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# Disproportionality in Child Welfare State Legislative Highlights Wednesday, April 4, 2012

## Nevada Legislative Committee on Child Welfare and Juvenile Justice



**EXHIBIT G - ChildWelfare**  
Document consists of 17 pages.  
Entire document provided.  
Meeting Date: 04-04-12



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# Disproportionality in Child Welfare

- NCSL Children and Families Program
- Overview of State Legislative Action
- Key Themes Related to Identifying and Addressing Disproportionality
- Key Considerations for Legislators



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“Being separated from your family is unbelievably hard for anyone. It is particularly hard for a child or teenager. But when you are separated from your family and isolated from your traditions and heritage, it is even more difficult. Foster care took both my family and my culture away.”

- *Conquering Bear, Foster Club Level 2 All Star*



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# Disproportionality in Child Welfare: Legislative Leadership

## State action:

- CA, CO, FL, IL, IN, IA, MA, ME, MI, MN, MT, NM, OR, SD, TX, WA, WI
- Themes
  - Indian child welfare
  - Identify and remediate disproportionality – study groups, task forces
  - Establish special commissions
  - Child welfare system re-design
  - One Church, One Child
  - Promotion of adoption of African-American children
  - Racial and ethnic considerations in child placement





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# Disproportionality in Child Welfare: Indian Children

- Indian Child Welfare Act (ICWA) implementation at state level
  - 2006 Cal. Stats., SB 678, Chap. 838
  - 2002 Colo. Sess. Laws, HB 1064
  - 2006 Fla. Laws, SB 1080, Chap. 86
  - 2003 Iowa Acts, SF 354, Chap. 153
  - 2005 Me. Laws, LD 415, Chap. 118
  - 2005 Mont. Laws, SB 86, Chap. 349
  - 2006 S.D. Sess. Laws, HB 1051, Chapter 144
  - 2005 S.D. Sess. Laws, HB 1226, Chap. 139
  - 2004 S.D. Sess. Laws, SB 211, Chap. 2
  - 2009 Wis. Laws, SB 288, Act 94
  - 2011 Wash. Laws, SB 5656, Chapter 309



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## Disproportionality in Child Welfare: Indian Children (cont'd)

- Tribal delivery of child welfare services
  - 2005 Minn. Laws, 1<sup>st</sup> Special Session, HF 139A, Chap 4, Art. 3, Sec. 8
  - 2006 Wash. Laws, HB 3182, Chap. 90
  - Federal Fostering Connections Act of 2008
- Tribal customary adoption
  - CA 2009 - 2009 Cal. Stats., AB 1325, Chap. 287
- Placement preferences for Indian children
  - 2005 N.M. Laws, SB 233, Chap. 189
- Prohibition of out-of-home placement of Indian children
  - 2010 Wis. Laws, SB 6470, Chap. 288



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## Disproportionality in Child Welfare: Identifying Disproportionality and Disparity

- **2005 Tex. Gen. Laws, SB 6, Chap. 268**
  - Analyze data to determine whether enforcement actions were disproportionately initiated against any racial or ethnic group; develop remediation plan
- **2007 Tex. Gen. Laws, SB 758**
  - Expansion of the remediation plan
- **2007 Wash. Laws, HB 1472, Chap. 465**
  - Advisory committee to determine disproportionality/disparity
- **2005 Mich. Pub. Acts, SB 271, Act 147**
  - Study (report and recommendations) the disproportionate representation of African-American and other children of color in the child welfare and juvenile justice systems.



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## Disproportionality in Child Welfare: Identifying Disproportionality and Disparity (cont'd)

- **2001 Minn. Laws, 1<sup>st</sup> Special Session, HF4, Chap. 9 Art. 11, sec. 15**
  - Documented racial disparities in the state's child welfare system
  - Recommendations: an evaluation of county practices to eliminate disparities, monitoring and evaluation, culturally competent practice, working in partnership with the African-American community, supports for African-American families
- **2009 Or. Laws, SB 630, Chap. 707**
  - Task force to determine disproportionality
- **Massachusetts General Law, Section 24, Chapter 18B, Title II, Part I, Section 24**
  - Semi-annual report on the status of racial disproportionality and disparity of the department's client population and its efforts, including the use of culturally competent staffing, resources and practices, to reduce overrepresentation of children of color in the child welfare system





