
Factors Contributing to Disproportionality in the Child Welfare System: Views from the Legal Community

Alan J. Dettlaff and Joan R. Rycraft

A critical shortcoming in the existing body of research addressing racial disproportionality in the child welfare system is the lack of inclusion of external stakeholders in attempts to understand and address this issue. This article reports the results of a study designed to develop a deeper understanding of disproportionality from the views of the legal community, a critical stakeholder in child welfare. Using a qualitative approach, with focus groups as the method of data collection, data were collected to provide a greater depth of information that could be used alongside existing studies to develop an enhanced understanding of disproportionality in the child welfare system. Factors contributing to disproportionality include cultural bias, a fearful agency climate, communication barriers, ineffective service delivery, and workforce issues. Recommendations from focus group participants and implications are presented.

KEY WORDS: *African American children; child welfare; disproportionality; focus groups; legal system*

Racial disproportionality in the child welfare system refers to the overrepresentation of a certain racial or ethnic group in comparison with their percentage in the child population. This phenomenon has most significantly affected African American children, with the most recent national data indicating that 32 percent of children in foster care are African American, although African American children represent only 15 percent of the child population in the United States (U.S. Department of Health and Human Services, Administration for Children and Families, 2008). This disproportionate representation is a concern as research indicates that there are no significant differences in the actual incidence of maltreatment among children of different racial groups (Sedlak & Broadhurst, 1996; Sedlak & Schultz, 2005). On the basis of data from the federally funded National Incidence Studies (NIS) of Child Abuse and Neglect, Sedlak and Broadhurst (1996) and Sedlak and Schultz (2005) found no statistically significant differences in overall maltreatment rates between African American and white families. In fact, after controlling for factors including income and family structure, the most recent NIS found significantly lower rates of maltreatment in African American families than in white families (Sedlak & Broadhurst, 1996; Sedlak & Schultz, 2005).

Although the existence of racial disproportionality has been well documented, the causes of this phenomenon are less clear (Barth, 2005; Derezotes & Poertner, 2005). Studies that have sought to identify contributing factors have relied largely on analyses of state and national child welfare data sets and have often produced inconsistent findings. These studies may also lack the robust data necessary to fully explain the broad and complex array of factors related to this issue. Furthermore, a critical shortcoming in the existing body of research is the lack of inclusion of external stakeholders in attempts to understand and address disproportionality. Beginning with the federally mandated Child and Family Service Reviews, a key element of child welfare system reform has been the engagement of external stakeholders as critical partners in program improvement efforts (U.S. Department of Health and Human Services, Administration for Children and Families, 2006). The engagement of external stakeholders in efforts to address disproportionality can provide the opportunity to obtain critical insight necessary to understand and address this complex phenomenon. The lack of information from those in the legal community is especially problematic because of the significant role the legal system plays in child welfare cases. Although child welfare agencies are the first responders in cases of alleged maltreatment, without

the sanction of the court, children cannot be placed in foster care or returned to their homes. As a result, the legal community has significant influence on child welfare outcomes and is a major stakeholder in the issue of disproportionality.

FACTORS CONTRIBUTING TO DISPROPORTIONALITY

Studies that have sought to identify factors contributing to disproportionality have examined the following areas: individual and family risk factors, community risk factors, and agency and systemic factors.

Individual and Family Risk Factors

Studies identifying individual and family risks suggest that the disproportionate representation of African American children in the child welfare system is the result of disproportionate need. These studies suggest that African American children and families are more likely to experience many of the high-risk factors associated with maltreatment, making them more vulnerable to contact with the child welfare system. Primary among these factors is the disproportionate number of African American families living in poverty, as considerable evidence indicates that maltreatment occurs disproportionately among poor families (Coulton, Korbin, Su, & Chow, 1995; Drake & Pandey, 1996; Wulczyn & Lery, 2007). Findings from the most recent NIS indicate that the incidence of maltreatment is more than 26 times higher in families earning less than \$15,000 per year than it is in families earning over \$30,000 (Sedlak & Broadhurst, 1996). Additional data indicate that African American children are overrepresented among children whose parents are unemployed, children with single parents, and children in families with four or more children, each of which is independently associated with higher risk of maltreatment (Schuck, 2005; Sedlak & Schultz, 2005).

