Disproportionality in Child Welfare: Facts and Solutions

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Disproportionality Minority Contact
Identifying and Impacting Disproportionate Minority Contact across Maryland’s Child Serving Systems

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Research on Disproportionality


Summary of Hill’s Findings

- Disproportionality is defined as the number of minority children served versus the number occurring in the population (Hill, 2006).
- Race is one of the primary determinants of decisions of child protective services at the stages of reporting, investigation, substantiation, placement and exit from care.
- The only stage where no racial differences were identified was the stage of reentry into the child welfare system.
Summary of GAO’S Findings

- A greater proportion of African American children enter and remain in foster care than children of other races and ethnicities.
- African American children across the nation are more than twice as likely to enter foster care compared with White children in 2004, and African American children remained in foster care 9 months longer (GAO, 2007).
What Does the National Data Tell Us?

- 423,773 children are in foster care
- 127,821 are African American
- African American children represent 15% of population
- African American children represent 30% of child welfare population

AFCARS (July 2009)
What does Maryland data tell us?

- 1,351,935 Children in the state of Maryland
- 53.9 percent are screened in referrals representing 28,929 children. (NCANDS, 2009)
- 7.3 percent of all children in state, were living in a grand-parent headed household.
How are Maryland’s African American Children doing?

- African Americans represent 30 percent of Maryland’s population.
- Total number of African American children in foster care is
  - 2,772 entered into care, 3,222 exited care
- Of all Maryland children in kinship care in 2009
  - 352 were Caucasian
  - 1673 were African American
African American children were more likely to be placed in foster care than White and Hispanic children, and at each decision point the Disproportionality of African American children grows. GAO (July, 2007)
Why Are African American Children Over-represented?

Competing Views Points Exist Amongst Child Welfare Professionals

- Appropriate
- A problem

Why is it Appropriate?

- Higher rates of poverty
- Higher rates of single-parent families
- High rates of substance use
- Higher contact with mandated reporters
Poverty

- Poverty – 26 percent of African American families live below the poverty level compared to 9 percent of Whites, making African Americans nearly four times more likely to live in poverty, according to Census data.
Single Parent Households

- 30 percent of African American Households are headed by single females with children under 18 years of age compared to 9 percent for Whites and 19 percent for Hispanics, according to U.S. Census data.
National data show that African Americans have nearly the same rate (lower) substance use as Whites. However, 65 percent of African American children were removed due to parental substance abuse and placed in foster care, compared to 58 percent of White children, according to AFCARS 2004 data.
Greater Contact with Mandated Reporters

- Greater contact with officials mandated to report child abuse and neglect
- Low-income families have greater contact with some public services.
- The top three sources of reports to child protective services in 2003 were educational staff, law enforcement officials and social services personnel.
Why is it a Problem?

- Maltreatment is not greater amongst minorities
- Systemic Factors
  - Policy
  - Practice
  - Cultural Bias and Misunderstanding
Stages of Decision-Making in Child Welfare

- Reporting
- Investigation
- Substantiation
- Foster Care Placement
- Exit from Foster Care
- Reentry into Foster Care
Who is Most Likely To Be Reported?

- Poor families
- Minorities
- Black women
- Severe injuries
- Prior reports
- Family problems

Data on Investigations

The National Survey of Child Abuse and Neglect Data System (Child Maltreatment, 2009):

- 3.3 million referrals to CPS in 2009
- 38.1% were screened out
- 61% were screened in and investigated
What Are the Predictors of Investigations?

- Older Children
- Male Perpetrator or Parent
- Reported by a Professional
- Severe Allegations
- Report Made in the Winter or Spring

Is Race a Factor?

- Hill (2006) reports several studies found class bias.
- African-American families are more likely to be investigated for neglect and physical abuse.
- White families are more likely to be investigated for sexual abuse.
- However, other studies suggest that African-Americans are investigated more than whites because of “potentially” biased risk assessment methods (Brisset-Chapman, 1997; English, Aubin, Fine & Pecora, 1993).
Placement in Foster Care

- According to NCANDS (2009), 20.8 of substantiated children are placed in foster care.
- 85% receive in-home services.
Whose Most Likely to be Placed in Foster Care?

