

# **An Evaluation of Factors Related to the Disproportionate Representation of Children of Color in Santa Clara County's Child Welfare System: Exploratory Phase**

## **Executive Summary**

### **Introduction**

An analysis of trends in data at the national, state and local levels reveals that there is a disproportionate representation of children of color in the child welfare system (CWS). On the national level, statistics show that African Americans and Native Americans are over-represented in the CWS. Statistics on the ethnicity of children in California's CWS and Santa Clara County in particular, differ from those at the national level, largely due to the presence of growing Hispanic/Latino and Asian American/Pacific Islander populations within the state. At the state level, African American and Native American children are over-represented in the CWS. At the county level, African Americans, Hispanics/Latinos and Native Americans are over-represented, while at both the state and county levels, Asian Americans/Pacific Islanders and Whites are under-represented in the system.

Although the disproportionate representation of children of color in the CWS has long been of concern to community groups and the Santa Clara County Board of Supervisors, no systematic research study has been conducted on this topic to date. In an effort to understand better the factors related to the disproportionate number of children of color in the CWS in Santa Clara County, the Department of Family and Children's Services (DFCS) contracted with the Child Welfare Research Team (CWRT) in the College of Social Work at San José State University to conduct a three-year study on this topic. An advisory group, consisting of administrators and representatives from various racial/ethnic groups was convened to help guide the development of the project.

The primary overall question posed by DCFS was: What are the primary reasons why children of color are disproportionately represented in Santa Clara County's CWS? In order to address the complexity of this question, the CWRT elected to employ a multiphase/multimethod approach, beginning with an initial exploratory phase.

### **Objectives**

The primary objectives of this exploratory phase of the study were:

- to put the problem in context by gaining an understanding of the relevant research literature and child welfare policies;
- to identify the extent and scope of the problem at the national, state and county level;
- to gain an understanding of how the problem is viewed from different perspectives within the system; and
- to identify key questions to be examined during subsequent phases of the study.

## Multimethod Approach

In order to address the complexity of the overall research question, the CWRT used a three-pronged multimethod approach. First, we *reviewed the research literature and pertinent documents* at the national, state, and county levels, including federal and state child welfare statutes and regulations, and other county related reports.

Second, in addition to the literature and document review, we conducted *descriptive analyses using national, state, county databases focusing on the child welfare system*. Three primary databases were used in this portion of the study. The Child Welfare League of America's [CWLA] National Data Analysis System [NDAS] was used to gain an understanding of child welfare caseloads at a national level. NDAS provides access to a comprehensive database on state and national level child welfare statistics. The Center for Social Services Research's [CSSR] Performance Indicators database was utilized to analyze the CWS/CMS data at the California state and county level. Finally, an extract of Santa Clara's active caseload from December 2000 was obtained from Santa Clara County's Social Services Agency and their CWS/CMS database.

The third method, *focus groups and interviews* with administrators and key staff in the CWS, as well as parents/caregivers and youth who were current or former clients of the CWS, was a major source of information for this phase of the study. We conducted a total of 31 structured focus group interviews during the course of the study. The CWRT with the help of the Advisory Group selected the target populations for the focus groups in order to represent the primary perspectives within the CWS. The CWRT conducted the focus groups beginning with those key child welfare staff from the Coalition for Effective Services, the managers/administrators and supervisors. These groups were followed by those comprised of lineworkers and Family Resource Centers (FRC) staff, the staff of the two South County centers in Gilroy and San Martin, youth and parents/caregivers of youth currently or formerly in the CWS.

In this report, the CWRT *presents the results of the exploratory phase of the study* – a phase that ran from the signing of the contract in June 2000 through March 2001. This report presents *preliminary findings*. It describes themes that emerge from the research literature, and provides the policy context in which child welfare services are currently being delivered. It also presents descriptive statistics from the county's management information system (CWS/CMS) and most importantly, the report summarizes themes which emerged during group discussions with those who provide the child welfare services (administrators, managers, supervisors and line workers), as well as those who are the recipients of the services – the parents/caregivers and youth involved in the system.

