



Courts
Catalyzing
Change

Achieving Equity and Fairness in Foster Care

MODEL COURTS NATIONAL AGENDA IMPLEMENTATION GUIDE

IMPLEMENTING THE CCC NATIONAL AGENDA

Part I: Getting Started

The *Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care* Initiative (CCC) brings together judicial officers and other systems' experts who have set a National Agenda to reduce the disproportionate representation of and disparate outcomes for children of color in dependency court systems.¹ On October 3, 2007, the Lead Judges of the 29 participating dependency court jurisdictions in NCJFCJ's Model Courts Project determined that reducing racial disproportionality and disparities in child abuse and neglect court systems would be a national goal for all Model Courts and that each Model Court would be expected to implement the CCC National Agenda.

Funded by Casey Family Programs and the OJJDP, the CCC Initiative's mission is to create and disseminate judicial tools, policy and practice guidelines, and associated action plans that jurisdictions can use to reduce disproportionality and disparities for children and families of color on the local, statewide, and national levels. This *Implementation Guide* is the first of a series that is designed to assist Model Court jurisdictions in their implementation of the National Agenda.

NATIONAL AGENDA FOR REDUCING RACIAL DISPROPORTIONALITY AND DISPARITIES IN THE DEPENDENCY COURT SYSTEM

Key Components

- 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.

Step 1: Develop the Collaboration

Before attempting to implement the CCC National Agenda, it is critical to build a collaboration of stakeholders who will bring their constituencies to the table and partner in the court's effort to reduce disproportionality and disparities. Often, the Model Court team is the natural place to start, especially those teams that have agency, advocacy, and community leaders involved. A special committee of a larger collaborative entity can be developed to lead the planning and implementation around the National Agenda. Parents and children who have experienced the system are critical stakeholders that must be involved in the process.

KEY COMPONENTS:

- The Lead Judge should convene the collaborative group.
- All aspects of child welfare and the larger community should be at the table, including representatives from the following: judiciary, agency, advocacy (lay and legal), court administration, community service providers, community advocacy organizations (i.e. NAACP, La Raza, etc.), researchers/universities and funders.
- Parents and children who have experienced the foster care system must be involved in any way the court can to facilitate their voices being heard.
- The invitation to participate in the implementation effort can be written or verbal. It should introduce the CCC initiative as the Model Court national goal and provide additional references and resources about the CCC Initiative.
- Efforts should be made to build the collaborative upon a pre-existing Model Court team structure or other stakeholder collaborative or committee.

¹ To learn more about the CCC Initiative and its development please visit <http://www.ncjfcj.org/content/blogcategory/447/580/>.

YOUR MODEL COURT LIAISON CAN:

- Advise about which individuals and entities from the jurisdiction should be invited to collaborate in implementing the National Agenda.
- Assist in strategizing about the most effective way to ensure key people are brought into the collaborative.
- Investigate and/or advise about other relevant collaborative groups that may exist in the jurisdiction or at the state level.
- Link the Lead Judge with other collaborations or groups working on this issue.
- Connect local judicial leaders with key individuals at the state level to investigate statewide efforts to reduce disproportionality and disparities.
- Facilitate linkages between the court and local or state researchers or universities.

Step 2: Host an Informational and Information-Sharing Meeting

Once the Lead Judge has identified the key stakeholders, entities, and individuals for the collaborative and has invited those individuals to be the driving force of the jurisdiction's work to reduce disproportionalities and disparities, the Lead Judge should host an informational meeting. The purpose of the meeting is to explain the CCC Initiative and National Agenda and to give an overview of data demonstrating disproportionality rates in your jurisdiction. The meeting can also be an opportunity for invitees to share their organization's activities related to this issue.

KEY COMPONENTS:

- A clear agenda for the meeting that includes desired outcomes of the meeting and the purpose of the collaborative.
- The National Agenda and key publications (such as the TODAY magazine article and/or the Race Equity Scorecard) should be made available.
- The agenda should include an overview of the CCC Initiative and National Agenda, data regarding disproportionality nationally and locally (if available), and time for the group to discuss other efforts locally and statewide to reduce disproportionalities and disparities.
- Discussion of the next steps in the National Agenda implementation planning process.

YOUR MODEL COURT LIAISON CAN:

- Develop the agenda in partnership with the Model Court team.
- Provide reference materials from the NCJFCJ, PPCD, and other organizations, including the Race Equity Scorecard.
- Present about CCC and the National Agenda at the meeting.
- Facilitate a discussion at the meeting.
- Provide a perspective about implementation of the CCC Initiative at the local, statewide, and national level.

