

**COURTS CATALYZING CHANGE:
ACHIEVING FAIRNESS AND EQUITY IN FOSTER CARE**

**KEY INDICATORS/KEY MEASURES
RESEARCH REPORT**

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The National Council of Juvenile and Family Court Judges and Casey Family Programs are working to develop a national agenda to address disproportionate representation and disparities for minority children and families in the dependency court system. To help inform discussions about the national agenda, an online survey with respect to data collection and measurement as well as telephone interviews with leading researchers, and a literature review was conducted. The goal of this effort was to identify key indicators to measure disproportionate representation and disparities for minority children and families.

Summary of Findings:

Are dependency courts currently collecting case process and outcome data by race/ethnicity?

- 72% of dependency court stakeholders surveyed reported that they are collecting case process and outcome data by race/ethnicity.
 - Most jurisdictions (74%) reported that these data are collected by the child welfare/social service agency.
 - Data on race and ethnicity are primarily collected to comply with ASFA and CFSR requirements (e.g., information available when a petition was filed, data on race and ethnicity for children who are on an adoption track, etc.).

What key indicators are dependency court jurisdictions and researchers currently using to measure disproportionality and disparity?

- Permanency Outcomes by Race and Ethnicity
 - Adoption
 - Reunification
 - Guardianship
 - Another Planned Permanent Living Arrangement
- Placement by Race and Ethnicity
 - Length of stay in out of home placement
 - Type of placement
 - Number of placements
 - Race and ethnicity of foster care provider
- Reports of Abuse and/or Neglect by Race and Ethnicity

- Receipt of Treatment and/or Services by Race and Ethnicity
 - Receipt of services by parents/families (preventive, reunification, and other support)
- Visitation by Race and Ethnicity
- Substantiation of Allegations by Race and Ethnicity
- Investigation of Allegations by Race and Ethnicity

National Dependency Court Performance Measures: Disproportionality and Disparities

The National Council of Juvenile and Family Court Judges, the American Bar Association Center on Children and the Law, and the National Center for State Courts have designed national dependency court performance measures, all of which should be examined in relation to race and ethnicity. Specifically, dependency courts should strive to collect data on the following:

- Safety by Race/Ethnicity
 - Child Safety While Under Court Jurisdiction
 - Child Safety After Release from Court Jurisdiction
- Permanency by Race/Ethnicity
 - Achievement of Child Permanency
 - Children not Reaching Permanency
 - Children Moved While Under Court Jurisdiction
 - Re-entry into Foster Care after Return Home
 - Re-entry into Foster Care after Adoption or Guardianship
- Due Process and Fairness by Race/Ethnicity
 - Service of Process to Parties
 - Early Appointment of Advocates for Children
 - Early Appointment of Counsel for Parents
 - Advance Notice of Hearings to Parties
 - Presence of Parties During Hearings
 - Presence of Advocates/Counsel During Hearings
 - Changes in Advocates for Children
 - Changes in Counsel for Parents
- Timeliness of Court Process by Race/Ethnicity
 - Time to Permanent Placement
 - Time to Adjudication
 - Time to Disposition
 - Timely Case Review
 - Time to First Permanency Hearing
 - Time to Termination of Parental Rights
 - Timeliness of Termination of Parental Rights Proceedings
 - Time from Disposition to Termination of Parental Rights Petition
 - Timeliness of Adoption Petition
 - Timeliness of Adoption Proceedings
- Child Well-Being by Race/Ethnicity
 - Educational Achievement
 - Physical, Mental, and Dental Health

REPORT OF FINDINGS SURVEY, INTERVIEW, AND LITERATURE REVIEW RESULTS

Judges, court improvement specialists, court and child welfare administrators, dependency court attorneys and child advocates, as well as representatives of foster care review boards were invited to participate in an online survey. The survey asked whether their dependency court jurisdiction was currently collecting data on child abuse and neglect case process and outcomes by race and/or ethnicity. A total of 61 respondents answered the survey from 30 different States. The following is a breakdown of the survey respondents' roles in the dependency system.

Judge	4.9% (n = 3)
Judicial Officer	3.3% (n = 2)
Court Administrator	8.2% (n = 5)
Court Clerk	0.0% (n = 0)
Public Defender/Private Parent's Attorney	0.0% (n = 0)
Attorney Representing Children	3.3% (n = 2)
Attorney Representing Child Welfare Agency	1.6% (n = 1)
Non-attorney Representing Children (GAL)	0.0% (n = 0)
CASA	1.6% (n = 1)
CIP Director	6.6% (n = 4)
CIP Staff	6.6% (n = 4)
Child Welfare Agency Administrator	18.0% (n = 11)
Social/Case Worker	8.2% (n = 5)
Service Provider	0.0% (n = 0)
Other	16.4% (n = 10)

For those who identified their role as "Other," the following roles were listed:

- Foster care review *and* CASA program administration
- State child welfare-juvenile justice agency
- Administrative Case Review
- Social Case Worker Supervisor / Data Analyst
- University-based researcher
- Court administrator - foster care review board
- Family Resource Worker
- State Agency Research Director
- Administrative Review /Foster Care Review
- Judicial Branch Program Manager

The respondents were asked to provide information pertaining to whether they were collecting data on child abuse and neglect case process and outcomes by race and/or ethnicity. Of the 61 respondents, 93.4% (n = 57) provided an answer to this question, with the majority reporting that they are collecting data on case process and outcomes by race/ethnicity (71.9%; n = 41 of 57). Ten percent (10.5%; n = 6 of 57) indicated that they were not currently collecting data on case process and outcomes by race/ethnicity. . Over 15% (17.5%; n = 10 of 41) answered that they "did not know" if the data were collected.

