

Reducing Racial Disproportionality and Disparities in Child Welfare through an anti- racial lens

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THE ISSUE

- Disproportionality has been documented for decades nationwide in child welfare, special education, juvenile justice, criminal justice and other systems.
- Research suggests that there are more disparities in child welfare services for African-American children compared with Latino and Anglo children.



- U.S. Census Bureau statistics show that in 2000, African-American children comprised 15% of the U.S. child population.
- In 2000, 45% of the children in out of home placement were African-American.



- According to the Center for the Study of Social Policy, 46 states, including New York have a disproportionate rate of African -American children in their foster care system relative to their general population (2004).



Purpose of this Presentation

- Define the problem
- Understand one's own connection to institutional racism and its impact on disparities within the outcomes of the child welfare system
- Develop awareness and understanding about ways to begin undoing racism



Defining the Problem

- Children of Color are disproportionately and often over-represented in the child welfare system.
- Disproportionality = a particular racial or ethnic group is represented within a social system at a rate or percentage that is not proportionate to their representation in the general population.



Disproportionality in Child Welfare

- “...all states have a disproportionate representation of African American children in foster care. As of 2000, the child welfare system in 16 states had extreme rates of disproportionality that were more than three and one-half times the proportion of children of color in the state’s total child population.”
 - Robert B. Hill, Overrepresentation of Children of Color in Foster Care in 2000 – Revised Working Paper, March 2005
- “In states where there is a large population of Native Americans, this group can constitute between 15% to 65% of the children in foster care.”
 - Casey Family Programs, Framework for Change (April, 2005)
- “Hispanic/Latino children may be significantly over-represented based on locality (e.g., Santa Clara County, CA: Latino children represent 30% of child population, but 52% of child welfare cases).”
 - Congressional Research Service. August 2005. Race/Ethnicity and Child Welfare



Disparities in Child Welfare

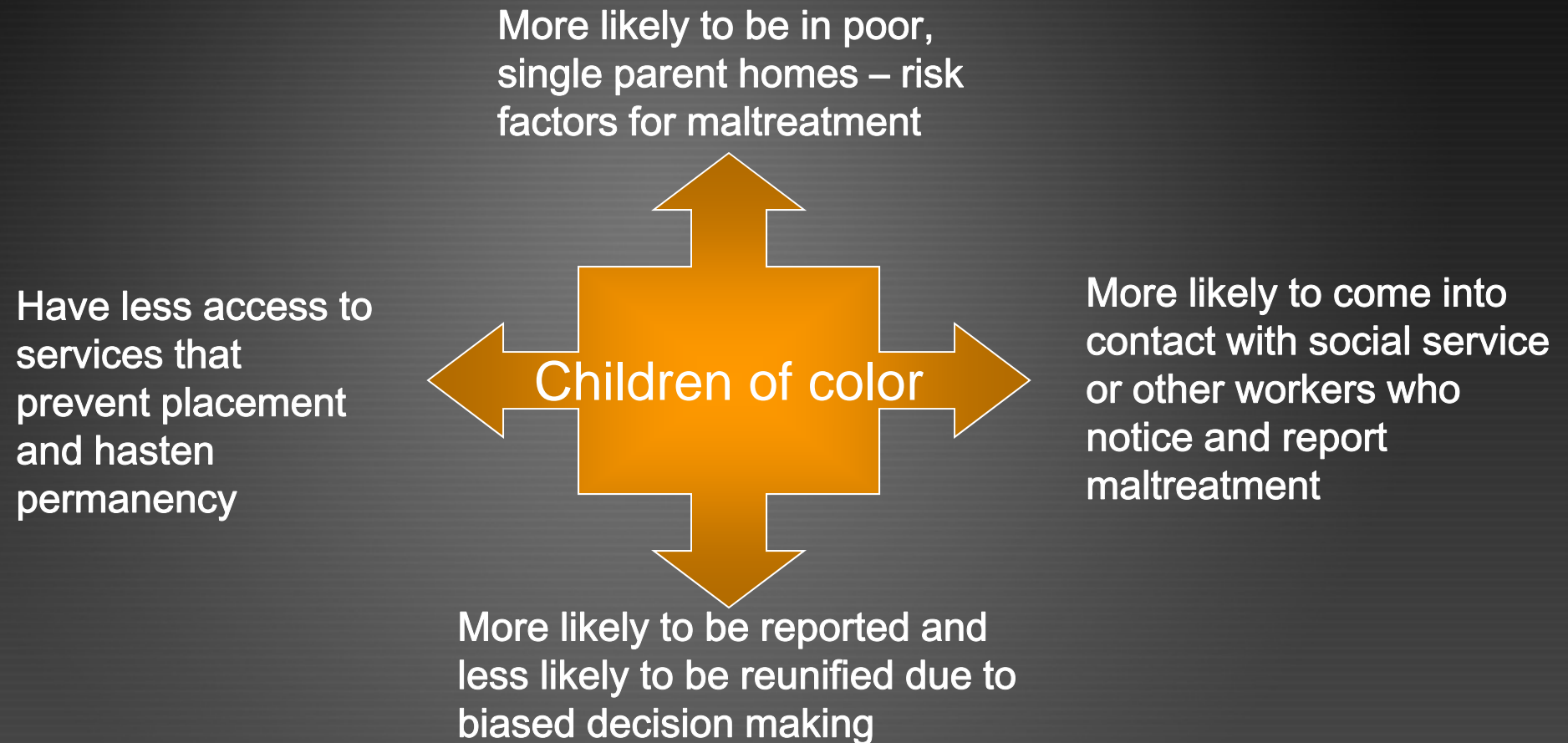
- “African Americans are investigated for child abuse and neglect twice as often as Caucasians.”
 - Yaun, J. J. Hedderson and P. Curtis, Disproportionate representation of Race and Ethnicity in Child Maltreatment: Investigation and Victimization , *Children and Youth Services Review*, 25 (2003): 359-373 – Places to Watch.
- “African American children who were determined to be victims of child abuse were 36% more likely than Caucasian children to be placed into foster care.”
 - U.S. Department of Health and Human Services (2005).
- First round of CFSRs shows that white children achieve permanency outcomes at a higher rate than children of color.
 - National Child Welfare Resource Center (2006).



