



Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care

Purpose of this Presentation

- Define the problem
- Highlight a national partnership to address racial/ethnic disproportionality and disparities in the dependency court system
- Engage in a dialogue about solutions
- Discuss components of a national agenda and next steps for implementation

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*

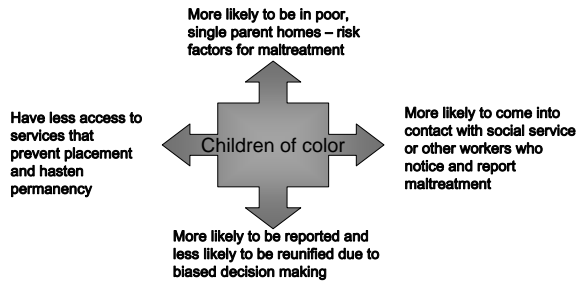
Defining the Problem

- Children of color in the child welfare system have received disparate services, treatment, and outcomes.
- Disparity = unfair or unequal treatment of one racial or ethnic group as compared to another racial or ethnic group.

Disparities in Child Welfare

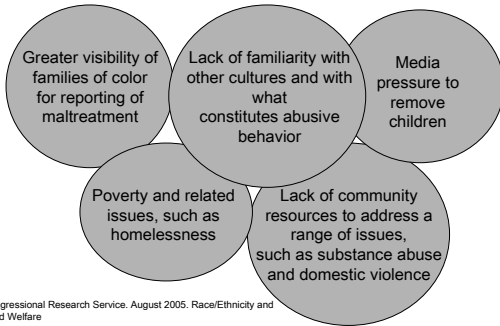
- "African Americans are investigated for child abuse and neglect twice as often as Caucasians."
 - Yaun, J. J. Hedderson and P. Curtis, *Disproportionate representation of Race and Ethnicity in Child Maltreatment: Investigation and Victimization*, *Children and Youth Services Review*, 25 (2003): 359-373 – 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 CFRs shows that white children achieve permanency outcomes at a higher rate than children of color.
 - National Child Welfare Resource Center (2006).

Disproportionality Theories: Research



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

Disproportionality Theories: Child Welfare Administrators, Supervisors, Workers



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 leadership, in collaboration with Casey and others, 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 children of color and their 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.

**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 leadership, in collaboration with Casey and others, 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 disproportionality and disparate treatment.
- > 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 and families who are involved with child welfare proceedings.

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.
- > Address racial disproportionality and disparity issues at each decision point in a case.
- > Ensure services are culturally appropriate.

Participate in Policy & Law Advocacy

NCJFCJ leadership, in collaboration with Casey and others, will ...

- > Identify and examine state and federal laws and policies that drive children into the child welfare system in a racially biased way 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 evaluate and amend laws and policies that perpetuate disproportionality and disparities.
- > Work to ensure that CFSR outcomes and performance measures assess overrepresentation, disproportionality and disparity 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 CIPs provide incentives and funding to jurisdictions working to reducing disproportionality and disparate treatment.

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 leadership, in collaboration with Casey and others, will ...

- Promote a multi-disciplinary, multi-level approach to data analysis in the area of disproportionate representation and disparate treatment of children and families of color to ensure a jurisdiction's ability to effectively analyze barriers, challenges and opportunities to reducing this problem.
- Develop and define measures of well-being, safety and permanency in relationship to reducing disproportionate representation and disparate treatment for children of color and their 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 disparate treatment.
- Provide forums 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.

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 leadership, in collaboration with Casey And others, 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.

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 Benchcard

CCC Goal – To Transform Judicial Practice

- Developing racial equity benchcard or judicial hearing checklist
 - Steering Committee & experts met in Dec, 2008 and Jan, 2009
 - CCC benchcard 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

**NATIONAL COUNCIL OF
JUVENILE AND FAMILY
COURT JUDGES**