## Overarching Themes

When we combine findings from each of the sections contained in this report, **four overarching themes emerge** – themes that provide a context for the next phase of the

study and point to important areas for further investigation that will be carried out over the next two years.

### **1. Factors Related to the Disproportionate Representation of Children of Color in the CWS are Multiple and Complex**

There is no clear consensus in the research literature on precisely which factors are related to involvement with the CWS. Substance abuse has frequently been associated with the likelihood of entry into the CWS. While the occurrence of substance abuse in the child welfare caseload is well documented with statistics indicating that at least half of all child maltreatment cases involve substance abuse of some kind, our review of the literature indicated that strong empirical evidence concerning the relationship between substance abuse and child maltreatment is extremely limited. Perhaps the most significant finding in the research on substance abuse and child maltreatment was that parental substance abuse, as it relates to child maltreatment, is most likely linked with a number of other social problems that may lead to abusive or neglectful behavior. Some of those problems may include, but are not limited to: poverty, serious mental illness, domestic violence, and HIV/AIDS.

Differential treatment based on ethnicity and/or SES, is clearly a factor that may likely contribute to the disproportionate representation of children of color in the CWS. Although families of color were not found to abuse substances at rates any higher than white families, several studies showed that families of color and poor families were more often reported to child welfare institutions than white middle-class families both for child maltreatment, as well as substance abuse. Research also suggests that the racial/ethnic distribution of the child's community of residence may have some influence on the likelihood of being placed in the CWS. Studies that tested the "visibility hypothesis" suggested that there was a higher probability for African American children to be placed in foster care from a geographic area of residence where they were less represented and thus, more visible. However, research in the area of bias in reporting remains scant and inconclusive.

Research findings consistently point to a relationship between poverty and child maltreatment. However, like substance abuse, poverty cannot be examined in isolation. Indeed, characteristics associated with communities and neighborhoods including; living in a high crime area, living in public housing, having larger numbers of dependent children, and receiving welfare benefits might place children of color at an increased risk of entering and staying in the CWS. While the available research in the area of poverty and factors related to communities of poverty was helpful in illuminating some of the complex interacting social conditions that may contribute to the disproportionate representation of children of color in the CWS, serious limitations of the studies precluded any definitive findings. Perhaps the most serious limitation for the purposes of our research endeavor, centered on the fact that none of the current available research examined the processes by which individual level characteristics such as substance abuse, mental illness and domestic violence interact with poverty and other neighborhood factors to impact families of color and their subsequent entry into the CWS.

In addition, since characteristics of other ethnic communities such as Asian Americans/Pacific Islanders or Native Americans have not been investigated adequately in previous research, little is known about the interactions between characteristics of these communities and their contact with the CWS. The under-representation of Asian Americans/Pacific Islanders in the CWS at national, state and county levels may reveal interesting community characteristics that serve to buffer this community from contact with the CWS. Alternatively, research might reveal the underreporting of child maltreatment in these communities – yet another issue that merits attention if these communities are to be effectively and equitably served. For example, descriptive statistics using County level CWS/CMS data, presented in Section 4 of this report, indicate that caretaker absence/incapacity was the most common reason for removal for African American children, whereas physical abuse was the most common reason for removal for Asian Americans/Pacific Islanders. While Asian American/Pacific Islander children continue to be under-represented, reasons for this discrepancy in removal merit further examination. Also, since Vietnamese children constitute the largest representation among Asian American/Pacific Islander children in the County's CWS, further analysis regarding their presence in the system is warranted.