The 41 respondents who answered that they were collecting data on child abuse and neglect case process and outcomes by race and/or ethnicity were prompted to provide

information pertaining to what system maintains or provides these data. Of the 41 respondents, 75.6% (n = 31 of 41) answered this question.

Child Welfare/Social Services Agency	74.2% (n = 23)
Court	35.5% (n = 11)
Citizen Foster Care Review Board	32.3% (n = 10)
CASA/GAL	9.7% (n = 3)

A NOTE ABOUT DISPROPORTIONALITY vs. DISPARITY MEASURES

Definitions of terms

There are a variety of terms and definitions to be used to describe the issues of disproportionate representation and disparities for minority children and families in the dependency court system. For example, the following terms are frequently used to address the issue: Minority overrepresentation, racial disproportionality and disparities, disproportionality of children of color, etc. During phone interviews, expert researchers were asked to distinguish these terms.

- “Disproportionality” – the difference in the percentage of children of a racial or ethnic group in a population as compared to the percentage of children of the same racial or ethnic group in the child welfare system.
- “Disparity” – unfair or unequal treatment of one racial or ethnic group as compared to another racial or ethnic group.

Measurements for Disproportionality and Disparity

Findings from phone interviews with expert researchers revealed two distinct types of measurement. Disproportionality measures the number or percentage of minority children at stages of child welfare decision-making events as compared to the number or percentage of children in the same racial/ethnic group in the general population in a locality (typically based on census data for that locality). Disparity measures differences in process and outcomes for one racial/ethnic group as compared to other racial groups in the child welfare system (e.g., measuring differences in services/treatment received by African American children and Caucasian children).

Online survey respondents were asked to provide information about what specific data were collected in their dependency court jurisdiction. Of the 41 respondents who answered that they were collecting data on child abuse and neglect case process and outcomes by race/ethnicity, 75.6% (n = 31 of 41) responded with more detailed information pertaining to what is measured. Of the 31 responses to this question, nearly 30% (29%; n =9 of 31) specifically stated that race and ethnicity of each child is available for any type of query. Thirteen percent (13%; n =4 of 31) of the respondents indicated that race and ethnicity data are collected to comply with ASFA requirements, CFSR requirements, and/or local requirements (e.g., information available when a petition was filed, the data on race and ethnicity available about children who are on an adoption track, etc.). One respondent also indicated that the race and ethnicity of social workers is compared to children in foster care.

KEY INDICATORS FOR MEASUREMENT

There are many indicators to examine racial disproportionality and disparity, however, six key indicators to measure racial disproportionality and disparity emerged from an examination of each data source – the online survey responses, researcher interviews, and the literature review.

1. Permanency Outcomes

More than half (55%; n =17 of 31) of the survey respondents indicated that permanency outcomes are reported by race and ethnicity.

Permanency Outcomes generally	n =12
Timeliness	n =5
Adoption Rates	n =3
Kinship/Legal Custody Rates	n =2
Reunification Rates	n =1
Termination of Parental Rights Rates	n =1
Aging Out of System Rates	n =1

2. Placement in Foster Care (n =9)

More than one quarter (29%; n =9 of 31) of the respondents indicated that racial disproportionality and/or disparities are examined in relation to placement in foster care.

Length of stay in foster care	n =5
Type of placement	n =4
Foster care provider/family	n =3
Number of placement	n =2
Reasons for out-of-home placement	n =2
Exit from foster care	n =2
Entry to foster care	n =1
Re-entry to foster care	n =1
Reason for leaving out-of-home placement	n =1

3. Reporting of Abuse and Neglect

Sixteen percent (16%; n =5 of 31) of the respondents indicated that reports of abuse and neglect are examined for racial disproportionality and/or disparities. One respondent indicated that the race of the informant and the ethnic composition of the neighborhood are also measured.

4. Receipt of Services

Ten percent (10%; n =3 of 31) of respondents mentioned that they measure disproportionality and/or disparity by examining types of services and/or treatment received. An examination of research literature in this area also indicated that visitation by family members while children are in foster care has been examined for racial disproportionality and disparities.

5. Substantiation of Allegations

Less than ten percent (6%; n =2 of 31) of respondents stated substantiation of allegations are examined for racial disproportionality and/or disparities.

6. Investigation of Allegations

Less than five percent (3%; n =1) of respondents specifically stated that investigation of abuse and neglect reports are examined for racial disproportionality and/or disparities.