Community Risk Factors

Studies identifying community risk factors suggest that disproportionality is related less to an individual's race than to the disadvantaged characteristics of the neighborhoods in which individuals reside. In a study of poor neighborhoods in Chicago, Testa and Furstenberg (2002) found that African American neighborhoods with current high rates of maltreatment are the same neighborhoods that experienced

high maltreatment rates over 100 years ago when they were occupied by European immigrants, suggesting that the racial composition of neighborhoods may be secondary to the high-risk characteristics associated with these neighborhoods. Poor families are more likely to live in neighborhoods experiencing concentrated poverty (where the poverty rate exceeds 40 percent), which has been found to be associated with higher rates of maltreatment (Coulton, Korbin, & Su, 1999; Korbin, Coulton, Chard, Platt-Houston, & Su, 1998). Families living in these communities must contend not only with their own poverty, but also with the difficulties associated with living in an economically impoverished community. These neighborhoods are more likely to experience higher rates of crime, violence, inferior schools, and unsafe housing, increasing risk to children. Other factors found to pose increased risk to children include population turnover, concentration of female-headed households, excessive numbers of children per residence, concentration of families in public housing, and proximity to other poor communities (Coulton et al., 1995, 1999). Although African American families represent only 15 percent of the U.S. population, they represent 39 percent of residents in neighborhoods experiencing concentrated poverty (Jargowsky, 2003). Thus, the increased likelihood for African American families to experience poverty, combined with the neighborhood effects of concentrated poverty, may contribute to disproportionality.

Agency and Systemic Factors

Studies examining factors within the child welfare system suggest that racial bias and inconsistencies in decision making by professional reporters and child welfare staff are significant contributors to disproportionality. In this context, the term *racial bias* is used to denote the phenomenon whereby, given equivalent levels of risk, African American children are more likely than white children to enter the child welfare system at various decision-making points. Factors that have been identified as potentially contributing to this bias include a lack of cultural competence among child welfare staff, cultural stereotypes and misunderstandings, lack of training and experience, high caseloads, inadequate staffing, lack of appropriate supervision, and federal child welfare policies (Chibnall et al., 2003; Roberts, 2002; U.S. Government Accountability Office, 2007).

Although research has documented this bias at every decision-making point in the child welfare system, inconsistencies are present. Beginning with the reporting stage, several studies have found that professional reporters are more likely to report African American children for suspected maltreatment than white children (Jenny, Hymel, Ritzen, Reinert, & Hay, 1999; Lane, Rubin, Monteith, & Christian, 2002; Nelson, Saunders, & Landsmen, 1993). However, other studies have found a strong association between social class and reporting, suggesting that race may not be the primary determinant at this stage (Drake & Zuravin, 1998; Jones & McCurdy, 1992; Lane et al., 2002). Once an investigation is initiated, several studies have identified race as a significant predictor in decisions made by child welfare staff, including substantiation of maltreatment (Fluke, Yuan, Hedderson, & Curtis, 2003; Rolock & Testa, 2005; Sabol, Coulton, & Pouousky, 2004) and placement into foster care (Goerge & Lee, 2005; Lu et al., 2004; Needell, Brookhart, & Lee, 2003). However, other studies have produced alternative explanations for these differences, including geographic distribution (Ards, Myers, Malkis, Sugrue, & Zhou, 2003) and interactions of race with factors, including family structure, severity of injury, and type of abuse (Gryzlak, Wells, & Johnson, 2005; Sedlak & Schultz, 2005). Once children are in foster care, however, studies have consistently found that African American children spend more time in care (Kapp, McDonald, & Diamond, 2001; Wulczyn, 2004) and are less likely to be reunified with their families (Hill, 2005; Lu et al., 2004).

Conclusions Regarding Existing Literature

Although studies have identified contributing factors at the individual, community, and agency levels, it is also possible that disproportionality results from a complex interaction of these factors at multiple levels. The lack of a complete understanding of the causes of disproportionality, however, as well as inconsistencies in the current body of literature, suggest the need for additional research. The existing literature also demonstrates a critical gap in the research by failing to include the perspectives of external stakeholders in efforts to understand this complex phenomenon. Primary among these stakeholder groups is the legal system because of the significant role it plays in child welfare case decision making. The present study begins to address this gap

by identifying the factors contributing to disproportionality from the views of legal professionals who practice within the child welfare system. This information can be used alongside existing studies to further enhance the understanding of racial disproportionality.

