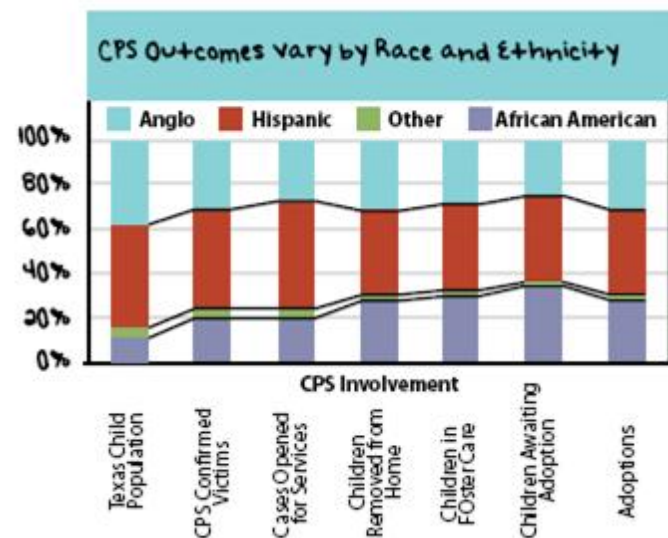


Ensuring the Child Welfare System Works for All Texas Children

Disparate treatment exists in some form for all children in Child Protective Services. However, children of color are involved in the child welfare system at higher levels than white children partially because, once they enter the system, they get treated differently.

A child gets the best start in life growing up in a safe, stable home with caring and protective adults. This is the goal for all Texas children. For children who are not secure from harm, the Child Protective Services (CPS) system is charged with stepping in to protect them from future harm and ensuring them a permanent home. This goal is sometimes met, but the system does not result in the same outcomes for all children.

Disparate treatment exists in some form for all children in the CPS system, but in particular for children of color, who are involved in the child welfare system at higher levels than white children.¹ It is easy to see from CPS data that the baseline for entering the system is not the same across racial and ethnic groups. If there were more equal representation in the child welfare system, the percentage of each ethnic group in CPS cases would be equal to the rate at which abuse is happening within each group and would continue at this rate all the way through the system. The Texas Legislature, in 2005, called for a thorough examination of this overrepresentation—called disproportionality—within Texas CPS. There are various reasons, beyond the scope of this report, leading to disproportionate representation of children entering the child welfare system, but the disproportionality explored here is that which occurs once children have entered the state system.



Source: Texas Department of Family and Protective Services, Data Book 2009

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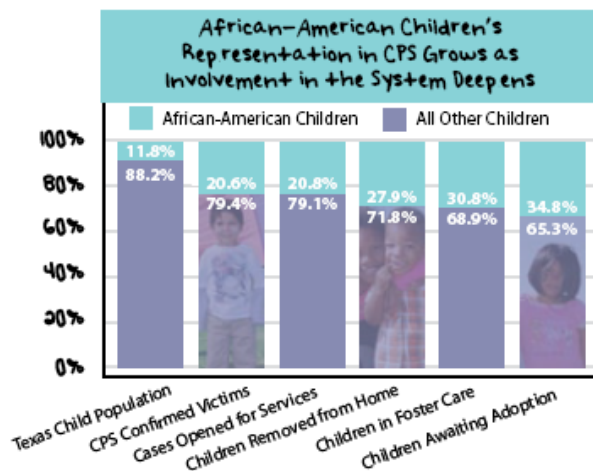
A 2010 analysis from the Texas Department of Family and Protective Services (DFPS) found that caseworkers who perceive themselves to have a high level of interpersonal skills, as well as caseworkers who have more African-American* children on their caseload, removed African-American children less often. DFPS concludes that “exposure to a greater number of African-American families tends to reduce disproportionate removal decisions.”ⁱⁱ Though this finding is not yet well understood, it is an important guide for future disproportionality research and practice changes. The study also found that the more concerned a caseworker is about the liability of having a child harmed if not removed from home, the more likely the caseworker is to remove Latino children from their home. This finding, too, is not fully understood.

