
Policy Actions to Reduce Racial Disproportionality and Disparities in Child Welfare

A Scan of Eleven States

A paper prepared by the
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Introduction

Children of color involved with the child welfare system experience significantly worse outcomes than non-minority children. They have a higher occurrence of placement changes, receive fewer supports, stay in the system longer, and are less likely to be adopted or reunited with their families.¹ Children of color also receive fewer contacts by caseworkers, less access to mental health services, less access to drug treatment services, and are placed in detention or correctional facilities at higher rates.² In addition, children of color are overrepresented at all decision points of the child welfare system: reporting, investigation, substantiation, placement, and exit from care.^{3,4} Improvements for all children in the child welfare system are not possible without addressing and eliminating these inequities.

The last two decades have witnessed increased national attention to racial disproportionality and the disparate treatment of youth in the child welfare system.⁵ The Health and Human Services Nation Incidence Study (NIS) has shown since the early 1980s that children of all races and ethnicities are equally likely to be abused or neglected. Although the NIS-IV is pending and will add to our understanding of this complex issue, the research from 1992 to date has found that black communities had lower rates of child maltreatment than white communities, once such factors as income level, unemployment rates, and whether the areas were urban or rural were statistically controlled.⁶ In 2007, the Government Accountability Office (GAO) published a report that identified theories regarding the factors contributing to the disproportion of African American children in foster care. These factors included higher rates of poverty in African American families, challenges in accessing support services, racial bias in services provided, and difficulties in finding appropriate permanent homes.⁷

In light of the issues raised by this consistent research and data, states have begun actively addressing disproportionality and disparities through public policy actions. Current efforts are still in the early stages, but the progress documented in this brief holds great promise for improving the child welfare system and advancing racial equity.

Eleven states—**California, Connecticut, Florida, Iowa, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Texas, and Washington**—have been identified as directly addressing disproportionality and disparities through public policy measures. To obtain a more in-depth

¹ Lu, Y. E. (2004) Race, Ethnicity, and Case Outcomes in Child Protective Services, 26 Child and Youth Services Rev. 447.

² Courtney, M., Barth, R., Berrick, J., Brooks, D., Needell, B., & Park, L. (1996). Race and child welfare services: Past research and future directions. *Child Welfare*, 75(2): 99-137; McRoy, R. (2004). The color of child welfare. In K. Davis & T. Bent-Goodley (Eds.) *The color of social policy* (pp. 37-63). Alexandria, VA: Council on Social Work Education; Urquiza, A., Wu, J., & Borrego, Jr., J. (1999). Foster care and the special needs of minority children. In P. Curtis, G. Dale, & J. Kendall (Eds.) *The foster care crisis* (pp. 84-98). Lincoln, NE: University of Nebraska Press.

³ Hill, R. (2006) Synthesis of Research on Disproportionality in Child Welfare: An Update. Casey-CSSP Alliance for Racial Equity in the Child Welfare System. Accessed September 23, 2009 http://www.cssp.org/uploadFiles/Disproportionality_Paper_Bob_Hill.pdf

⁴ To date, the only stage where no racial differences have been identified in research studies was in the reentry into the child welfare system. Hill, R. B. (2005). The role of race in foster care placement. In D. Derezotes, et al. (Eds.) *Race matters in child welfare: The overrepresentation of African American children in the system*. Washington, DC: Child Welfare League of America.

⁵ Disproportionality refers to the under- or overrepresentation of children under age 18 of a particular racial or ethnic group compared to their representation in the general U.S. population. Disparate treatment is the unequal treatment or services provided to minority children as compared to those provided to similarly-situated white children. This can be observed in many areas, including decision points (e.g., reporting, investigation, substantiation, foster care placement, and exits), treatment, services, or resources.

⁶ Ards, S. (1992). *Understanding patterns of child maltreatment*. Contemporary Policy Issues, 10(4): 39-50. Hill, R. B. (2005). *The role of race in foster care placement*. In D. Derezotes, et al. (Eds.) *Race matters in child welfare: The overrepresentation of African American children in the system*. Washington, DC: Child Welfare League of America.

⁷ *African American Children in Foster Care*. 2007. Washington, DC: Government Accounting Office www.gao.gov/cgi-bin/getrpt?GAO-07-816.

understanding of these activities, state officials in six states (California, Connecticut, Iowa, Massachusetts, Minnesota, and Texas) were contacted and interviewed about their efforts in their child welfare system. The focus of this analysis is on state-initiated legislative policy; reform efforts by local governments and court systems to reduce the disparities and disproportionate representation of children of color in foster care are not captured here.⁸

Six Dimensions of Change

This analysis examines state efforts in the context of the six dimensions that comprise the Alliance for Racial Equity in Child Welfare's theory of change. Each of these strategies is presumed to be essential for long-term sustainable change in the child welfare system and for achieving racial equity. The theory of change has at its core a commitment to child safety and improving the outcomes for all children involved with the child welfare system. The dimensions are as follows.