EFFORTS TO ADDRESS DISPROPORTIONALITY IN TEXAS

This study was conducted as part of a statewide effort by the Texas Department of Family and Protective Services (DFPS) to address disproportionality. Efforts began in 2004 through a collaboration with Casey Family Programs and were further supported in 2005 by the 79th Texas Legislature, which mandated comprehensive reform of DFPS, including a requirement to examine and address disproportionality. Specifically, DFPS was mandated to “analyze data regarding child removals and other enforcement actions” and to “determine whether enforcement actions were disproportionately initiated against any racial or ethnic group, in any area of the state, taking into account other relevant factors” (Texas Health and Human Services Commission, DFPS, 2006, p. 1). If this examination revealed that disproportionality was present, the department was required to develop and implement a remediation plan to address this issue and prevent racial or ethnic disparities from affecting further enforcement actions.

The resulting analyses found that African American children were overrepresented in the DFPS system and that the level of disproportionality increased at each stage of the service delivery system. Although African American children represented only 12 percent of the child population in 2004, they comprised 19 percent of the children reported for alleged maltreatment, 21 percent of children investigated, 26 percent of children removed from their homes, and 29 percent of children in foster care. African American children were removed from their homes at a rate more than double that of white and Latino children, who were both underrepresented at each stage of the system. Further analyses found that even when factors such as family income, age of child, type of maltreatment, and source of report were controlled for, African American children spent more time in foster care, were less likely to be reunified with their families, and waited longer for adoption than white or Latino children (Texas Health and Human Services Commission, DFPS, 2006).

On the basis of these analyses, administrators within DFPS selected the largest region of the state (one of 11 DFPS regions) as a pilot region where efforts to address disproportionality would begin, with plans to expand to other regions based on these experiences. The region identified is a 19-county region in northern Texas. This region was selected because it has the largest child population in the state and the highest number of completed investigations, confirmed victims of maltreatment, families receiving services, and children in foster care (DFPS, 2007). Within this region, two neighboring urban counties were identified as pilot communities where initial efforts to address disproportionality would begin. These two urban counties are the largest counties in the region and have the highest rates of African American children entering foster care and the highest rates of disproportionality within the region.

During this time, a statewide evaluation team, consisting of university and agency partners, was formed to guide the development of research initiatives throughout the state. Focus groups were identified by the evaluation team as a method of engaging external stakeholders as partners in the state's disproportionality efforts and as a means of gathering the data necessary to advance understanding of disproportionality and inform the development of regional initiatives. Engaging external stakeholders was also consistent with larger reform efforts in the state resulting from the federal Child and Family Service Reviews. Members of the legal community were identified as critical stakeholders to be included in these focus groups.

METHOD

This study used a qualitative approach to identify the factors contributing to disproportionality from the perspective of legal professionals. Focus groups were held in two large urban counties selected by state administrators as pilot communities for efforts to address disproportionality within the state.

Study Design and Sample

Three focus groups were scheduled to accommodate various schedules. Two focus groups were scheduled in county courthouses, and one was scheduled in a centrally located DFPS office. Letters of invitation to participate in the focus groups were sent by the DFPS regional director to judges, district attorneys, and private attorneys working with DFPS cases in the two counties. Potential

participants were identified by the regional director, in consultation with court personnel. Letters of invitation were sent to all judges ($n = 8$) and district attorneys ($n = 12$) in the two counties and to all private attorneys working with DFPS cases that could be identified ($n = 20$). In total, 40 letters of invitation were sent to potential participants. Of those invited, 19 participated in the focus groups, for an overall response rate of 47.5 percent. Among the 19 participants, 11 were private attorneys who represent parents or are appointed by the court to represent children (55.0 percent response), six were judges or associate judges who preside over DFPS cases (75.0 percent response), and two were state district attorneys who represent DFPS (16.7 percent response). Eleven participants were white, seven were African American, and one was Latino. Representation was slightly higher from one county, with 11 participants versus eight participants from the other county.