Step 3: Initiate a 'Courageous Conversation' about Institutional and Structural Racism

This step involves a training or facilitated dialogue with key stakeholders aimed at gaining awareness and understanding about the context within which disproportionalities and disparities emerged, and continue to exist, in the child welfare system. It is essential that this 'courageous conversation' occur *before* your jurisdiction proceeds with further planning to implement the National Agenda. Through the process of examining the history of institutional and structural racism, each individual involved in the collaborative will be asked to examine his/her own biases and belief systems. This conversation can take a variety of forms; however, it must be facilitated by an expert on the issue. Additionally, a 'safe space' must be created for people to speak openly about their thoughts, feelings, and experiences with racism and bias.

KEY COMPONENTS:

- The history of structural and institutional racism should be the framework for understanding the problem of disproportionalities and disparities in the child welfare system.
- An expert must facilitate and be involved with planning the training.
- The room should be comfortable and private and the setup should encourage discussion.
- Ground rules for interactions should be clearly laid out.
- The Lead Judge should set the tone of the day and make clear that this is the beginning of the jurisdiction's conversation about race, not the end, and that there will be future opportunities for ongoing discussion (see Step 5).
- The Model Court Liaison should be involved in all planning and implementation of this step.

YOUR MODEL COURT LIAISON CAN:

- Analyze and assess the current status and determine the type of training that would best fit the needs and dynamics of your jurisdiction.
- Connect your group with the right expert presenter/facilitator for your jurisdiction.
- Provide funding through the PPCD to bring the expert in for the day and serve as a liaison between your jurisdiction and the expert. The jurisdiction may need to provide funds as well, depending on the number of attendees.
- Facilitate the development of the training agenda, including consultations between judicial leaders and the expert.
- Provide a perspective about 'courageous conversations' in other jurisdictions, including planning for dealing with challenges and barriers that may arise.
- Develop training evaluations and feedback opportunities.

DISPROPORTIONALITY – the difference in the percentage of children of a racial or ethnic group in a population as compared to the percentage of children of the same racial or ethnic group in the child welfare system.

DISPARITY – unfair or unequal treatment of one racial or ethnic group as compared to another racial or ethnic group.

Step 4: Develop A Strategic Plan

After initiating a 'courageous conversation' about structural and institutional racism in your jurisdiction, the Model Court Lead Judge should work with his/her Model Court Liaison and Model Court team to develop a CCC Initiative Strategic Plan. The PPCD has tools and resources to guide this process. Although an action plan should be developed for each of the National Agenda items, not all jurisdictions will be in a position to take on the entire agenda at once. Through the strategic planning process, each site should assess their jurisdiction's strengths and opportunities, and prioritize the implementation process.

KEY COMPONENTS:

- Discuss and document your jurisdiction's priorities, strategies, actions and a timeline for implementing the National Agenda.
- Strategic Planning should be a group process involving members of the CCC Initiative collaborative and facilitated by someone outside of the collaborative (i.e. your Model Court Liaison).
- Set attainable goals that are linked to specific timelines and activities.
- The planning process may take several meetings and will require the Lead Judge to keep pushing the group forward.

YOUR MODEL COURT LIAISON CAN:

- Coordinate pre-meeting planning by gathering necessary information, working collaboratively to develop an agenda or obtaining a facilitator if necessary.
- Provide forms and tools for use at or before the meeting.
- Identify connections between CCC activities and other work being undertaken within the jurisdiction (for example: if the court is developing or revising a data tracking system – the Liaison will identify this as an area that connects and should be coordinated with the National Agenda item to track data).
- Identify linkages and natural overlaps between the jurisdiction's other Model Court goals and the National Agenda.
- Facilitate the Strategic Planning meeting and/or record and track information shared at the meeting.
- Finalize the Strategic Plan with the Model Court leadership team.

Step 5: Follow Up and Follow Through

The Model Court jurisdictions that have had the most success in implementing the National Agenda ensure that their collaborative group meets on a regular basis to review progress on the Strategic Plan and to continue discussing racial inequities and disproportionality in the child welfare system. Such ongoing meetings allow these sites to stay on task with implementing their action plan to reduce disproportionalities and disparities, review data and modify plans as needed. Opportunities for ongoing conversation about race in a variety of forums is essential in keeping the lines of communication open, and to maintain the jurisdiction's focus on the ultimate goal of reducing disproportionalities and disparities.

