



Are Child Welfare Case Outcomes Black and White? Racial Disproportionality Through the Lens of Permanency Professionals



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Understanding Racial Disproportionality in Finding Permanent Homes for African American Children in Out-of-Home Care: A Study of Subsidized Guardianship

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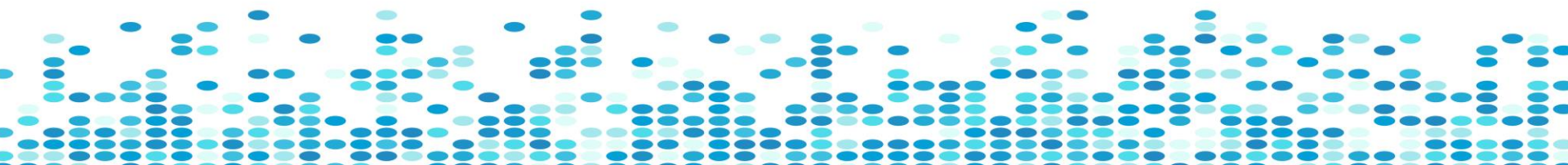
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Project Significance

Black children have higher rates of involvement at multiple points in the child welfare system, including:

- Being involved in investigations of abuse or neglect
- Being placed into foster care
- Staying in foster care more than 3 years





Three Primary Permanency Options

Reunification

- Child returns to birthparent(s) – preferred when it is safe for child.

Adoption

- Adult (sometimes kin) assumes permanent care for child and gains all parental rights.

Guardianship

- Adult (usually kin) assumes permanent care, but birthparents retain some rights (e.g., visitation).





Comparison of Adoption and Guardianship

Adoption	Guardianship
Adoptive caregiver makes a binding commitment.	Guardian commits to be permanent caregiver.
Birthparents' rights are terminated.	Birthparents' rights do NOT need to be terminated.
Birthparents' visits are at the discretion of the adoptive caregiver – they can prevent visits.	Birthparents have a right to visit.
Birthparents CANNOT petition the court to regain custody.	Birthparents CAN petition the court to regain custody.
Youth aged 14 or older can veto an adoption.	Youth may prefer guardianship because they want their birthparents' rights to be protected.
Adoptive parents may be OK with being called Mom or Dad.	Guardian (usually grandma or aunt) often NOT OK with being called Mom or Dad.
Adoptive parents may want to keep birthparents away permanently.	Guardians may want the birthparents to get better and regain custody.



Research Questions



1. What values, principles, and practices do professionals apply to choosing between adoption and guardianship for children and youth in foster care?
2. What factors facilitate and inhibit the use of subsidized guardianship?
3. What are caregivers' views about guardianship and adoption? What is their experience with agencies on permanency planning?
4. **How does the race of children and their families affect permanency decision-making and planning?**





Permanency Professionals Interviews

39 Illinois professionals working on permanency cases.

Includes:

- 13 permanency supervisors,
- 11 permanency caseworkers,
- 5 DCFS attorneys,
- 5 guardians *ad litem*, and
- 5 judges.





Permanency Professional Survey

- 267 permanency caseworkers and supervisors regarding guardianship and adoption
- Includes:
 - 158 caseworkers,
 - 68 supervisors, and
 - 41 other staff.
- 47% of the sample reported working in child welfare for 10+ years.
- Responses collected June 2022

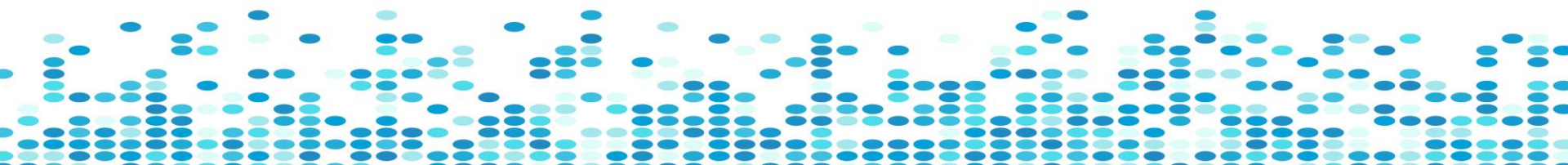




Racial Differences and Biases in Society

Interview participants mentioned racial disparities and biases in society that disadvantaged Black families and made them more likely to be involved with DCFS and to have poorer outcomes once involved.