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## Disproportionality in Child Welfare: Commissions/Councils/Ombudsman

- **Illinois African American Family Commission: 2004 Ill. Laws, SB 3208, PA 93-0867**
  - Monitor legislation and programs affecting African American families
  - Establish working relationships with departments of aging, public health, human services
  - Assist state agencies with policy, programs to enhance social and economic well-being of African American children and families
- **Council on Black Minnesotans: Minn. Statutes Section 3.9225**
  - Created by the Minnesota legislature in 1980 to advise the Governor and legislature on issues confronting the state's Black populations including a review and recommendations on out-of-home placement of Black children



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## Disproportionality in Child Welfare: Commissions/Councils/Ombudsman (cont'd)

- **Commission on Minnesotan African-American Children (COMAC)**
  - Foster and adoptive homes for Black children
- **Minnesota Ombudsman for Children of Color**
- **Minnesota Indian Affairs Council**
- **Minnesota Hispanic Affairs Council**



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## Disproportionality in Child Welfare: Commissions/Councils/Ombudsman (cont'd)

- **Texas Interagency Council Addressing Disproportionality:** 2011 Tex. Gen. Laws, SB 501, Chap. 121
  - Examine the level of disproportionate involvement of children who are members of a racial or ethnic minority group in child welfare, juvenile justice and mental health systems
  - Texas Education Agency, the Center for Elimination of Disproportionality and Disparities within the Health and Human Services Commission, the Department of Aging and Disability Services, the Texas Youth Commission, The Department of Family and Protective Services, the Office of Court Administration of the Texas Judicial System, the Permanent Judicial Commission for Children, Youth and Families, former foster youth
  - Requires report and implementation plan



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## Disproportionality in Child Welfare: Commissions/Councils/Ombudsman (cont'd)

### ▪ **Indiana 2007 Ind. Acts, HB 1001**

- Commission on Disproportionality in Youth Services
- Implementation plan to evaluate and address disproportionate representation in juvenile justice, child welfare, education and mental health services
- 3 questions: What is the extent of disproportionality? What are evidence-based, best/promising practices? Why do disproportionality and disparity occur?
- Report and recommendations:  
[http://www.njjn.org/uploads/digital\\_library/resource\\_1002.pdf](http://www.njjn.org/uploads/digital_library/resource_1002.pdf)
  - Objective decision making
  - Standardized, disaggregated race-specific data collection
  - Cultural competency training
  - Bi-lingual work force



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# Child Welfare Disproportionality: System Redesign

- **2003 Iowa Acts, SF 453, Chap. 178**
  - Two children of color projects - African-American and Native American children
  
- **2009 Wash. Laws, HB 2106, Chap. 520**
  - Child Welfare Transformation Design Committee to establish a transition plan containing recommendations for the provision of child welfare services, including methods to address the effects of racial disproportionality.





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# Disproportionality in Child Welfare

- One Church One Child
  - Fla. Stat. 409.1755
  - Non-profit within the Department of Children and Family Services for administrative purposes to use the resources of black churches to help find permanent homes for black children available for adoption and to develop, monitor, and evaluate projects designed to address problems associated with the child welfare system, especially those issues affecting black children.
  - Nevada has a branch.
- Promotion of adoption of African-American children
  - FL 2003
- Consideration of racial or ethnic background
  - CO 2010 Colo. Sess. Laws, HB 1106, Chap. 278



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## Disproportionality in Child Welfare: Key Considerations for Legislators

- Stakeholder analysis
  - Who are the key stakeholders?
  - Consider Indiana's "Three Questions" as a starting point:
    - What is the extent of disproportionality?
    - What are evidence-based, best/promising practices?
    - Why do disproportionality and disparity occur?
- Data is key
- Remediation plan
- Ongoing oversight
- How are children faring in other systems such as juvenile justice, education, mental health, education?



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## Contact NCSL

### **NCSL Disproportionality Child Welfare Webpage:**

<http://www.ncsl.org/issues-research/human-services/disproportionality-and-disparity-in-child-welfare.aspx>

### **NCSL Child Welfare Webpage:**

<http://www.ncsl.org/issues-research/human-services.aspx?tabs=858,51,16>

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