Studies have yet to be designed which examine the multiple and complex ways these individual, family and community level factors interact simultaneously with a clear focus on ethnicity – a necessity if we are to truly understand and disentangle the numerous interrelated factors associated with the disproportionate rates of children of color in the CWS. More research on the variables related to neighborhoods and communities as well as the mechanisms through which they interrelate and impact children and families of color is needed. Finally, most analysis of macro social variables used in research to date has been derived from 1990 Census data which is now outdated and consequently unreliable. The imminent availability of data from the 2000 Census lends promise to developing a clearer and more current understanding of ways in which community and neighborhood factors affect children and families of color.

In the next phase of this research project, investigation will extend to individual, family and community level factors related to entry of children into the CWS to gain a better understanding of how the factors interact and differ across various racial/ethnic groups.

## **2. System Level Changes Recently Initiated at the Federal, State and Local Level will Undoubtedly have an Impact on Children of Color in the CWS**

With the passage of the Multi-Ethnic Placement Act-Interethnic Adoption Provision (MEPA-IEP, 1996) and the Adoption and Safe Families Act (AFSA, 1997), safety, permanency and expedited placements have taken precedence in the CWS. Child welfare practice now reflects a decreased tolerance for risks children face in their homes and represents a shift from the 1970s and 1980s when Family Preservation was the goal of the child welfare system. The shift toward expedited placement and an emphasis on permanency has certainly influenced the culture and ways in which social services are being delivered in California in general, and in Santa Clara in particular and consequently

raises several major concerns for children of color in the County's CWS. Shortened timelines, early termination of parental rights, bypass criteria, as well as changes in adoption regulations and incentives will all clearly have an impact on all families in the system, and in particular, on children and families of color. In combination with the new regulations, the characteristics of families, children and communities of color including chronic poverty, substance abuse, lack of community social organization or racial segregation that increase chances of entering the CWS may create overwhelming barriers to successful reunification for children of color in the CWS and keep them in the system longer.

In addition, it is not clear what the impact of the increased support for kinship supportive services will be. According to preliminary findings from CWS/CMS, in Santa Clara County the greatest percentage of youth across all ethnic/racial groups is placed in a relative home. It remains unclear whether placements with kin are actually permanent or whether these children reenter the system; outcomes for children placed with kin have not been rigorously examined. For African American, Native American, White and Hispanic/Latino youth in the County, the second most frequent placement was a Foster Family Agency (FFA); for Asian American/Pacific Islander and Vietnamese youth it was a Foster Family Home (FFH). The majority of children in the County's CWS are in the Permanent Planning service component and the minority in Family Maintenance. This findings holds true across all racial/ethnic groups, as well with the overwhelming majority of children of color in Permanent Planning, and very small percentages within each group in Family Maintenance. Will these new regulations and their renewed emphasis on permanency and safety rather than family reunification contribute to a continually growing population of children, particularly children of color, in out of home placement?

Neither the Multi-Ethnic Placement Act-Interethnic Adoption Provision (MEPA-IEP, 1996) nor the Adoption and Safe Families Act (ASFA, 1997) modified the Indian Child Welfare Act (ICWA, 1978). The new regulations continue to recognize the unique political relationship that Indian children have as members of sovereign tribal governments. While this should ensure the rights of Native American children in the CWS, if a child's American Indian heritage is not discovered by the County child welfare agency, American Indian children in Santa Clara County will not receive the protections afforded them under ICWA. Also, if child welfare workers are not trained about ICWA regulations and how they interact with other regulations such as ASFA, they might make inappropriate decisions for American Indian children and their families.

Although most of the focus group respondents stated that African American and Hispanic/Latino children were over-represented and Asian American/Pacific Islander children were under-represented in the CWS, American Indian children were frequently not mentioned in the discussion of over/under-representation. Given the policies and procedures defined by the Indian Child Welfare Act (ICWA) that apply specifically to American Indian children, early and accurate identification of such children is essential. The American Indian Parent focus group participants discussed in detail their concern about staff not knowing about ICWA and knowing little about their American Indian

culture. Both the American Indian Employees Committee focus group and the American Indian parent focus group discussed the need for American Indian staff to be assigned to American Indian cases. According to our preliminary CWS/CMS analyses, for each racial/ethnic group 45% or more of children were in a facility in which the provider was of the same racial/ethnic background. The exception was the Native American group, with only 11% in a facility with a racially/ethnically matched provider.

