

# Chapin Hall Issue Brief

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June 2011

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## Race and Child Welfare

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### Introduction

Harvard Law School's Child Advocacy Program and Chapin Hall at the University of Chicago co-sponsored an invitational conference in January 2011,<sup>1</sup> addressing what has been generally characterized as *racial disproportionality* in child welfare, a term used to refer to the high representation of black children<sup>2</sup> in the child welfare system as compared to their percentage in the general population.<sup>3</sup> The National Council of Juvenile and Family Court Judges and the National Court Appointed Special Advocates (CASA) served as Participating Organizations.

Leading scholars on child welfare and race presented to and engaged in discussion with an audience of over

100 child welfare leaders, including child welfare administrators, judges, legislators, nonprofit advocacy organization directors, and academics from both the law and child welfare worlds.

We organized this conference with the goal of advancing the debate on race and involvement in the child welfare system by: (1) presenting some of the best available evidence describing the black/white maltreatment gap and analyzing the high representation of black children in foster care; and (2) exploring the kinds of policy options that seem appropriate given what the evidence suggests.

This issue brief summarizes what we believe can be learned from the conference proceedings.

<sup>1</sup> The Conference, titled *Race & Child Welfare: Disproportionality, Disparity, Discrimination: Re-Assessing the Facts, Re-Thinking the Policy Options*, took place January 28–29, 2011, at Harvard Law School, Cambridge, MA.

<sup>2</sup> Native Americans are also represented in the child welfare system at high rates compared to their portion of the population, while whites and Hispanics are represented at low rates, and Asians at the lowest rates of all. The debate surrounding these issues has focused primarily on the black/white comparison, and we focused this conference similarly, without in any way meaning to minimize the significance of the issues as they relate to other racial groups.

<sup>3</sup> We use high representation in this issue brief as a neutral term, and avoid terms that imply that current levels of representation necessarily reflect bias or related problems.

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## Historical and Social Context

The conference opened with a session focused on the historical and social context that might help explain the role of race and other factors in shaping today's child welfare system. Professors Dorothy Roberts, Duncan Kennedy, and Randall Kennedy spoke about historic and ongoing patterns of racial discrimination and economic injustice that produce significant challenges for black families. They spoke about racially segregated, impoverished enclaves characterized by crime, substance abuse, unemployment, and limited community services.

This background is helpful in contextualizing why child welfare system involvement is so much more common among black families. As Randall Kennedy indicated, given the history of race and racism, given the deplorable conditions suffered disproportionately by black families—conditions that produce high rates of substance abuse and other self-destructive behavior—it would be surprising if black children did not have higher rates of contact with the child welfare system than white children.

The broad picture painted in this session demonstrates both the urgency and the complexity of doing something to better support children and families. The narrative of a rich-poor, black-white divide that undermines the fabric of society is familiar and deeply distressing. The high rate of black child representation in the child welfare system both reflects and perpetuates that historical narrative. Even when removal represents important protection against maltreatment, children subjected to both maltreatment and the disruption caused by removal to foster care confront real short- and long-term risks to their well-being, including risks for future unemployment, crime, imprisonment, homelessness, substance abuse, and maltreatment of the next generation.

As speakers in this first session noted, it is highly improbable that in any near future radical action will be taken to address in a fundamental way the social and racial injustice described. We are left with the issue of what kinds of more modest policies, more likely capable of near-term implementation, we should promote that might help children and families who live in circumstances that help produce high child maltreatment and foster care rates.

To the degree that the evidence indicates that what Randall Kennedy called “fresh” bias—bias embedded in the present—is significantly responsible for the high rates of black child removal, we should address that bias. To the degree that the evidence indicates there are real differences in the underlying incidence of maltreatment, and that black children are actually at significantly higher risk than white children for serious maltreatment, we should promote policy and practice options that prevent maltreatment from occurring in the first instance and that provide better protection in response to such maltreatment. All children, regardless of race and ethnicity, should have access to the services that afford the best possible protection.

The next session explored what the evidence shows about the role of race as compared to actual maltreatment rates in explaining black rates of representation in the child welfare system.

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## The Empirical Evidence

A central debate in the field regarding high black representation in the child welfare system has revolved around whether there is a black/white maltreatment gap and the implications the answer to this question has for why contact with the child welfare system, including placement in foster care, is so much higher among black children. Some early evidence suggested

that black/white rates of actual maltreatment were similar, a finding that led many child welfare leaders to conclude that current child welfare system bias explains why child welfare system involvement is so much higher among blacks. To address this fundamental issue, scholars presented some of the best and most recent social science designed to assess whether there are differences in the underlying rates of maltreatment.

The origins of the “no difference” hypothesis are based largely on the “National Incidence Studies” published in the 1980s and 1990s (NIS-2 and NIS-3), which found no race differences in maltreatment incidence. NIS-3 stated that these findings “suggest that the different races receive differential attention somewhere during the process of referral, investigation, and service allocation . . .” (NIS-3 Final Report, p. 8-7). Many relied on the NIS findings to conclude that high rates of black child welfare contact reflected bias in the child welfare system.