I think it's statistically been shown that Black people don't abuse their kids more than White people. People of color are not more inclined to do that, but the system is designed to bring more people into that system to have more contact...one of the reasons we have so many drug-exposed infants in the system who are Black is because they're going to public hospitals and giving birth to kids where it is required that they test for [parental substance abuse]...if they're on welfare...they go...to [name of public hospital] ...they've got no money, they're on welfare. And the mother is required to be tested. Whereas the mother lives in the suburbs and goes to [name of private hospital], there's no requirement. There may be a suspicion that she's using, but there's no requirement... So, the system and the way you have contact with the system ...brings more people into the system.

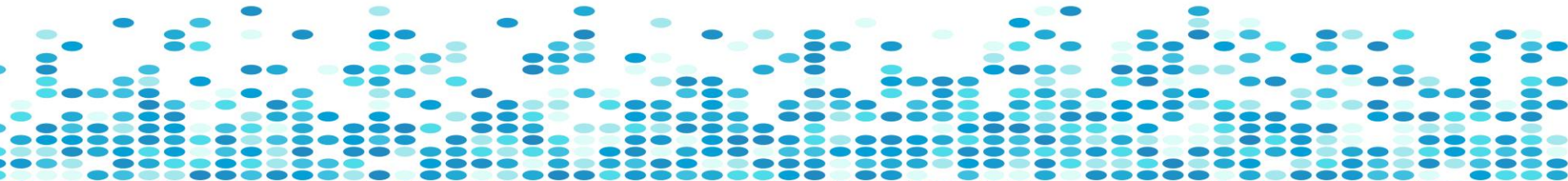


I Racial Inequity in the Child Welfare System

A few participants discussed racial inequity in the child welfare system or courts that they have witnessed.

[Kids of color] linger longer in the foster care system. They don't achieve permanency and that can be either return home or adoption or guardianship...a lot of times the hoops that the families have to jump through, because people do have biases...there's not a whole lot of that cultural competency.

I've overall seen Caucasians treated very differently than Hispanics and Blacks of course, in all aspects, whether it's guardianship, return home or adoption... Caucasian families get their children home more often and quicker than Blacks and Hispanics... as far as guardianship, those factors still play a piece in that. Like the young [Black] man I just mentioned, he did everything we asked him to, and the court decided to do a guardianship goal instead of sending his child home with him. Instead of trying to work with the family... Caucasian are able to afford a private attorney...if you have a private attorney, you're looked at differently and you're treated differently.





Perceived Differences in **Permanency Planning** with Black Families Compared to White Families

	Count (%) all respondents <i>n</i> = 188	Count (%) Black respondents <i>n</i> = 35	Count (%) non-Black respondents <i>n</i> = 153	Black respondents compared to White respondents	Fisher Exact test between Black and non-Black respondents (two-tailed)
No difference	93 (50%)	8 (23%)	85 (56%)	2.4 times less likely	$p < 0.001$
Children are more likely to be reunified in White families than in comparable Black families	44 (23%)	17 (49%)	27 (18%)	2.8 times more likely	$p < 0.001$
Children are reunified more quickly in White families than in comparable Black families.	27 (15%)	14 (40%)	13 (9%)	4.7 times more likely	$p < 0.001$
The courts give Black birth families less time than White families before moving to terminate parental rights	24 (13%)	11 (31%)	13 (9%)	3.7 times more likely	$p < 0.001$

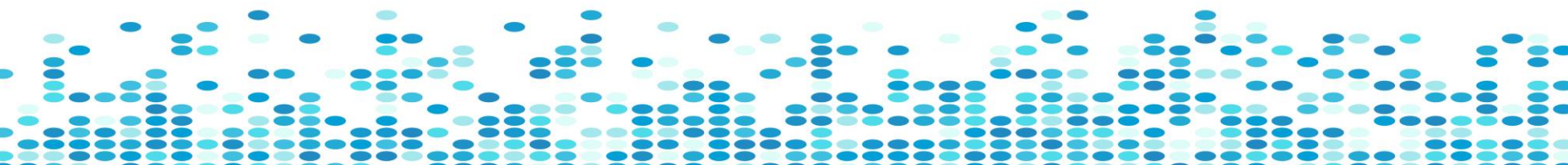


I Obstacles to Licensing for Black Families

Several participants mentioned that licensing requirements present an obstacle for many Black families seeking guardianship.

