disproportionate manner and identify model laws that combat this problem.
- Seek the active participation of federal lawmakers, administrators and relevant government agencies and departments to develop a cross-systems and collaborative approach to amend laws and policies that perpetuate disproportionality and disparities.
- Work to ensure that CFSR outcomes and performance measures assess disproportionality and disparities in the child welfare system and that program improvement plans (PIPs) require solutions to negative findings in this area.
- Work with HHS to ensure that Court Improvement Projects (CIPs) provide incentives and funding to jurisdictions working to reduce disproportionality and disparate treatment.

NCJFJC VAMC Lead Judges will...

- Seek the active participation of state and local lawmakers and relevant government agencies and departments to develop a cross-systems and collaborative approach to dismantling state and local laws and policies that perpetuate disproportionality and disparity for minority children and families.
- Seek statewide uniform ethical guidelines regarding the judiciary engaging in community advocacy to encourage the judiciary to fully participate as active members of systems and community reform and improvements efforts.
- Promote open child welfare hearings and encourage community members to become aware of the decision-making process.
- Work within their state and jurisdiction to promote retaining judges who have demonstrated expertise and/or who have been trained in disproportionality and disparities in juvenile court and advocate against policies that rotate judges through juvenile court.
- Promote the full scale (hotline to permanency), statewide implementation of Structured Decision Making processes and tools by sharing research that clearly shows the nexus between SDM and the reduction of disproportionality and disparities.

### **IV. EXAMINE & EMPLOY RESEARCH, DATA & PROMISING PRACTICES**

NCJFCJ & Casey Leadership will...

- Promote a multi-disciplinary, multi-level approach to data analysis to ensure a jurisdiction's ability to effectively analyze barriers, challenges, successes and opportunities to reduce disproportionality and disparate treatment of children and families of color in the child welfare system.
- Develop and define measures of well-being, safety and permanency in relationship to reducing disproportionate representation and disparate treatment for minority children and families in the child welfare system.
- Promote uniform use and acceptance of these measures on a local, state and national level (CIP, SANCA, CFSR).
- Identify and answer critical data-related questions about disproportionality and disparities.

- Incorporate information and provide to forums from all organizations for ongoing education and technical assistance to local, state and national leaders and key decision-makers by national research entities that have examined and analyzed data related to disproportionality and disparate treatment.

NCJFJC VAMC Lead Judges will...

- Improve understanding of local child welfare system and court data around the issue of disproportionality and disparate treatment.
- Assess and improve local jurisdictions' capacity to collect and analyze data related to disproportionality and disparate treatment within each child serving entity and within the court system.
- Collect and evaluate data at the case level, by judge and by jurisdiction.
- Create opportunities within own jurisdiction for discussing the meaning of the data and underlying causes of disproportionality and disparate treatment.
- Select outcome measures and develop strategies to improve permanency-related outcomes for children of color in the child welfare system.

## **V. IMPACT SERVICE ARRAY & DELIVERY**

NCJFCJ & Casey Leadership will...

- Collect and disseminate literature and information on promising practices and services that effectively reduce disproportionate representation in the child welfare system.
- Examine the impact of specific services on outcomes for children and families of color.

NCJFJC VAMC Lead Judges will...

- Promote early intervention and prevention approach to service delivery in order to reduce removals and support timely reunification.
- Require culturally competent, linguistically appropriate, effective, high-quality services for children and families of color involved with the child welfare system.
- Encourage communities in their jurisdiction to develop community-based resources and information that are specific to their cultural and community needs.
- Convene Community forums of community members, leaders and service providers to assess service gaps specific to that community and to build capacity among service providers.
- Ensure that quality, appropriateness and effectiveness of services are objectively assessed.
- Recommend termination of contracts that are not effective or are adding to the problem of disproportionate representation.