- Neglected children are most likely to be placed in foster care (U.S. DHHS, 2005).
- Infants under age 1 regardless of race or ethnicity.
- African-American infants placement rate was 3.4 the time compared to 2.4 for White or Hispanic infants.
- At every age level, African-American children are more likely to be placed in foster care (Wulczyn, Barth, Yuan, Jones-Harden & Landsverk, 2005)
Exiting Care and Permanency Outcomes for African-American Children

- Minority children are over-represented in foster care because they have slower exit rates (Goerge, Wulczyn & Harden, 1994; Wulczyn, 2004).

- White children are about 4 times more likely to reunify than African-American children (Hill, 2005b).

- The Congressional Research Services analysis found adoption rates in 2003 were comparable between White children and African-American children (Stolzfus, 2005).
Is Race A Factor to Reentry?

- Within 3 years of leaving foster care, 20% reenter.

- Strongest correlate to reentry is length of stay and age – shorter stays and younger children relate to higher reentry rates.

- Empirical studies findings reveal there are no statistically significant that race is a determinate of higher reentry rates.

(Baird, 2005; Terling, 1999; U.S. Office of Assistant Secretary for Planning and Evaluation, 2005)
Major Federal Policy Changes Since 1990

- MEPA 1994 (P.L. 103-382)
- IEPA 1996 (P.L. 104-88)
- ASFA 1997 (P.L. 105-89)
- TANF 1997 (P.L. 104-193)
- Adoption Initiative 2002
- Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351)
Adoption and Safe Families Act (P.L. 105-89)

- Safety paramount
- Reasonable Effort
- Goal Oriented
- Periodic Reviews
- Twelve month permanency hearing vs. 18 months
- Termination of Parental Rights requirement
- Adoption Incentives
Multiethnic Placement Act (P.L. 103-382)

- Prohibited federally funded agencies from denying anyone the opportunity to become a foster parent or adoptive parent due to either the parent or the child.
- Required States to develop plans for the diligent recruitment of potential foster and adoptive families who reflect the diversity of children in need of placement (Barth, Dickinson, 1999).
- Purpose to allow more whites to adopt African American children from the foster care system.
Interethnic Placement Act (P.L. 104-88)

- Prohibits federally funded agencies and entities denying placement “on basis of race” rather than “solely on basis of race”.
- Agencies may not “deny to any person the opportunity to become an adoptive or foster parent”. (Barth, Goodhand, & Dickinson, 1999)
- Assumption of these two policies that African Americans are not interested in adoption. The assumptions fare being challenges base on past and current research (e.g. Hill, 1999 Urban Institute Study, Multistate Archive Study, 1990)
Adoption Trends

- Adoptions are increasing
- FY 1998 37,000
- FY 1999 47,000
- FY 2000 51,000
- The trend in public agency adoption rates ranged from 7.8 percent in 1998 to 8.9 percent in 2001 (Maza, 2003).
Adoption Initiative 2002

- President Clinton established “Adoption 2002” in 1997 with the goal to double the number of adoptions by 2002
- Increase adoptions from 27,000 in 1996 to 54,000 in 2002. This goal has been met
- States had to modify their procedures for moving children through the foster care system and into adoptions.
- States were provided with a financial bonus for the number of children adopted through the public foster care system

- Repealed AFDC and replaced it with Temporary Assistance to Needy Families TANF
- TANF asks States to “consider giving preference to an adult relative over a nonrelated caregiver when determining a place for a child (Geen & Waters 1997)
- Created alternative payments for children cared for by relatives
  - Child only grant
  - Family grant
  - Foster care maintenance payment
  - Alternative type of grant paid by child welfare agency
Evaluation of Social Policies Using Selected Criteria