1. Legislation, Policy Change and Finance Reform
2. Youth, Parent and Community Partnership and Development
3. Public Will and Communication
4. Human Service Workforce Development
5. Practice Change
6. Research, Evaluation and Data-Based Decision-making

1. Legislation, Policy Change, Finance Reform

Information was collected on the eleven states—**California, Florida, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Texas, Washington, and Connecticut**—that have enacted legislation requiring child welfare agencies to examine within their systems the disproportionate representation of children of color in general or the disproportionate representation of African American children more specifically. **Massachusetts** included provisions addressing racial disparities as part of the larger Act for Protecting Children in the Care of the Commonwealth. In general, the state mandates include the following:

- Monitoring legislation and programs that affect African American families and/or families of color;
- Assisting state agencies with designing services to enhance the well-being of African American families and/or families of color;
- Facilitating the participation of constituents in the development and implementation of community-based services; and
- Offering a series of administrative and legislative recommendations to reduce existing disparities.

⁸ For more information regarding the role of the courts in addressing racial disproportionality, visit the Courts Catalyzing Change Initiative on the National Council of Juvenile and Family Court Judges website, <http://www.ncjfcj.org/content/blogcategory/447/580/>. Also, the California Blue Ribbon Commission on Children in Foster Care (www.courtinfo.ca.gov/blueribbon) provides information about the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families.

“The purpose of the **Indiana** Disproportionality Committee annual report is to document and communicate activities and progress to stakeholders and the general community. Communication is a key component of our efforts, as we rely on a community approach to reduce the disparities that exist in **Indiana** for children of color.” – **Indiana** Disproportionality Committee

For example, the **Indiana** State legislature established the Commission on Disproportionality in Youth Services to develop an implementation plan to evaluate and address the disproportionate representation of youth of color in the use of youth services in juvenile justice, child welfare, education, and mental health services. For example, the **Washington** State Legislature created the Washington State Racial Disproportionality Advisory Committee, an advisory committee to the State Department of Social and Health Services, to

analyze and make recommendations on the disproportionate representation of children of color in the state’s child welfare system. The legislation also required the development of a remediation plan and an annual progress report for reducing and eliminating racial disproportionality and disparity in the state’s child welfare and juvenile justice systems.

2. Youth, Parent and Community Partnership and Development

In order to educate the public about the issues facing child welfare systems, communities and local stakeholders must be engaged in this process. **California, Connecticut, Iowa, Massachusetts, Minnesota, Texas** and **Washington** identified efforts to develop partnerships with local communities. As a result of legislation, several states reported convening town hall meetings and community forums as vehicles for hearing and garnering local support from community residents, leaders, and other constituents.

The **Washington** State Racial Disproportionality Advisory Committee included a current or former foster care youth, current or former foster care parent, parent previously involved with Washington’s child welfare system, and representatives of community-based organizations. Also in Washington, leadership from the agency, the juvenile court, and a private foundation created the broad-based King County Coalition on Racial Disproportionality.

3. Public Will and Communication

Increasing public awareness of the issues facing the child welfare system is critical in the creation of comprehensive action plans and strategies aimed at addressing racial disproportionality. Developing youth, parent, and community partnerships that include businesses, schools, and family-serving agencies enables all stakeholders to work together and provide unified leadership in addressing racial disproportionality. Several states, including **Minnesota, Texas, Indiana, Michigan**, and **Iowa**, reported specific strategies to communicate with stakeholders to build public will.

As part of the mandated activities on disproportionality, Senate Bill 6 in **Texas** required the Department of Family and Protective Services (DFPS) to develop collaborative partnerships with community groups, faith-based organizations, agencies, and other community organizations. A statewide workgroup, composed of DFPS staff and external stakeholders, was created to address disproportionate representation and disparate outcomes in Child Protective Services (CPS). The **Michigan** Advisory Committee on the Overrepresentation of Children of Color in Child Welfare held 40 focus groups for front-line staff, supervisors, and community stakeholders, including three tribal focus groups. Additionally, the Department of Human Services hosted two public hearings to educate the community about the extent of racial

disproportionality. Local accountability groups were established as a result of the focus groups and hearings.

