

December 17, 2019

Race and Poverty Bias in the Child Welfare System: Strategies for Child Welfare Practitioners

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This article was adapted from a presentation on [Bias in Child Welfare](#) by Krista Ellis, Amelia Watson, and Shrounda Selivanoff at the ABA Center on Children and the Law's National Conference on Parent Representation, April 2019 in Tyson's Corner, VA. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association, and accordingly, should not be construed as representing the policy of the American Bar Association.

Note: Bias harms families of color and low socioeconomic status involved in the child welfare system. While other biases must be addressed, such as those related to religion, sexual orientation, gender identity, and more, this article selectively discusses race and poverty bias.

- National studies by the U.S. Department of Health and Human Services reported “minority children, and in particular African American children, are more likely to be in foster care placement than receive in-home services, even when they have the same problems and characteristics as white children.”[1]
- According to January 2017 reports from the state of Washington, [“African American children were 2.2 times and Native American children were 2.9 times more likely to be placed in out-of-home care compared to white children”](#)[2]

These statistics and similar reports from around the country indicate race and poverty-related disparities and disproportionality in the child welfare system. Race and socioeconomic status often impact decisions in every stage of the child welfare system from reporting, to foster care placements, to termination of parental rights decisions.

Many factors may explain the evidence of disproportionality and disparity surrounding racial groups and low-income families in the child welfare system:

- correlation between poverty and maltreatment;
- visibility or exposure bias;
- limited access to services;
- geographic restrictions; and
- child welfare professionals knowingly or unknowingly letting personal biases impact their actions or decisions.

Understanding Bias

Child welfare professionals must address their own biases when working with families. Many biases develop from the schema in our brain that lets us quickly analyze people, places, and situations.[3] Schema may be gathered through learned stereotypes and stored in the recesses of our brains. Our schema operates as the lens through which we interpret and predict the world. Schema often results in a fixed oversimplification of groups. Because schema assists our brains with processing, it can create preferences for particular groups, negative or positive.

Biases may come in two forms:

- (1) *Explicit biases* include overt acts of discrimination, racism, and prejudice. Explicit bias is easier to identify. People are typically aware of the explicit biases they may possess because it is a conscious bias.
- (2) *Implicit biases* can be more difficult to assess because they include unconscious attitudes and beliefs. We are typically unaware that we have these biases. However, while not as obvious, implicit biases can produce discriminatory behaviors. A common example used to describe implicit bias is racial profiling by law enforcement – implicit bias may lead police officers to be more suspicious of male minorities. In the child welfare realm, a study from a Philadelphia hospital suggested African American and Latino toddlers hospitalized for injuries such as bone fractures “were more than five times more likely to be evaluated for child abuse, and more than three times more likely to be reported to child protective services, than white children with comparable injuries.”[4]

Everyone has implicit biases. The presence of implicit biases does not necessarily lead to explicitly biased decisions or behaviors; however, bias may predict subtle discriminatory behaviors.[5] By definition, implicit biases appear without awareness or direction. Research suggests that one way to reduce or prevent implicit bias in our decision-making process requires recognizing our biases. Since implicit biases are unconscious, using tools and self-reflection are the means through which we must discover these biases.

Harvard University created the Implicit Association Test (IAT) to help identify implicit biases.[6] The IAT uses a methodology relating reaction time to words and categories to elicit unconscious opinions. There are IATs to test biases for race, gender, disability, and much more. Strategies also focus on identifying and addressing bias in systems that work with children and families.[7]

Why Does Bias Matter?

Our implicit biases affect our daily decisions. For many of us, implicit biases may control who we sit beside on the bus or train on our morning commute or in a room with other people. Biases can impact our work with families in the child welfare system. Bias that goes unchecked can impact the trajectory of a child welfare case for many families. While implicit bias is not always negative, it can lead to discriminatory actions.

Addressing Bias

“Addressing the overrepresentation of children and families of color in our juvenile courts requires careful consideration and reform of the policies and practices that drive bias and structural racism.”[8]

Child welfare system leaders should actively address concerns about bias.

- 1 Become aware of your own biases
- 2 Raise consciousness
- 3 Deliberate, reflect, and educate
- 4 Change perspectives
- 5 Welcome and embrace diversity among practitioners

Regardless of your role in the child welfare system, whether attorney, judge, social worker, or other professional there are opportunities to address your own and others’ biases to ensure they do not drive decisions in child welfare cases. Often our biases lead us to believe all families should be just like our families. We may think, “Well, if that was my child I would not do that.” We must break down this method of evaluating families and focus on safety and what is truly in the best interest of the child. Because this

mode of thinking is not the most natural for our brains to process, we must make conscious decisions after reflecting during each step of the child welfare proceeding.

Become aware of your own bias.

As mentioned above, a first step to addressing bias is knowing your own biases, whether positive or negative. Being aware of the bias enables you to flag and remove that bias when making decisions so a fair, individualized assessment can be made. Becoming aware of bias may require completing tests such as the IAT to identify your biases. Practicing ongoing self-reflection of your beliefs, presumptions, and opinions can assist with checking on pre-existing and newly formed biases. Our biases typically derive from our personal experiences. Therefore, by educating ourselves through reading books, listening to podcasts, participating in trainings, and having productive discussions that disrupt bias, child welfare providers can gain new perspectives that help them understand their decisions.

Raise consciousness.

Child welfare advocates must raise consciousness of bias in practice. For attorneys, bias can impact representation. Zealously representing clients may require attorneys to assess their own biases and ensure other professionals' biases are not driving decisions or recommendations. Judges should also reduce or eliminate bias in child welfare cases by assessing their biases about families of color or poor families. Judges should also acknowledge and properly assess cases when biases from other practitioners lead to improper case determinations.[9] For social workers this may require acknowledging biases during referrals, recommendations, and home visits.