Neighborhood factors, such as high crime and lack of community resources,ⁱⁱⁱ may affect CPS investigators’ perceptions of risk, both for the child and for the caseworker personally.^{iv} A child is most likely to be removed from the home in cases where he or she is perceived to be at high risk of future harm, which is determined by CPS investigators.^v This subjective assessment of risk may negatively impact children of color and result in disproportionality.

Lack of permanency services—those that support a permanent stable home for a child so that he or she does not languish in foster care—can also lead to disproportionate outcomes for children of color.^{vi} A permanent placement may be adoption, granting permanent custody to a relative, or reunification with parent(s). Keeping children in the same area as their family helps speed reunification and eases the transition to foster or kinship care. However, many areas lack an adequate number of foster homes. Opportunities to identify and support relatives who are willing and able to care for a child,^{vii} especially those who live nearby, have not been maximized. Placing a child close to home can result in increased likelihood that children of color will achieve permanency as quickly as peers.^{viii}

In Texas, Hispanic children are overrepresented in terms of children with a case opened for services (48.2% vs. 44.4% of CPS confirmed victims). For white, Native American, and Asian children, there are points of overrepresentation, underrepresentation, and proportionate representation throughout the child welfare system.^{ix} However, disproportionate involvement is greatest for African-American children, and it increases as the child’s involvement in the CPS system deepens.

The disproportionality investigation mandated by the Texas Legislature in 2005 found that

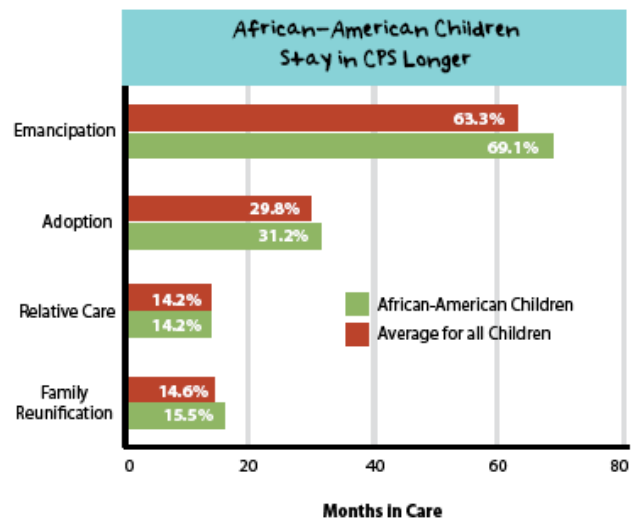


Source: Texas Department of Family and Protective Services, Data Book 2009

* We use the words white, Latino, black, Native American, and Asian to refer to children except where the data source uses a different word, such as African American or Hispanic.

black children received fewer in-home services to prevent removal and fewer supports once in out-of-home care. These gaps remain in many areas. Following removal, black children were more likely to be placed in foster care than with a relative.^x Black children also wait longer to exit the CPS system^{xi} and experience a greater number of foster home placements than white children.^{xii}

A greater share of the children adopted in Texas are black than in the population at large, in part because black parents more frequently have their parental rights terminated. While adoption is generally seen as the best option once parental rights are terminated, the fact that black children make up over 1 in 4 adoptions unfortunately means that children of color are being permanently removed from their families at greater rates than their peers. Furthermore, within the total pool of children eligible for adoption, black children are less likely to be adopted^{xiii} or to attain permanency through reunification.^{xiv} Recent improvements within the child welfare system have helped curb some of these trends so that black and Latino children are now as likely to be permanently placed with relatives as white children.^{xv}



Source: Texas Department of Family and Protective Services, Data Book 2009

When CPS intervenes in a family because of abuse or neglect, the goal is to create the safety and permanency that we want for all children. However, the act of removing any child from home is traumatic and can have long-term effects on educational outcomes, self-esteem, and family stability. Disparate practices in the child welfare system cause the negative effects of CPS involvement—such as distrust of government and broken families—to concentrate in communities of color.^{xvi} The economic impacts of disproportionality are also alarming. Black children spend more months on average in out-of-home care than white children.^{xvii} The longer it takes to find a permanent home, the greater the cost to the state.