- African-American children stay in in foster homes longer, have more placements while in care, and wait longer to be adopted if adoption occurs at all.
- Studies have shown that African-American children exit the foster care system up to 45% more slowly than Anglo children, and when they do exit, they are less likely to be reunified.



Disproportionality Theories: Research



Adapted from Congressional Research Service. August 2005. Race/Ethnicity and Child Welfare.



Disproportionality Theories: Child Welfare Administrators, Supervisors, Workers

Greater visibility of families of color for reporting of maltreatment

Lack of familiarity with other cultures and with what constitutes abusive behavior

Media pressure to remove children

Poverty and related issues, such as homelessness

Lack of community resources to address a range of issues, such as substance abuse and domestic violence

Congressional Research Service. August 2005. Race/Ethnicity and Child Welfare



Courts Catalyzing Change

- Jointly funded by Casey Family Programs and OJJDP

Mission

- Bring together judges and system experts to set a national agenda for court-based training, research, and reform initiatives to reduce racial/ethnic disproportionality and disparities for children and families in the dependency court system.



Courts Catalyzing Change

Goals

- Create and disseminate judicial tools, policy and practice guidelines and associated action plans that dependency court systems can use to reduce disproportionality and disparities
- Re-evaluate federal, state and local policy and make recommendations for changes or improvements.
- Examine *all* decision points in the dependency court system to determine where action can be taken.



Courts Catalyzing Change

Project History/Timeline

- Casey Breakthrough Series Collaborative
- Partnership with NCJFCJ
 - Recognized Need for Judicial Leadership
 - NCJFCJ Committees
 - Model Courts National Goal (OJJDP)
 - Advisory Group
 - Steering Committee
 - National Call to Action Work Group



Courts Catalyzing Change: A National Agenda

Statement of Principles

- Children of color and their families must be an integral part of the planning and 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 racial disproportionality and disparities in the child welfare system must be linked with a broader effort to eliminate institutional and structural racism.



CCC National Agenda: Key Components

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



Engage National, State & Local Stakeholders & Community Partners

NCJFCJ Model Court 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 racial disproportionality and disparities in the child welfare system by convening local families of color, community leaders, governmental agencies, schools, faith based leaders and community based providers in community forums, town hall meetings and collaborative planning sessions.
- 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.



Transform Judicial Practice

NCJFCJ Model Court 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 examining all decision points and make well reasoned findings on the record.
- Commit to training and education for themselves and their colleagues in the juvenile court.
- Reduce racial disproportionality and disparity issues at each decision point in a case.
- Ensure services are culturally appropriate.



Participate in Policy & Law Advocacy

NCJFCJ Model Court 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 children of color and their families.
- Seek statewide uniform ethical guidelines regarding the judiciary engaging in community advocacy that enable the judiciary to fully participate as an active member 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 in juvenile court and advocate against policies and laws that rotate judges through juvenile court rather than allowing judges to develop expertise in this area.
- Promote the full scale (hotline to permanency), statewide implementation of Structured Decision Making processes and tools.