There is a disparate representation of African Americans in...the criminal justice system as well. So, when I was talking about those days gone by, legal errors that people may have made in their life, many of them are indeed African Americans that have that blemish on their record... sometimes that is an impediment to licensure, which then again is an impediment to achieving guardianship. [There is] disparate representation in the criminal justice system for African Americans... [Guardian ad litem]

Criminal history can sometimes be waived depending on the nature of the crime(s), but the fact that it is being checked can be a deterrent for families pursuing a license, as family members may be reluctant to subject themselves to the scrutiny of a background check. They may forego attempting to get licensed... Honestly, once whoever does the background check that caseworker does that background check and she knows it, I know it, the judge is going to know it, the state's attorney's going to know it. The parents' attorney's going to know it. We're all going to know it... That disproportionately impacts African-Americans in my opinion. [Guardian ad litem]





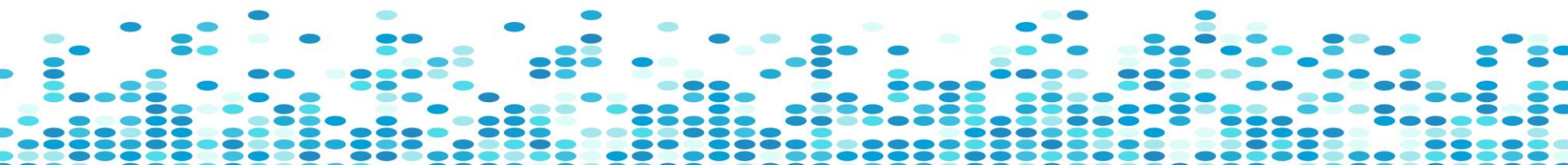
Black Families' Preferences Regarding Foster Care and Permanency

Several participants talked about Black families' preferences regarding providing care for children who could not be cared for by their birthparents.

People of color... they like to keep the roles. You know, even though grandma raised you, that's still grandma. And everybody knows that, and that's okay that's not taboo in our culture. You know, that's just, it could be your parents are perfectly fine, you just happen to be over there all the time. that wouldn't be so unusual for them. [Supervisor]

There is an understanding that the grandmothers who usually take these kids on, or the aunts or uncles, they don't want to terminate that bond. Even though it's a piece of paper, they just don't want to terminate that bond between the parent and the child, so they choose guardianship. [Supervisor]

In my experience, our Black and Hispanic families are more willing to consider guardianship and probably for a lot of reasons. A lot of times I think that the sense of family and community in terms of raising children is just slightly different sometimes such that they're willing to consider guardianship at a time when sometimes I think our other families are not. [Supervisor]





Perceived Differences in **Use of Guardianship and Adoption** for Black Families Compared to White Families

	Count (%) all response s <i>n</i> = 199	Count (%) Black responde n s <i>n</i> = 35	Count (%) non-Black respondents <i>n</i> = 164	Black respondents compared to White respondents	Fisher Exact test between Black and non-Black respondents (two-tailed)
No difference	64 (32%)	1 (3%)	63 (38%)	13 times less likely	$p < 0.001$
Black families are more likely to experience challenges advocating for their child(ren) and family.	61 (31%)	22 (63%)	39 (24%)	2.6 times more likely	$p < 0.001$
Many Black families have more difficulty meeting the requirements for guardianship subsidies.	51 (26%)	18 (51%)	33 (20%)	2.6 times more likely	$p < 0.001$
Black families are more likely to favor guardianship over adoption.	48 (24%)	17 (49%)	31 (19%)	2.6 times more likely	$p < 0.001$
A lack of trust of Black families impacts professionals' decision making around permanency.	30 (15%)	12 (34%)	18 (11%)	3.1 times more likely	$p < 0.001$





Bias Against Black Professionals

Black professionals doing permanency work are not immune from experiencing racial bias themselves.

On my first day there, the bailiff, when I was going through security, was shocked that I was an attorney. They had never seen one [a Black attorney] in their courtroom. The bailiff proceeded to ask me how long I was going to be there. I said, "Well, I think there are five cases up." He's like, "Okay. Well, just kind of make sure you're out of town before it gets dark." ...The judge could not get it in his head that I was actually [an] attorney.

One issue that several participants mentioned was clients' negative reactions based on caseworker's race.

I was an investigator for 10 years...I remember when I was an intern and I went out with African American female who had been in the field for years, and we went out on an investigation. I was an intern, a 20-something-year-old intern. and when we went out to the homes, they would turn to me and start talking to me like I was the authority and not to my African American female peers. You know that the response you get is going to be different... When I walk into the projects in [name of city], it is like the parting of the Red Sea. You, you are aware that there is a difference, and if you're not aware of that every day and you're not living it, noticing it, then there's a problem that's deeper than something they're going to teach you in a webinar.