In response to legislatively mandated reform and in partnership with Casey Family Programs, DFPS began developing a plan to confront disproportionality in 2005.^{xviii} Since that time, several changes have taken place:

- **Awareness and planning.** DFPS has hired a Disproportionality Specialist for each CPS region and the state office^{xix} to educate stakeholders^{xx} and to form Regional Disproportionality Advisory Committees. DFPS also formed a statewide disproportionality workgroup.^{xxi}
- **Training.** All CPS staff now undergo cultural competency and institutional racism training to dismantle system biases that result in children of color being placed in out-of-home care disproportionately.^{xxii} After training, staff are expected to have a heightened awareness of the role race plays in case decisions. Also, because CPS staff’s knowledge about which community resources

are available in a particular community may influence racial disparities in families' receipt of services, improving staff training to make them more aware of existing community resources should help this problem.^{xxiii} Findings in the 2010 DFPS disproportionality assessment—that caseworker familiarity with a culture seems to decrease disproportionate removals from home and that caseworkers' negative perceptions of services available in an area seems to increase removals—indicate a continued need for training in both areas.

- **Data.** CPS has centralized its system for tracking available foster homes, making it possible to identify appropriate placements for children near their own neighborhood as quickly as possible.^{xxiv}
- **Diversity.** To better serve a diverse Texas population, CPS has recruited a more diverse staff, including bilingual staff. Since 2005-2006, there has been a 20% increase in black staff and a 17% increase in Latino staff hired.^{xxv}
- **Including families in decision making.** Family-centered planning in CPS now happens through Family Group Decision Making, which allows families to confer and collaborate with CPS workers to formulate permanency and safety plans for their children. Results of an ongoing evaluation of this approach suggest it is successful in promoting permanency.^{xxvi} In its 2010 disproportionality assessment, DFPS found that family conferences have reduced disproportionate outcomes for African-American and Hispanic children for both reunification with parents and placement with relative caregivers.^{xxvii} Data for 2009 shows less disparity in access to these best practices.
- **Relative caregivers.** Increasing supports for kinship care removes barriers that can prevent family members from providing care to their child relatives. Kinship care allows children to remain closer to home, helping speed reunification. Children also stay longer in placements with relatives than with foster parents, and the likelihood of reunification or permanent custody being awarded to a relative is increased. Overall, kinship care increases positive outcomes for children.^{xxviii} CPS began the Relative Caregivers Assistance program in 2006, which addresses the financial barriers that prevent some relative replacements through an upfront payment of \$1,000 and \$500 annual payment to help with the costs of caring for a child or sibling group.

Between 2005 and 2008, disproportionality decreased slightly in four of the five largest Texas counties,^{xxix} indicating CPS's disproportionality work is having an effect. Disproportionality efforts will need continued evaluation to ensure that child wellbeing is safeguarded and that progress continues to be made on reducing disproportionality.

What Texas Can Do:

- Extend Family Group Decision Making to all children in all stages of service in all parts of the state.
- Continue CPS staff training in available community resources and mindfulness of personal biases in decision making.

What You Can Do:

- Participate in the regional disproportionality advisory committee in your area as a community stakeholder.