KEY COMPONENTS:

- The Lead Judge should host monthly or quarterly meetings with the members of the CCC collaborative.
- Meeting agendas should focus on National Agenda items or strategies currently being implemented as well as those that are in the Strategic Plan but have not yet begun.
- The Lead Judge, or his/her designee, should ensure that the conversation about structural and institutional racism continues past the initial training by developing regular workshops or discussions that encourage multiple stakeholders to attend (i.e. offer CLEs, hold them at lunchtime at the courthouse, etc.).
- Form partnerships with local and state level public and private funders (i.e. Court Improvement Project, Community Foundations, etc.)

YOUR MODEL COURT LIAISON CAN:

- Assist with tracking progress on the Strategic Plan and offer recommendations when barriers to implementation are encountered.
- Develop a plan for a 'brown bag' series in collaboration with local leadership to keep the conversation about reducing disproportionality moving forward.
- Provide cutting edge information, research, and publications to guide the conversation and answer questions.
- Link the jurisdiction with the PPCD research department if a need arises for further investigation or information on a topic.
- Connect jurisdictions with local and national speakers to facilitate the ongoing conversation about race.

RECOMMENDATIONS FOR SUCCESSFUL IMPLEMENTATION

- Think broadly about who to involve in the implementation process.
- Embrace the National Agenda boldly on multiple levels.
- Do not let a lack of data delay getting started with implementation efforts. The process is not about collecting data.
- Connect with a researcher or university early in the planning process.
- Think BIG and explore rolling-out implementation at the state level.
- Take full advantage of the expertise and resources offered by PPCD and the Model Court Liaisons.

IMPLEMENTATION HIGHLIGHTS

The following Model Court reports highlight a variety of ways to begin implementation of the National Agenda. The key is to get started, keep moving forward with implementation, and continue to engage partners and work collaboratively at all levels.

Los Angeles, CA

- ▶ Developed a task force to address disproportionality and disparate treatment of children and families of color co-chaired by the Lead Judge and head of the child welfare agency (DCFS).
- ▶ Provided a four-hour training for 40 participants focused on the video “Race: The Power of an Illusion” facilitated by an expert. Attendees included 22 judicial officers, attorneys, and the leadership of DCFS.
- ▶ Developed a collaboration with Dr. Barbara Needel from UC Berkeley to review and discuss the data as it relates to specific decision points.
- ▶ Two weeks after initial training, stakeholders were brought together to form a Policy Work Group that has developed a plan for reducing disproportionality.
- ▶ The Policy Work Group meets regularly and is guided by purposeful meeting agendas.

Portland, OR

- ▶ Began at the state level with a statewide conference to explore bias in decision-making. The conference involved 350 stakeholders, including the Chief Justice, juvenile court judges from around the state, attorneys, and social workers as well as representatives from the law enforcement, juvenile justice and education systems.
- ▶ The Portland court and system partners formed two committees to specifically work on the National Agenda. One committee is focused on strategic planning to implement CCC and one is working on training for child welfare workers.
- ▶ Six months after the statewide conference, a similar training was held in Portland to continue the conversation and further improve practice to reduce disproportionality and disparities.
- ▶ The Governor formed a statewide task force to work on this issue and the Presiding Judge from Portland is the judicial representative.

Charlotte, NC

- ▶ Has been working on implementation for a number of years and has had multiple trainings and conversations about race. The Lead Judge has emerged as a local, state, and national leader and speaker on reducing disproportionalities and disparities.
- ▶ Developed a Juvenile Judges Partnership that meets regularly and is working to implement the National Agenda.
- ▶ As part of its ongoing conversation about race, hosted a full-day training for the community, court partners, and staff centered around the “Race: The Power of an Illusion” video and the “Race Matters” curricula. Similar trainings and discussions were held early on in the implementation process.
- ▶ Has collaborated with the North Carolina Court Improvement Project and Family Court Committee and has been supported by the NCJFCJ and the North Carolina Chief Justice to develop and implement a statewide initiative to reduce disproportionalities and disparities.

Essex County, NJ

- ▶ Is a key partner in the statewide kickoff of the CCC Initiative that involves a presentation on implicit bias, an overview of the data, and a local and national perspective on the problem of disproportionality and disparities.
- ▶ The initial training will include time for strategic planning about implementation of the National Agenda.

Omaha, NE

- ▶ Most stakeholders in this jurisdiction have participated in a training on cultural competence provided by the co-Lead Judge who is trained to provide such training.
- ▶ This site is now planning a training specifically covering structural racism for approximately 100 stakeholders including all juvenile judges, court staff, Model Court team members, child welfare agency leaders and others.
- ▶ A strategic planning session will take place at some point soon after the training to discuss local implementation of the National Agenda.



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