Examine Research & Employ Data

NCJFCJ Model Court 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.
- Take the lead in educating colleagues and system partners about using local data to analyze causes for disproportionate representation and opportunities to reduce this trend through training, decision-making and policy advocacy.



Impact Service Array & Delivery

NCJFCJ Model Court Lead Judges will ...

- Promote early intervention and prevention approach to service delivery in order to reduce removals and support speedy reunification.
- Require culturally, competent and linguistically appropriate services for children and families of color involved with the child welfare system.
- Encourage communities of color 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 and address service gaps.
- Ensure that quality and effectiveness of services are assessed.
- Recommend termination of contracts that are not effective or are adding to the problem of disproportionate representation.



CCC Benchmarkcard

CCC Goal – To Transform Judicial Practice

- Developing racial equity benchmarkcard or judicial hearing checklist
 - Steering Committee & experts met in Dec, 2008, Jan, 2009 and May 2009
 - CCC benchmarkcard builds upon NCJFCJ *RESOURCE GUIDELINES* checklists for hearing best practice
 - Outlines process of critical self-reflection and direct inquiry
 - Will be finalized after extensive field-testing in select project sites



BENCHCARD BASICS

INTERNAL REFLECTION QUESTIONS

Designed to assist the judge to ensure that s/he is considering cultural context, foster care as a last resort, family engagement, and other key issues

QUESTIONS TO THE PARTIES

Imperative to ask all the questions during the test/research phase of the benchcard

Ensure the family's perspective is solicited on all questions



PROMOTING ATTENDANCE

- Inquire about parties who should be present
- Develop protocols regarding children in court
- Have bailiffs invite anyone waiting for the case into the courtroom
- Require documentation of notice provided to parties/foster parents/caregivers
- Have a standard process for ensuring diligent searches
- Ensuring incarcerated parents are transported
- Arrange attendance via phone or video conference



REFLECTION QUESTIONS

- Included to address and attempt to remove ‘implicit bias’
- Requires commitment to engaging in the self-reflection process
- No one right way to use the reflection questions - but they should be used



Reflections on the Decision Making Process

- Ask yourself:
- Have I made assumptions using widely accepted stereotypes about the cultural identity or background of this family?
- What is my understanding of the unique culture and circumstances of this family?
- Has my past contact and involvement with this family unduly influenced my decision-making process?



More reflections:

Has the evidence supported every conclusion drawn and have I challenged unsupported assumptions?

What can I influence?

How am I am making this a more equitable environment?



Courageous Conversation

- Through the history of examining the history of institutional and structural racism, each individual involved in the collaboration has to examine his/her own beliefs and biases.
- A safe space must be created for people to speak openly about their thoughts, feelings, and experiences with racism and bias.



4 Tenets of Courageous Conversation

- Speak your truth
- Expect and accept non-closure
- Experience discomfort
- Stay engaged



Develop a Strategic Plan

- Discuss and document your jurisdiction's priorities, strategies, actions and timeline for implementing your community's agenda.
- Set attainable goals that are linked to specific timelines and activities.
- Judge must keep pushing the group forward



Follow Up and Follow Through

- Jurisdictions with most success in implementing the National Agenda ensure that their collaborative group meets on a regular basis.
- Do not let a lack of data delay getting started
- Get started, keep moving forward and continue to engage partners and work collaboratively.



Implementation Highlights in Model Courts: Los Angeles

- Developed a task force co-chaired by a Judge and head of child welfare agency
- Provided a four hour training for 40 participants focused on the video “Race: The Power of an Illusion.”
- Developed a partnership with UC Berkeley to review and discuss the data as it relates to specific decision points



Portland Model Court

- Began at state level with a statewide conference to explore bias in decision-making. Chief Justice, juvenile court judges, attorneys, social workers and representatives' from law enforcement, juvenile justice and education systems attended.
- Portland court formed two committees : Strategic planning for implementation and training caseworkers



Omaha, Nebraska Model Court

- Stakeholders have participated in a training on cultural competence
- Planning a training covering structural racism for 100 stakeholders



Buffalo, New York

- Monday, November 9th hosted a county wide training on Disproportionality and Disparity
- Next steps?





WHAT CAN I DO?

Get Involved, it's the right thing to do!!!!

“Cowardice ask the question, is it safe?
Expediency asks the question, is it polite?
Vanity asks the question, is it popular?
But conscience asks the question, is it
right?”

And there comes a time when one must
take a position that is neither safe, nor
polite , nor popular

-but one must take it because it is right.”

Martin Luther King, Jr.