Finally, while it is too early to make definitive conclusions, preliminary findings from research based on national estimates suggest that welfare reform and related public policies may be working better for White families and children than for children and families of color. It is possible that these disparities will carry over and affect children and families of color in the CWS, who may already be at a disadvantage due to the new ASFA regulations.

**Focus groups with staff and parents discussed over and over the importance of prevention and providing services to keep children out of the CWS. Multiple suggestions were made about prevention programs including the following: more resources for children and families of color, more outreach and education, more substance abuse programs for families and more training in substance abuse for staff, and more education programs for recent immigrants.** According to County administrators, Santa Clara County is making concerted efforts to improve the system for all children, including children of color, by implementing new and innovative prevention programs such as Family to Family, Wraparound Services and Parent Education for new immigrant families, to help children and their families stay out of the system. Due to the over-representation of Hispanic/Latino and African American children in the system, any efforts to reduce the number of children entering the system will positively impact children of color.

During the next phase of our research we plan to look at these system changes utilizing a longitudinal database constructed from the county's CWS/CMS database beginning in 1996 and we will analyze trends in placements and outcomes for children in light of the recent system-related changes.

### **3. Various Racial/Ethnic Groups may Receive Different Treatment at Key Decision Making Points in the System**

It is possible that children from different racial/ethnic groups are treated differently at specific decision-making or key choice points in the system. The differential treatment of children of color within the system was corroborated by focus group participants who expressed a concern for ways in which individual workers, depending on which department they worked in, and possibly which supervisor they had, might treat children differently. Cultural competency, ethnic and linguistic matching, and hiring more people of color were themes that were emphasized by supervisors, the Coalition member groups, Family Resource Center staff and lineworkers. Three of the five parent groups discussed the need for staff to be culturally competent. While youth focus group participants did

not discuss cultural competence, in particular, both parent and youth focus groups said that staff needed to listen, to help, to take time, to be respectful to them.

This concern about possible differential treatment of children of color is also substantiated by CWS/CMS data that indicate that there are significant differences in the number of months in placements by race/ethnicity. African American children spent significantly more time in placement than their White, Hispanic/Latino, Asian American/Pacific Islander, Vietnamese, and Filipino peers. Also, according to preliminary findings from CWS/CMS, in Santa Clara County, following placements in a relative home, the second most frequent placement for African American, Native American, White and Hispanic/Latino youth, was a Foster Family Agency (FFA); for Asian American/Pacific Islander and Vietnamese youth it was a Foster Family Home (FFH). Almost 14% of Native American and 18% of Asian American/Pacific Islander youth in OHP were placed in the Shelter in December, 2000, a percentage that is higher than any of the other ethnic/racial groups.

The next phase of this study will examine in greater detail ways in which decisions are made within the system. Information from case record reviews and interviews with key informants will be utilized to provide a richer understanding of issues related to this theme.

#### **4. Little is Known about Specific Pathways through the CWS and Ways in which these Pathways Differ for Various Racial/Ethnic Groups**

Much of the research on children in the CWS has focused on factors related to movement in and out of the system. While measures such as performance indicators are helpful in providing information about outcomes, most tell us only about numbers of children who exit, who remain in placement, the length of time in placement, and the number of spells a child has in the system. This kind of information tells us little about the actual experiences of children in care and the individual and family-related characteristics that are associated with these experiences. Focus group participants frequently stated that once a child of color is brought into the system, it is very hard for that child to exit. Yet, little is known about what happens once that child is in the system. The second phase of this study will investigate further movement within the system and the multiple pathways that individual children, particularly children of color follow as they wend their way through the system.