4. Human Service Workforce Development

Developing a culturally competent workforce in the child welfare system requires an agency-wide commitment to act individually and collectively to eliminate decisions that lead to negative outcomes for families of color. The goal and outcome of such commitment is ensuring that all families have equal access to needed services and opportunities that enhance their well-being. Eight states—**California, Florida, Illinois, Indiana, Massachusetts, Minnesota, Texas, and Washington**—trained their staff using *Undoing Racism*, facilitated by the People’s Institute for Survival and Beyond, and/or *Knowing Who You Are*, developed by Casey Family Programs as the cultural competency training required of their agency staff. Three states—**Florida, Massachusetts, and Minnesota**—included provisions in legislation to provide cultural competence training or technical assistance to community organizations to address disproportionality. **Florida’s** One Church, One Child Corporation Act included a mandate to “provide training and technical assistance to community organizations such as black churches, social service agencies, and other organizations that assist in identifying prospective parents willing to adopt.”⁹

5. Practice Change

Three major forms of practice changes were most often mandated by legislation or recommended by task forces to improve the well-being of children and families of color involved in the child welfare system: Family Group Decision Making, Differential Response, and recruiting diverse families to adopt or foster children. Five states—**Iowa, Washington, Connecticut, Florida, and Texas**—reported adopting one or more of these practice changes.

The **Washington** State legislature has required an evaluation and report on the impact of Family Team Decision Making and Structured Decision Making on racial disproportionality in Washington’s child welfare system. Differential response was adopted as part of **Connecticut’s** move towards a more family-centered practice and quality improvement of treatment plans and the planning process. **Florida** and **Texas** implemented the One Child, One Church approach to recruit more families of color as foster families.

6. Research, Evaluation and Data-Based Decision-making

Through the collection and analysis of data, states can better understand the extent and dimensions of racial disproportionality in their jurisdictions. This understanding enables agencies to diagnose systemic problems and assess the impact of various reform efforts. Each of the eleven states reported collecting and analyzing data disaggregated by race and ethnicity. Seven states—**Connecticut, Illinois, Indiana, Massachusetts, Michigan, Minnesota, and Washington**—passed legislation requiring their child welfare agencies to submit annual reports to the public on progress in reducing disproportionality. The annual reports include information on the numbers of children of color in the child welfare system, activities and programs created to address disproportionality, progress made to date, and policy and practice recommendations

⁹Title XXX, Chapter 409.1755, Social Welfare Social And Economic Assistance,
http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0409/titl0409.htm

addressed to lawmakers and stakeholders. State leaders reported that such reports are effective strategies for educating the public about the extent and nature of racial disproportionality and disparities and the efforts being undertaken to address them. They also serve as means for ensuring that departments' progress is measured against pre-established benchmarks and that the departments are held accountable for their progress.

Challenges and Opportunities Ahead

The causes of disproportionality and disparities are complex, multi-layered, and not completely understood. The efforts of the legislative and executive branches highlighted in this brief illustrate the importance of leaders—state officials, courts, families, child advocates, faith communities, child welfare staff—working together to understand this phenomenon. Only through an understanding of the origins of racial disproportionality and disparities can effective programs, services, supports, and policies be developed to eliminate the problem. States outlined several challenges for the work ahead.

- *Mobilizing Leadership*

Leadership, both internal and external to the agency, is required to sustain the energy needed to design and implement effective programs. Interviewees identified mobilizing political leadership as critical to ensuring that there is continuity of efforts and cited the need for consistent agency leadership to sustain efforts to reduce disproportionality and disparities. Strategies to maintain this work as a priority will need to be put in place, both within the agency and through continued external political leadership.

- *Budget Constraints*

Not surprisingly, each state mentioned that budget constraints have inhibited the development of their work. However, a California state official discussed how difficult economic conditions can provide an opportunity to eliminate ineffective programs or services and redirect those resources to addressing racial disparities.

- *Reviewing the Impact of Policies, Programs, and Procedures for Families of Color*

Several states mentioned the importance of reviewing the impact of policies, programs, and procedures on families of color. An important example is Michigan's examination of institutional practices and policies that negatively impact African American children and may contribute to disparities and disproportionality in the state's foster care system. One of the report's recommendations was that localities and states implement regular quality assurance

The following key strategies emerged from the work in the states:

- Ongoing data analysis to address disproportionality;
- Education, training, and awareness at all levels (investigations, case managers, service providers and community);
- Family-focused and strengths-based practices, Alternative Response and Family Team Conferencing principles;
- Increased supports for kinship placements to achieve permanency;
- Identification of existing policies and practices that may be contributing factors to disproportionality; and
- Targeted recruitment of foster parents in specific communities and matching foster families with the needs of the children in care.

mechanisms to evaluate whether policies are being interpreted as intended and are not disadvantaging families of color.¹⁰

- *Data Collection and Annual Reporting of Racial Disproportionality and Disparities*

Despite a general understanding of disproportionality and disparities in child welfare, states and jurisdictions identified the need to undertake an analysis of their own data to fully comprehend the specific, relevant issues in their systems. Data are crucial to identifying the problem and developing effective strategies. States underscored that an analysis of decision points can help administrators and staff understand where and how inequities are occurring within the system through existing policies and practices, and provide a roadmap for an action plan.