Procedures

All focus groups were conducted by the authors. The purpose of the focus groups was explained to participants at the beginning of each group. Participants were informed that focus groups would be audiorecorded and transcribed and that only the researchers would have access to the full recordings and transcriptions. Focus group questions were developed by the researchers in collaboration with DFPS administrators. Questions addressed participants' views of the factors contributing to disproportionality in their communities and recommendations concerning strategies to address the issue. Questions were designed to allow for additional probes and discussion of the issues raised. Focus group questions include the following:

- Why do you think so many of the African American children in this community are being referred to Child Protective Services?
- Why do you think so many of the African American children in this community are being placed in out-of-home care?
- What do you believe are some of the reasons that prevent African American children from leaving out-of-home care and returning to their families or relatives?
- What does this community need to prevent children from being placed in out-of-home care?

Each of the focus groups consisted of a mix of participants (judges, private attorneys, and state attorneys) and lasted approximately two hours.

Analysis of Data

Data analysis was conducted through a series of phases involving an inductive process that used the constant comparative method described by Lincoln and Guba (1985). The first phase of analysis began with a review of the transcripts of each focus group by the two authors. We each have significant practice experience in the public child welfare system, in both direct practice and administration, and have worked with the Texas child welfare system on efforts to address disproportionality since those efforts began. We reviewed transcripts independently and discussed emerging themes. Between-author differences in conceptualization of emerging themes were minimal; however, differences that were identified were discussed, and the original transcripts were reviewed until consensus was achieved on an initial set of emerging themes. Following this phase, we performed axial coding by applying the identified themes to each transcribed statement. This round of coding was also performed independently, after which we compared codes and discussed differences. Again, differences were minimal and were addressed by referring to the original transcripts and discussing the differences until consensus was reached. Finally, using constant comparative analysis, we performed a final round of thematic coding to identify patterns within themes and ensure accuracy of categorization.

RESULTS

Five primary themes emerged from focus group data concerning the factors contributing to disproportionality in the child welfare system: (1) cultural bias, (2) fearful agency climate, (3) communication barriers, (4) ineffective service delivery, and (5) workforce issues.

Cultural Bias

Legal professionals stated that many decisions involving African American children are made differentially and reflect cultural bias. Participants stated that caseworkers tend to make decisions using their own values and upbringing as benchmarks for appropriate parenting rather than thoroughly assessing risk and considering families' culture in the assessment process. One district attorney said,

"I don't think a lot of these caseworkers think that black people know how to raise kids, because they don't raise them the way they were raised." Participants stated that cultural misconceptions and stereotypes further contribute to this bias, because they affect caseworkers' perceptions of African American families and the communities in which they live:

When an investigator comes out, they will be more inclined to want to believe whatever is being said rather than really investigate it. A lot of the caseworkers go into black neighborhoods, and they have accused the black family of using drugs or being drug dealers because they have nice furniture or nice cars, or they have a lot of people who hang outside where they live at, so they assume that there's drugs.

Participants stated that when these biases exist, they affect caseworkers' perceptions of risk and the decisions that are made regarding safety:

When you have workers that show up and it's already dark, and they're already afraid because they're in [community] . . . I don't know anything that parent could say that would convince them to leave that child in that home, and they say, I'm going to err on the side of caution . . . remove, and ask questions later.

Participants stated that they have seen this cultural bias reflected in affidavits that caseworkers prepare for court requesting placement into foster care. One attorney said,

Sometimes when I look at an affidavit, there are some words that just stand out, things that must have been significant enough to put in the affidavit—that they had a pit bull, there were seven or eight men outside, their clothes were baggy, there was a lot of music being played, there were kids running around in the front yard and three of them didn't have on shoes. Just the picture I get, I am under the impression that before the investigator even finds mom, the decision is almost made, this child is coming into care, just because of what they see, when the fact of the matter is in those communities what I've just described is commonplace where children are not being abused.