- **Equity** – the extent to which “situation in similar circumstances” are dealt with similarly (Flynn 1985)

- **Equality** – “the same treatment of everyone” – ”to all an equal share” (‘Gilbert & Specht 1986)

- **Adequacy** – the degree to which benefits provided meet some predetermined level.
How do African American Children Fare under these Federal Policies

- MEPA – meets the equity needs of adoptive parents and some consideration to the cultural needs of African American children
- IEPA – does not meet the equity needs of African American children because it removes cultural considerations
- IEPA – does meet the adequacy needs of African American children
Evaluation of Policies (continued)

- ASFA – allows cultural considerations based on kinship care provisions
- Allows termination of parental rights to be “exempted” if child is placed with relatives
- Unclear of States are implementing policy as planned if some workers are interpreting ASFA to mean relatives must assume guardianship or adoption within time limits
ASFA and adequacy

- ASFA – does not meet the criteria of adequacy
  - Average length of time to achieve reunification is 33 months
  - Average length of time to achieve adoption is 60 months
  - Average length of time to finalize adoption after termination of parental rights is 28 months

- Courts – play a significant role in the above processes
TANF and Adoption Initiative
Evaluations

- TANF – gives priority to relatives so it meets the criteria of equity and cultural competence
- TANF – funding is lower than Title IVE funding so it is not equal
- Adoption Initiative – good intention
  - Adoptions increased from 37,000 in 1998 to 50,00 in 2001
    - Majority of adoption are by foster parents and relatives
    - Foster homes converted into adoptive homes
    - Majority of adoptions are subsidized
  - States have less incentives to reunify children and reunification percentages have gone down
Fostering Connections To Success and Increasing Adoptions Act of 2008 (P.L. 110-351)

- Allows states to claim federal funds to provide assistance to help more children exit foster care to live permanently with relatives who become legal guardians
- Provides federal grants for Kinship Navigator to help children stay connected with their families
- Requiring states to notify relatives when children are removed from their parents’ custody
Fostering Connections (continued)

- Requiring states to make reasonable efforts to place siblings together
- Allowing state to claim federal funds to continue foster care payments for older youth in care up to age 21 when those youth are engaged in work, school, or program designed to eliminate barriers to promote employment
- Allowing Indian tribes, for the first time, to claim Title IVE funds for eligible youth in federal foster care and adoption assistance program without a state-tribal agreement
Fostering Connections (continued)

- Requiring states to ensure that children in foster care, guardianship, or adoptive homes attend school and help them remain in their original school

- Requiring state child welfare agencies to work with Medicaid agencies and others to develop a plan to improve coordination of health care for children in foster care

- Expanding the uses of federal Title IVE training funds to pay for training of current or prospective relative guardians, staff of private agencies, court personnel including judges, attorneys for parents and children, court appointed advocates and guardians ad litem
Implications for Practice

• Workers and judges must become more aware of their racial attitudes and possible class bias towards families and children in screening, placement, and reunification decision-making through anti-racism training.

• Workers and judges must become more culturally competent in the practices with all racial and ethnic groups.
Implications for Policy

- LDSS need to analyze all available data by race/ethnicity to understand their child welfare populations.
- LDSS need to be involved in changes to address Disproportionality and disparities foster care.
- Prevention and preplacement services need to be made more readily available to families and children in Maryland
- Family group decision-making may help reduce entries into foster care and facilitate exits for older foster care youth.
Implications for Research

- Local Departments of Social Services need to collect individualized data on children in foster care by forming partnerships with local Schools of Social Work or Universities.
- Geo-mapping needs to be utilized to understand the communities from which the children are entering child welfare.
- Asset mapping of communities would help child welfare agencies to assist families by identifying gaps in services available.
References

- Baird, (2005)
- Yuan, Jones-Harden & Landsverk, (2005)
- Terling (1999).
- [www.childwelfare.gov](http://www.childwelfare.gov)