#### **Directions for Further Development – Implications for Santa Clara County**

In addition to the overarching themes that emerged from this first phase of the research, several important suggestions for the County's CWS were drawn from comments and discussion that transpired during interviews with the focus group participants. The following highlights those points:

- 1) Focus group results indicated that there was great variability in response to which groups were disproportionately represented in the system as well as where in the

system children of color were disproportionately represented. Although some groups stated that over/under-representation occurred across all units, other groups identified specific program areas in the system where disproportion existed. The limited dissemination of information about the disproportionate representation of children of color suggests that communication of other needs and concerns across all levels in the agency may also be problematic. *Clear information about children of color and their presence in all parts of the CWS would give workers accurate knowledge about this important topic and could provide an opportunity for creating new programs and services to address the serious disproportion that does exist. Creating goals and measurable objectives, coupled with programmatic initiatives for reducing the number of children of color in the CWS would put the agency in a local, state and national leadership role.*

- 2) *The American Indian Parent focus group participants discussed in detail their concern about staff not knowing about ICWA and knowing little about their American Indian culture. Both the American Indian Employees Committee focus group and the American Indian parent focus group discussed the need for American Indian staff to be assigned to American Indian cases.*
- 3) *Focus groups with staff and parents discussed the importance of prevention and providing services to keep children out of the CWS. Multiple suggestions were made about prevention programs including the following: more resources for children and families of color, more outreach and education, more substance abuse programs for families and more training in substance abuse for staff, and more education programs for recent immigrants.*
- 4) *Cultural competency, ethnic and linguistic matching, and hiring more people of color were themes that were emphasized by supervisors, the Coalition member groups, Family Resource Center staff and line workers.*
- 5) *Coding ethnicity is particularly critical for examining the disproportionate representation of children of color. Nearly all staff focus groups indicated that there was no training provided on coding ethnicity. Some focus groups discussed the difficulty of changing codes after initial codes were assigned in the screening process. In addition, no codes exist for bi-racial children, a growing population group in the region and state, for GLBT and disabled children. Training on ways to code ethnicity in CWS/CMS would improve data collection efforts and provide more reliable information for the Agency.*
- 6) *Our preliminary analyses of CWS/CMS data indicated that details about subgroups within race/ethnicity are unavailable. Some other characteristics regarding children in out of home placement were also unavailable or not recorded. Specifically in Santa Clara County, information regarding out of home placement provider characteristics was relatively sparse. We realize that improving the collection and condition of child welfare data is no easy task given*

*the issues of limitations of the data system, compatibility among systems of data recording and storage, and training needs. However, concerted efforts in this area are necessary if accurate and useful information is to be obtained and used to provide feedback on the effectiveness of programs and services in the County.*

This report and the findings presented in each of the sections have established the background and context for the next phase of the project. We have surveyed the research literature, described the historical landscape of the CWS and how it has been influenced by recent policies and legislation, become familiar with the strengths of available databases at the national, state and county level, as well as their limitations, and most importantly, have been enlightened and educated through numerous discussions with administrators, staff, parents and youth – all of whom have provided unique and important perspectives on the issue of the disproportionate representation of children of color in the CWS. All of this information has contributed to the development of four overarching themes described in this report.

Work over the next two years will broaden and further develop the work we have completed so far. We will conduct more extensive analyses utilizing the County's CWS/CMS database and will look at trends in the data over time. In addition, we will conduct in-depth case record reviews on approximately 400 cases in the County's CWS to examine experiences and pathways of children from different racial/ethnic group as they advance through the system. We will also link community and neighborhood level factors through the use of geo-coding and the 2000 census data. During the second phase we will continue to conduct ongoing interviews with selected key informants within the system to gain an even richer understanding of our work as we progress. We look forward to meeting regularly with members of the advisory group, as well as the Coalition for Effective Services to obtain feedback and guidance as we move into the next phase of our study on the disproportionate representation of children of color in the CWS.