Several participants stated that they believe caseworkers lie in affidavits to justify removing children from homes that they believe are unsafe, realizing that the actual evidence may not be enough to warrant removal. One participant said, "There's a lot of lying going on . . . in the affidavit, they go out there, and it may not be that bad of a situation, but they embellish the affidavit, they lie to support the removal of the child." Another said, "At the end of the day, [what is written in the affidavit] is just fluff to get the reader to believe that this is a bigger deal than it really is."

In light of these comments, participants, particularly judges, were asked about their role in removal decisions when they believe biases or embellishments are present. Judges stated that at this decision-making point, the only information they have on which to base their decision is the affidavit written by the caseworker to justify the removal. One judge said, "In order to get it past court muster, when we see the affidavits, they're written from the perspective that when we're reading them, we're 'Woooo!' You know, we have to sanction that removal . . . because of the way it's written." Another said,

You're not going to get affidavits that don't support the removal. It's all bad. It's all you get. Here's the danger, here's why we had to remove. It's not necessarily giving a balance. It's sort of like a prosecutor. If you're a prosecutor, you file a charge. You decide what the charges are, and then you present everything that supports your position. You don't present anything that doesn't support your position. So the affidavit that is filed with the court, it's not going to say, 'Well, this is an iffy case.' You're going to support that in the strongest language you can come up with to indicate you're right.

Once children enter the system, participants indicated that decisions continue to reflect bias: "For black families, the bar is raised higher . . . the standard that maybe everyone should meet, only certain people have to actually meet it." One attorney gave an example:

I have seen caseworkers when you have an Anglo family, they do a lot of head turning. For instance, if they get ready to return a child home and they give the parent a UA [urinalysis] and they're positive for marijuana, I personally have heard

them say "Well, it was just a little marijuana" when it was an Anglo parent, but when it's a black parent, they're not going home.

Fearful Agency Climate

Participants indicated that the current agency environment is one of fear, stating that decision making is often based on fear of liability rather than the best interests of children. Participants stated that caseworkers often make the decision to remove a child out of fear that a child will be harmed if allowed to remain in the home. One judge described this:

When I went to new judges school, one of the things they told us is, "You need to realize that if you deal with Child Protective Services [CPS] cases, the day will come when you will send a kid home that will be killed. It will happen to you." And they tried to deal with that. I think a caseworker's biggest fear is not removing a child and that child dying. So therefore they make the safe decision—remove.

One state attorney related this fear to the negative media attention experienced by the agency following situations in which children have been harmed:

I think they have a lot of fear because they've had situations where they've made placements in families' homes and they've allowed the perpetrator back and the child is injured or killed, and then they're attacked for that in the newspapers. I'll tell you, it's the fear, there's a lot of fear in CPS.

Participants stated that much of this fear results from the punitive nature of the child welfare agency, in which caseworkers often experience negative consequences when a child is harmed. One said, "If they see a coworker make a decision to leave a child with the family, and this awful thing happened and the outcome was bad for the coworker, it's far easier to do a removal. It's easier, and it's safer." Another said,

If they're going to err, they're going to err on the side of caution. . . . That fear factor has an effect. And so there's going to be falling on one side of the line or the other . . . and they're not going to let their career, however short that is, fall.

Participants were asked how this fear disproportionately affects African American children. Participants stated that although fear of liability can affect decision making in all cases, when this fear is combined with cultural biases, lack of experience, and environmental concerns, it can result in a heightened perception of risk and differential decision making. One attorney said, "When you take what we're saying and combine it with the lack of experience, the cultural differences, and the issue of economics, they [caseworkers] are not going to be able to differentiate between their own concerns and those in the families."

Communication Barriers

Participants stated that cultural differences in communication patterns lead to differential decision making when caseworkers are fearful of African American parents who respond angrily to intervention and lack the skills to engage those parents. Participants stated that low-income African American parents may be hostile or resistant to child welfare intervention, resulting in caseworkers who are intimidated or afraid of them. One African American attorney said,

I think there is a different level of response from families that are African American in terms of the investigation and the questions being asked. There is a distrust of agency, distrust of government, and therefore the response that the agency receives may be perceived as difficult or aggressive, but it may just be a cultural difference or a general distrust of government involvement.

Another African American attorney agreed: "In the African American community, that's more likely to happen. If you show up at an African American woman's house . . . and say you're going to take my child, you're going to have problems."