A larger and more rigorous NIS-4 published in 2010 now concludes that black maltreatment rates are 73 percent higher than white. In addition, evidence presented at the conference (and in a subsequent paper in *Pediatrics* authored by three of the conference speakers) shows that the underlying data for NIS-2 and NIS-3 showed similar differentials between the black and white maltreatment rates, although the precision of the data at those earlier NIS stages was insufficient to demonstrate statistical significance.

Other empirical work presented reinforced the conclusion that actual black maltreatment rates are significantly higher than white rates, including the following: evidence that black children had higher preventable injury death rates, with those higher rates tracking official maltreatment rates; evidence that various other predictors or markers of maltreatment are higher for black children, including maternal arrest rates, traumatic brain injury rates, parent self-reported

maltreatment rates, intentional injury death rates, and homicide rates. Evidence was also presented indicating that black children suffer worse outcomes from maltreatment, including higher rates of death following child abuse, higher rates of death following traumatic brain injury, and higher rates of mortality among those referred to child welfare. One speaker summarized: “African American children are at least as likely to be underserved as overserved” by current removal rates. The evidence helped demonstrate that overall, higher rates of black contact with the child welfare system reflect differences in the underlying incidence of actual maltreatment.

The conference also presented recent evidence demonstrating that time spent in foster care looks very different from what had been assumed. The evidence shows that while in many counties black children stay in foster care longer than white children, in a substantial number of counties black children move out of foster care at the same or higher rates. The data show that social structural characteristics of the county population—poverty rates, single parenthood, and the racial composition—explain the differences in rates of exit from foster care. Overall the social science supports comments made in the first session about the link between impoverished, segregated neighborhoods, and a wide range of dysfunctional behavior. Poverty, and related forms of social deprivation characteristic of such neighborhoods, increase the likelihood of family dysfunction and child maltreatment, and hence the use of foster care as a protective measure.

We believe that the evidence presented at this conference signals that it is time for reconsideration of certain past assumptions and conclusions. It indicates that generally there is a significant black/white maltreatment gap, one that roughly parallels the gap in official maltreatment reports. This evidence contradicts the belief that black children are included at

high rates in the child welfare system because of racial bias. This is not to say that the evidence presented removes the possibility of bias. Bias may well exist in pockets of the system, operating in ways that lead black children to be either over- or underserved, and it is present more generally within the larger society. But we find no evidence that initiatives that emphasize reducing the high representation of black children will provide a path to more equitable services. The evidence instead provides powerful reason for policymakers to focus on what we know are very real and challenging problems: the devastating nature of life circumstances for too many black families, the high rates of serious maltreatment victimizing black children, and the harmful impact of such maltreatment.

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## Promising Policy Options

While it is hard in the current political climate to expect the sweeping social change needed in the long term to truly solve the root causes of high black rates of maltreatment and related child welfare contact, we can in the short term develop targeted programs designed to reduce maltreatment, and protect victimized children against further harm.

Conference speakers presented a variety of promising policy options, including early family support and maltreatment prevention programs like early home visitation and crisis nurseries, Head Start and Early Head Start, early intervention programs directed at substance-affected newborns, family drug treatment programs, and concurrent planning. There is promising evidence that many of these programs can work to reduce child maltreatment, and evidence that at least some, such as the Nurse-Family Partnership model of early home visitation, are cost effective even in the relatively near term.

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## The Future

We hope that this conference will mark an important turning point. Given the considerable evidence of a black/white maltreatment gap, the field needs to focus more attention on the problems facing black families and their children, and the related risks to black children victimized by maltreatment and in need of protection and services. It needs to pay more attention to the high rates of maltreatment among children of all races and ethnicities growing up in poverty. It needs to pay more attention to the harmful developmental impact of maltreatment, and the importance of developing more and better programs designed to prevent maltreatment and provide protective services.

We realize that to truly solve the race and child welfare problems of the day, we need in the long term radical social reform, creating a society that gives all members true opportunities for self-realization. In the meantime, there is much we can and should do to help support fragile families, and to help protect children, both by preventing maltreatment and by providing appropriate protective services. We should think about targeting these kinds of programs in ways designed to best reach families living in the disadvantaged neighborhoods where maltreatment rates are especially high. We need to expand programs that show promise. We need to encourage further research designed to assess which programs work best to support families and protect children, since we can't afford to waste resources on programs that are not working. We also need to encourage the kind of cost-effectiveness research that is so important to persuade policymakers in these financial times that programs are worth funding.

# ChapinHall at the University of Chicago

Established in 1985, Chapin Hall is an independent policy research center whose mission is to build knowledge that improves policies and programs for children and youth, families, and their communities.

Chapin Hall's areas of research include child maltreatment prevention, child welfare systems and foster care, youth justice, schools and their connections with social services and community organizations, early childhood initiatives, community change initiatives, workforce development, out-of-school time initiatives, economic supports for families, and child well-being indicators.

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## Recommended Citation

Bartholet, E., Wulczyn, F., Barth, R.P., & Lederman, C. (2011). *Race and Child Welfare*. Chicago: Chapin Hall at the University of Chicago

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## Related Publications

Fred Wulczyn, Bridgette Lery (2007). *Racial Disparity in Foster Care Admissions* Chicago: Chapin Hall at the University of Chicago

Fred Wulczyn, Michelle Ernst, Philip Fisher (2011). *Who Are the Infants in Out-of-Home Care?* Chicago: Chapin Hall at the University of Chicago

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