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- ⁱ Andrea Sedlak and Diane Broadhurst, *Executive Summary of the Third National Incidence Study of Child Abuse and Neglect*, National Center on Child Abuse and Neglect, 1996, <http://www.childwelfare.gov/pubs/statsinfo/nis3.cfm#perpetrator> (accessed December 21, 2009).
- ⁱⁱ Disproportionality in Child Protective Services: The Preliminary Results of Statewide Reform Efforts in Texas, Texas Department of Family and Protective Services, March 2010, p. 22.
- ⁱⁱⁱ Alan J. Dettlaff and Joan R. Rycraft, "Deconstructing Disproportionality: Views From Multiple Community Stakeholders," *Child Welfare*, 87, no2, (2008): p.40.
- ^{iv} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.18.
- ^v Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.18.
- ^{vi} NGA Center for Best Practices, *Nine Things Governors Can Do to Build a Strong Child Welfare System* (November 12, 2008.).
<http://www.nga.org/portal/site/nga/menuitem.9123e83a1f6786440ddcbbeb501010a0/?vgnnextoid=02b0a9c2561b3210VgnVCM1000005e00100aRCRD> (accessed October 10, 2009).
- ^{vii} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.6.
- ^{viii} Casey Family Programs, *Policy Brief: Disproportionality: The Overrepresentation of Children of Color in the Foster Care System*,
<http://www.casey.org/Resources/Publications/DisproportionalityPolicyBrief.htm> (accessed November 30, 2009).
- ^{ix} Texas Department of Family and Protective Services, *2009 Data Book*, p. 41,
http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/2009/default.asp.
- ^x Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services: Statewide Reform Effort Begins With Examination of the Problem* (2006), p.8-12.
- ^{xi} Texas Department of Family and Protective Services, *2009 Data Book*, p. 41,
http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/2009/default.asp.
- ^{xii} Casey Family Programs, *Policy Brief: Disproportionality: The Overrepresentation of Children of Color in the Foster Care System*, May, 2009,
<http://www.casey.org/Resources/Publications/DisproportionalityPolicyBrief.htm>.
- ^{xiii} Alan J. Detlaff and, Joan R. Rycraft, "Deconstructing Disproportionality: Views from Multiple Community Stakeholders," *Child Welfare*, Vol. 87 no.2 (March-April, 2008), p.37-58.
- ^{xiv} Casey Family Programs, *Policy Brief: Disproportionality: The Overrepresentation of Children of Color in the Foster Care System*, May 2009,
<http://www.casey.org/Resources/Publications/DisproportionalityPolicyBrief.htm>.
- ^{xiv} Texas Department of Family and Protective Services, *2009 Data Book*, p. 62,
http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/2009/default.asp
- ^{xvi} Alan J. Detlaff and, Joan R. Rycraft, "Deconstructing Disproportionality: Views from Multiple Community Stakeholders," *Child Welfare*, Vol. 87 no.2 (March-April, 2008), p.37-58.
- ^{xvii} Texas Department of Family and Protective Services, *2009 Data Book*, p. 62,
http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/2009/default.asp.
- ^{xviii} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services: Statewide Reform Effort Begins With Examination of the Problem* (2006), p.1-2.

^{xix} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services: Statewide Reform Effort Begins With Examination of the Problem* (2006), p.5.

^{xx} Jan Seymour, *Engaging Communities in Taking a Stand for Children and Families: Leadership Development and Strategic Planning in the Texas Child Welfare System*, (Washington, DC: Casey Family Programs), 2007, p.56,
<http://www.casey.org/Resources/Publications/EngagingCommunitiesInTakingStand.htm>.

^{xxi} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.22.

^{xxii} Joyce James et al., "Addressing Disproportionality Through Undoing Racism, Leadership Development, and Community Engagement," *Child Welfare* 87, no. 2 (March-April 2008): p. 279-296.

^{xxiii} Texas Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan*, (2006), p.15.

^{xxiv} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.6.

^{xxv} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.16, 21.

^{xxvi} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.7.

^{xxvii} Texas Health and Human Services Commission Department of Family and Protective Services, *Disproportionality in Child Protective Services- Policy Evaluation and Remediation Plan* (2006), p.25

^{xxviii} Texas Department of Family and Protective Services, *Overview and Preliminary Evaluation of the Relative Caregiver Assistance Program*, (September, 2008).

^{xxix} Ann Heiligenstein, Commissioner, Texas Department of Family and Protective Services. *Presentation to the Senate Finance Committee*, (February 11, 2009).