When this occurs, participants stated that this may influence caseworkers' risk assessments and decisions concerning safety. One said, "Because of the confrontation, they're thinking, 'I'm scared. And if I'm scared, this child is in danger.' So the safe decision is to take them out." Participants stated that although it may be appropriate for parents to become angry when confronted with allegations concerning their children, caseworkers often use this against parents, labeling them as "hostile" or "uncooperative" and using this as the basis for removal decisions:

If mom comes across as mad as hell that you're there, mad about the situation, I think the worker just says, "Hey, let me take the path of least resistance," which is out the door, and then takes mom's anger as "mom was irate, mom yelled at me, mom told me to get the hell out." Well, most parents who feel like they haven't done anything would respond that way. You're dealing with poor people, not just African Americans, so they're not going to be well spoken and say, "I really think an injustice is being done here." She's going to say, "This is a bunch of bullshit!"

Others agreed, stating that they have seen these dynamics influence decision making. One said, "When that attitude's projected, it's going to cause the caseworker to not even consider anything else, to consider what else can we do other than remove your child?" Participants stated that when these dynamics are present, they often remain for the duration of the case, affecting the level of service delivery that African American parents receive.

Ineffective Service Delivery

Once children enter the system, participants stated that services are not effective in meeting the needs of African American families. Participants stated that services are not designed with the cultural needs and backgrounds of families in mind and are often not provided in the families' communities, resulting in generic services that are not culturally responsive or appropriate:

There are tons of free parenting classes within the community, but CPS has two specific contract providers that they do parenting classes with, so these parents can't go to the community center that has eight parenting classes in their community, they have to go outside the community to the sessions that are sanctioned by CPS.

Participants consistently stated that the entire process of service delivery demonstrates a lack of cultural sensitivity, which contributes to African American children remaining in custody. Participants stated that many families in these communities are poor, have limited access to transportation, and are unable to take time off work, yet these factors are not considered and parents are held solely responsible when they are unable to attend services. Participants stated that families are often held to "middle-class"

standards when attempting to be reunited with their children, further reflecting a lack of cultural awareness. One attorney described a case in which her client was required to obtain a GED before she could be reunified with her children:

This mother is 35 years old and dropped out of school in the ninth grade . . . and getting a GED would be a great accomplishment, but if that's not what that person aspires to do, I think we need to back up and say, "Okay, is it necessary for her to get a GED?" I think some of the tasks that are on these plans are kind of high in the sky, Pollyannaish.

Workforce Issues

Participants consistently cited the lack of experience among caseworkers as a contributing factor that, when combined with a lack of cultural awareness, leads to poor decisions that disproportionately affect African American families. Participants discussed factors such as high turnover and burnout as resulting in a generally inexperienced workforce that is not equipped to make informed decisions concerning risk to and safety of children. In addition, participants expressed concern that the workforce does not have an adequate understanding of the community because there are very few workers who are from the community. Participants stated that this is a larger issue than being African American or having training in cultural competence. Rather, participants stated that to truly understand a community, one has to be part of the community or come from the community:

One of the problems has to do with the education and economic level of the people that they hire versus the lower education and poverty level of some of the people that are the subject of cases. I think it's a presumption that if you hire someone who is that same color, that they are going to have that cultural connection.

However, other participants stated that race is an important factor, stating that a lack of African American caseworkers can result in difficulties with engagement and assessment of African American families. One African American attorney said,

They need more African American people going in. Not that that's the end all and save all,

but there is a distinct distrust of white people going into that community, and I think you get in where you fit in. I can go into the community and they may distrust me, but they won't distrust me as much as they'll distrust a white person.

Recommendations of Legal Professionals

Throughout the groups, participants provided recommendations for addressing disproportionality. Primary among these was the need for the agency to engage community members as active partners in the solution to this problem. One participant said, "This is not a job the agency can do by itself—this is a community problem, and until the agency puts its finger in every piece of this community, they're going to constantly face setbacks." However, participants consistently described the agency as "isolated" and "separated" from the community, which contributes to distrust and negative perceptions. Participants stated that the community largely perceives the agency as "the enemy" and is unaware of any helpful resources that it provides. This perception exists largely because the agency is uninvolved with the community and makes little effort to change this perception:

They don't send anybody out unless it's to do a removal or an investigation. That's like the IRS, the only contact you have with them is bad. When you start having something other than the harsh contact, then you're going to have a change in perception.