- *Establishing Benchmarks for Achieving Racial Equity*

In order to track improvements along the way, measures must be developed that describe targeted outcomes and permit an objective assessment of performance. States have found that benchmarks, both qualitative and quantitative, serve as indicators that programs are progressing as planned. States have the opportunity to mandate that child welfare systems, including public agencies, private contract agencies, and courts, reduce racial disparities using measurable, time-specific benchmarks to ensure accountability.

- *Building Community Support*

State officials repeatedly commented on the importance of building community support for addressing disproportionality and disparities. Legislators and administrators found that including families and communities helps to create better action plans. Their valuable input provides insight into the needs of the families and communities served by the child welfare system.

- *Implementing Federal Law*

With the 2008 Fostering Connections to Success and Increasing Adoptions Act, states are able to receive funding for subsidized guardianship. States noted that this placement option will increase the availability of permanent homes for children of color and thus holds promise for reducing disproportionality and disparity. The Act also requires notice to relatives when a child is placed in foster care to engage family members early and increase the likelihood of relative placements.

- *The Importance of Staying the Course to Achieve Racial Equity*

Several legislative mandates highlighted above established taskforces or committees to offer recommendations to eliminate disparities, but officials frequently indicated that it is necessary for these recommendations to both be implemented and then regularly assessed and adjusted. Continuous improvement of the child welfare system requires proper implementation of any service strategy, applying “practice-based evidence” to programs, trying multiple service approaches, and tracking the results of those approaches.

¹⁰ Center for the Study of Social Policy. (2009). *Race Equity Review: Findings from a Qualitative Analysis of Racial Disproportionality and Disparity for African American Children and Families in Michigan's Child Welfare System*.

- *Achieving Racial Equity with the Goal of Improving Services to All Children and Families*

State officials commented that improving services to *all* children is a best practice for addressing disproportionality. One example raised consistently was services for youth aging out of care. Due to a lack of transitional services and supports, more than one-half of the young people leaving foster care have been subsequently diagnosed with mental disorders, one in five has been homeless at some point, half have not completed high school, and one third live below the poverty level.¹¹ By improving transitional planning and supports, outcomes for all children can be improved.

Conclusion

This paper provides a brief look at how state legislatures are beginning to address racial disproportionality and disparity. The strategies described are relatively new and represent initial efforts to improve the child welfare system for children of color. The emphasis that states have placed on service and system improvements suggests that these are important structural reforms necessary to achieve race equity. The legislatures in the eleven states discussed have recognized that disproportionality and disparity extend beyond child welfare and that achieving race equity in this system is not a task separate from other efforts addressing the treatment of people of color in child and family-serving systems. The work in these states provides a clear set of examples for other states to consider in their efforts to achieve racial equity in child welfare.

¹¹ Kids Count (2005). *Transitions: Building Better Lives for Youth Leaving Foster Care*. Retrieved January 29th, 2009 from <http://www.kidscount.org/kcnetwork/issues/documents/AZTransitionsFosterCare.pdf>.

Appendix 1: Table of Activities by State

Activities	States										
	CA	CT	FL	IA	IL	IN	MA	MI	MN	TX	WA
Legislation, Policy Change and Finance Reform											
Established a task force, commission, or committee to study, review or oversee the issue		X	X		X	X	X	X	X	X	
Mandated a study of disproportionality					X				X	X	
Established initiative to address disproportionality	X			X	X	X		X	X		X
Research, Evaluation and Data-Based Decision-making											
Conducted research and analyzed data				X	X	X		X	X	X	X
Evaluation of policies, procedures, programs, and contracts	X				X			X		X	
Data disaggregated by race and ethnicity	X	X			X	X	X	X	X	X	X
Required a report a report on the issue				X	X	X		X	X	X	X
Reports required annually	X		X		X	X		X		X	X
Youth, Parent and Community Partnership and Development											
- State policy required or encouraged the participation of the following groups:											
Birth Parents					X						
Foster Parents					X	X	X				
Foster Youth					X	X					
Community-based organizations				X	X	X		X		X	X
Local Stakeholders	X					X			X	X	X
Churches			X							X	
University partnerships				X					X		X
Commissions, Councils, Committees		X			X			X	X		

Activities	States										
	CA	CT	FL	IA	IL	IN	MA	MI	MN	TX	WA
Human Service Workforce Development and Practice Change											
Cultural Competency Training	X	X		X	X			X	X	X	X
Adoptive/Foster Recruitment efforts			X		X					X	
In-home/Community-based services				X		X		X		X	
Public Will and Communication											
Public Forums			X		X	X		X	X	X	X
Focus Groups					X			X			
Symposia			X		X						
Public Education			X	X	X	X		X	X	X	X

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