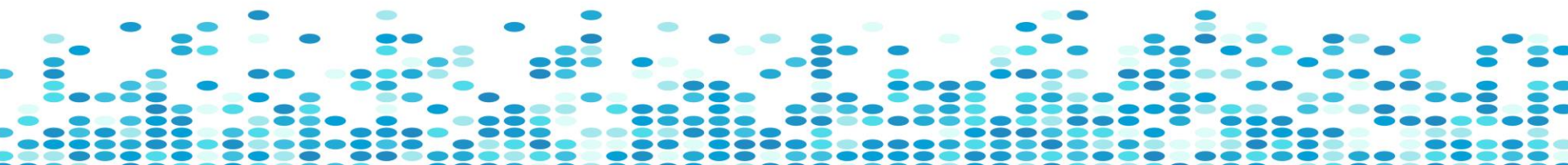


Underrepresentation of Black Professionals

Some Black professionals were also concerned about under-representation of Blacks in different roles related to permanency and the consequences of lack of diversity in child welfare agencies and the courts.

There needs to be greater representation of a variety of people making these decisions. Social workers, attorneys, judges, they need to look like these kids that they're taking into care... The majority of these kids are children of color and the majority of people making decisions for these children are not. And I think that's problematic. I think the supports or systems that need to be in place really need to dismantle this kind of systematic approach of the savior complex that I think DCFS is trying to implement what they believe is the perfect family structure based on the predominant culture, which is White culture and implementing those into other cultures.

I've never seen anybody practicing in that courtroom that looks like me. [County A], no. [County B], I think I've seen maybe one other Black attorney, maybe two. [County C], no. [County D], definitely no. [County E], no. I've seen a couple of African American or minority attorneys in [County F], a couple in [County G]. There's quite a few in [County H], [County I], [County J], [County K]. But from Chicago, west, it's less.



I Perceived Differences in Child Welfare System Supports

	Count (%) all respondents <i>n</i> = 167	Count (%) Black respondents <i>n</i> = 34	Count (%) non- Black respondents <i>n</i> = 133
No difference ¹	71 (43%)	5 (14%)	66 (50%)
Not enough services are available in communities or neighborhoods with large proportions of Black families.	79 (47%)	21 (60%)	58 (44%)
Black professionals are underrepresented in some professional roles dealing with child permanency.	52 (31%)	14 (41%)	38 (39%)
Not enough resources are provided to support Black care-giving families.	43 (26%)	13 (37%)	30 (23%)
Not enough resources are provided for Black birthparents.	41 (25%)	12 (34%)	29 (22%)
Some professionals are less likely to respect the views of Black families about adoption and guardianship.	37 (22%)	12 (34%)	25 (19%)

1. Fisher exact test to $p < 0.001$





Some Implications for Reducing Race Disparities in Permanency Outcomes

Examine processes for completing guardianships, especially barriers for Black caregivers.

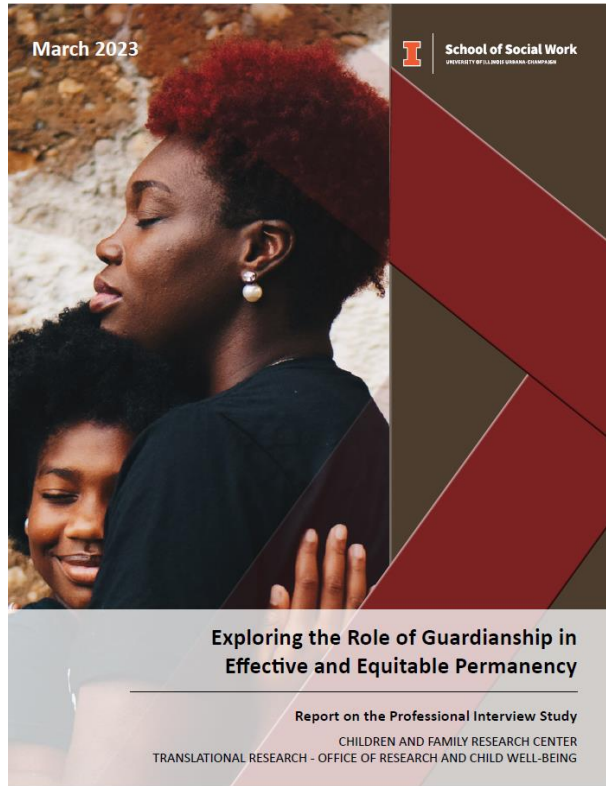
Validate and act on racial disparities identified by Black professionals.

Build supports for Black families to advocate for their children and actively recognize them as capable caregivers.

Recruit and retain Black professionals across permanency positions.

Handouts and Contact Information

Interview Findings Report



Survey Findings Report



Key Findings Brief



Visit <https://www.cfrc.illinois.edu/sgs.php> for more information.

Contact: Dr. Ted Cross, Principal Investigator at tpcross@illinois.edu or (781) 640 - 4532