Given this perception, participants stated that before any meaningful engagement could occur, initial efforts are needed to repair this image and promote a positive relationship with the community. One participant said,

The questions need to be asked: "What are your needs? What can we do to help?" But there may not be a great response to that because of the distrust. Before that can ever work, there's got to be some groundwork, some healing in the community before that can ever have a potential for being successful.

Others agreed, stating that initial efforts should focus solely on being a helpful presence in the community. Participants suggested cosponsoring community events, attending community meetings,

and providing information on helpful resources. Participants also suggested reaching out to community leaders to partner with the agency in order to establish trust. Beyond these efforts, participants expressed the need to establish satellite offices within communities in order to become recognized and trusted. Referencing earlier comments about the lack of representative staff, participants stated that caseworkers need to become immersed in the community to become part of the community. Participants consistently referenced law enforcement's efforts at establishing storefront offices, one saying, "You can't just go in and bust up a community, you've got to be there and be part of the community. You've got to develop some type of relationship to get the community to say, 'I trust them.'"

DISCUSSION

Although findings from these focus groups must be viewed with caution, as they are specific to particular communities, the findings may provide valuable information to child welfare agencies engaged in efforts to address disproportionality. Given the significant interaction between the legal and child welfare systems, child welfare agencies need to understand how the legal community views their system and service delivery in order to effectively address disproportionality. The present findings also begin to fill a notable gap in the literature by examining the issue of disproportionality through the perspectives of external stakeholders. External stakeholders may have important insights from the perspectives of their unique interactions with child welfare systems that can significantly add to a more complete understanding of disproportionality.

Findings from these focus groups support many of the factors contributing to disproportionality that have been identified in previous studies, particularly those pertaining to the child welfare system, including cultural biases among caseworkers, lack of cultural competence, ineffective service delivery, and inexperienced staff. Although these issues have been identified in previous studies, the perceptions of them described in this study provides unique insights into these problems and the question of how they are manifested in practice. At the same time, the depth of the legal community's concerns and the issues raised by participants in these focus groups are concerning. In addition to cultural biases against African American families, participants described caseworkers who are unable to communi-

cate effectively with African American clients, hold African American families to differential standards, and lie and embellish facts to justify unwarranted removals of African American children. It is important for child welfare administrators to be aware of these perceptions and open to the possibility that these situations are occurring in their own systems. Although these issues may not be present in all systems, the elimination of racial biases in child welfare will require administrators who are open to assessing for their presence.

Although legal professionals in these focus groups identified many contributing factors within the child welfare system, an important finding from this study is the legal system's failure to acknowledge its own significant role in decisions made on behalf of children that may also contribute to disproportionality. Although participants were not specifically asked to identify factors within their own system, the failure to mention any role that the legal system may have in contributing to disproportionality is concerning. The legal system has a significant role in decisions regarding the removal of children from their homes, placement of children in out-of-home care, and the return of children to their parents. Child welfare caseworkers investigate reports, assess risk and safety, and make recommendations to the court; however, the court makes the final decisions. Participants in these focus groups made very bold statements regarding probable misinformation being provided by caseworkers to support their recommendations for removal. If the legal community truly believes that this information is not factual and may be based on racial or cultural bias, then what responsibility do the legal players have in addressing this issue? When asked about this, participants suggested that their position only allows them to make decisions on the basis of the information presented to them. However, by accepting recommendations that are suspected of being based on misinformation or racial or cultural bias, the legal community is merely perpetuating the problem.

Implications and Recommendations

Legal professionals in this study described the child welfare system as being isolated from the community that it is mandated to serve. Thus, a consistent recommendation was that child welfare systems ally themselves with communities and draw on the strengths of communities to address this problem.

The call for child welfare to engage the community has also been recognized across the country and by the federal government through the Child and Family Service Reviews. Child welfare agencies are expected to work with community leaders, key stakeholders, affiliated service providers, and families to address issues affecting children and families within the system. Several recommendations made by focus group participants—such as involving community leaders, participating in community events, and presenting an image of helpfulness—are potential strategies that could facilitate the process of long-term engagement.

In addition, meetings and open forums should be held with community groups, churches, schools, and other community stakeholders on a consistent basis. Agency administrators should establish connections with community agencies to develop collaborative partnerships that work toward the common goal of improving outcomes for children and families. Community members should have advisory roles on committees and other oversight efforts. Additional strategies include the establishment of satellite offices within communities and the development of community-based family service centers that emphasize community support and prevention. Promising practices for addressing disproportionality through community–agency partnerships have been documented in several states and jurisdictions, including Indiana (Busch, Wall, Koch, & Anderson, 2008), Iowa (Richardson, 2008), and Los Angeles County, California (Marts, Lee, McRoy, & McCroskey, 2008).

In addition to efforts made by child welfare agencies, the legal community needs to examine its own system and its role in contributing to disproportionality. A legal review of court cases to establish the prevalence of the issues contributing to disproportionality is needed for the development of a systematic approach to reducing racial and cultural biases in child welfare practice. Over the past several years, court improvement projects have been funded by the federal government to address the increased volume of child welfare cases; the issue of disproportionality might occasion a timely extension of these projects. In addition, the appointment of a liaison between child welfare and the courts to address this issue may facilitate collaboration and enhance communication between these two systems. When the results of this study were shared with agency leadership in DFPS, they

had been unaware of the views held by legal professionals and expressed concern and dismay over the information. This suggests that communication and collaboration between these two systems needs to be improved to foster an environment in which concerns such as these can be shared with agency administrators and addressed.

Limitations

Due to the small sample size in this study and the use of nonprobability sampling, findings from these focus groups are limited in generalizability. In a similar manner, findings from these focus groups and subsequent implications must be viewed with the understanding that state and jurisdictional differences may significantly affect the perceptions of factors contributing to disproportionality. Several factors that have been identified in the literature as contributors to disproportionality—including the role of law enforcement, court involvement in case planning, inadequate representation by public defenders, and federal child welfare policies—were not addressed by participants in these focus groups. This could have been due to regional differences in these communities, practice or policy that is unique to the child welfare system in Texas, or lack of knowledge among participants. In addition, because the focus groups included a mix of judges and attorneys, it is possible that some participants were not comfortable raising certain issues in front of the other participants.

It is also the case that the questions used in these focus groups did not direct participants to identify factors contributing to disproportionality in any particular system, including the legal or child welfare systems. This design was intentional, as we did not want participants to be prompted to have to identify factors within any particular system (for example, the courts, child welfare, law enforcement) or group of individuals (for example, foster parents, birth parents, caseworkers). Rather, our questions were designed to be open-ended so as to allow participants to identify whatever contributing factors they felt were most relevant throughout the focus group discussion. Although direct questions about specific systems might have yielded additional information, the fact that these legal professionals failed to identify contributing factors in any system other than child welfare, including their own, is an important finding regarding their perceptions.

CONCLUSION

Disproportionality is a complex phenomenon that is found throughout social service systems. To effectively address this problem, each system engaged with children and families must understand its role as a contributor to this problem as well as its role in potential solutions. It is imperative that all systems review their practices and work together to address this issue in their communities. Child welfare cannot resolve this issue alone; it will take the commitment of other service agencies, the courts, and communities to facilitate positive change. Although this study identified the perceptions of legal professionals concerning the causes of disproportionality, clearly additional research is needed that involves the engagement of additional stakeholder groups, including law enforcement, foster parents, and community service providers as well as child welfare caseworkers, supervisors, and administrators. Each of these stakeholder groups may hold unique insights from the perspectives of their system that can facilitate a more thorough understanding of this complex phenomenon. Engagement of these stakeholder groups may also facilitate collaborative relationships that could form the basis of long-term collaborative strategies to address disproportionality. **SW**

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Alan J. Dettlaff, PhD, MSW, is assistant professor, Jane Addams College of Social Work, University of Illinois at Chicago, 1040 West Harrison, MC 309, Chicago, IL 60607; e-mail: aland@uic.edu. *Joan R. Rycraft, PhD, ACSW*, is associate professor, School of Social Work, University of Texas at Arlington.

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