A major area in which child welfare practitioners may raise consciousness of cultural bias is language barriers between families and practitioners. Language barriers often further cultural biases for child welfare professionals. Due to the difficulty of communicating, professionals may act unreasonably due to misunderstandings. Practitioners must advocate for access to tools and resources, such as language services, interpreters, or colleagues with language and culture fluency to foster meaningful communications with clients. Never let language barriers inhibit effective representation.

Deliberate, reflect, and educate.

To reduce or eliminate our own biases, we should take time to reflect on reasoning and facts before making decisions. Due to high caseloads and the need for triaging, child welfare practitioners often make quick, in-the-moment, decisions. These off-the-cuff decisions are usually biased because individual facts may not be considered.[10] Our brains often fill the gaps with stereotypes or prior cases we have encountered.

Some tips:

- *Write it down* – writing typically induces further deliberation and causes you to consider the justification of the decision made.
- *Explain your reasoning to another person* (e.g., colleague or intern). This alternative may provide an opportunity for deliberation. Taking the time to reflect, write down your perspective, or discuss resolutions with a colleague can uncover when and how a bias is impacting decisions.

Change perspectives.

Working directly with clients can foster an “in their shoes” approach. This means imagining you are the client, considering all factors you may know about the client (race, socioeconomic status, and more), and understanding the client’s perspective. Meet your clients “where they are” and understand what they want and need. Exercise cultural empathy to understand how clients with varying

backgrounds may differ. Cultural empathy is simply appreciating and considering the differences and similarities of another culture compared to one's own.

In addition to personal steps we may take to change perspective, we can work together for structural and systematic changes of perspective. Examples include:

- *Supporting Parent Advocates.* Parent mentoring programs provide additional support for parents involved in the child welfare system. Supporting parent mentoring programs encourages parents to have a voice in the child welfare system to say what they need and how the system can do a better job to serve parents and families.
- *Reunification Day Celebrations.* These local events celebrate parents who have reunited with their children following child welfare intervention. They are an opportunity for localities to reflect and celebrate the preferred goal of child welfare intervention. For state examples of reunification day events, see the ABA's [National Reunification Month web page](#).
- *"Blind Removals."* Blind removals require a panel of practitioners to look at a case file with all identifications of race removed before assessing whether a child should be removed from their home or receive services. In one jurisdiction, implementing blind removals resulted in fewer children of color being placed in out-of-home care than under previous methods.[11]

Welcome and embrace diversity among practitioners.

Research suggests exposure to varied groups may reduce bias. One mechanism for change may be the "social contact hypothesis." This hypothesis "suggests that prejudice and stereotypes can be reduced by face-to-face interaction between groups." [12] This means meeting and working with individuals from other communities can actually reduce our biases. More specifically, contact with "positive exemplars" can shape and possibly even reduce how we associate stereotypes to particular groups. A great way to introduce positive exemplars may be embracing a more diverse staff and/or peer mentors. Other examples of positive exemplars include reunification heroes, parent allies meeting with legislators, and parent allies employed by the child welfare system.

Conclusion

Addressing implicit bias is an ongoing process that individuals need to commit to addressing to have a child welfare system that our families truly deserve, one that does not treat them differently because of their race or income. As child welfare providers, attorneys, judges, and social workers, it is our job to take steps to combat our own biases affecting our cases and to work together to make systemic changes that benefit families. Take a step toward addressing bias today whether that means taking an IAT, starting a conversation in your office, setting up a bias training for peers, educating yourself with books or podcasts, or engaging in a new event or practice directed at disrupting bias in the child welfare system.

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The author thanks her co-presenters Amelia Watson, managing attorney and Shrounda Selivanoff, social services worker, both with the Washington State Office of Public Defense's Parent Representation Program, for their invaluable insights, and review and refinements to the article.

Endnotes

[1] Dorothy Roberts. *PBS Frontline Essay: Race and Class in the Child Welfare System*.

<<https://www.pbs.org/wgbh/pages/frontline/shows/fostercare/caseworker/roberts.html>>

[2] Partners for Our Children. "Child Welfare Data at a Glance." <<https://partnersforourchildren.org/data/quickfacts>>

[3] We use schemata to provide a frame of reference for new information. Schemata helps our brains predict likely outcomes and make sense of experiences. Because it plays a role in how we understand certain information, it can often guide or impact our behaviors. See InThinking.net. *Schema Theory: Definitions*. (last updated July 2018).

<<https://www.thinkib.net/psychology/page/1458/schema-theory>>

[4] See Dorothy Roberts. *PBS Frontline Essay: Race and Class in the Child Welfare System*

<<https://www.pbs.org/wgbh/pages/frontline/shows/fostercare/caseworker/roberts.html>

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[5] ABA Section of Litigation, Implicit Bias Initiative. <<https://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/>>

[6] Take a test here: <https://implicit.harvard.edu/implicit/takeatest.html>.

[7] See ABA Section of Litigation, Committee on Children's Rights. "Five Ways to Address Implicit Bias Within Our Systems," October 31, 2018. < <https://www.americanbar.org/groups/litigation/committees/childrens-rights/practice/2018/five-ways-to-address-implicit-bias-within-our-systems/>>

[8] National Council of Juvenile and Family Court Judges. *Addressing Bias in Delinquency and Child Welfare Systems Bench Card*.

<[http://www.ncjfcj.org/Addressing-Bias-](http://www.ncjfcj.org/Addressing-Bias-Benchcard#:::targetText=The%20National%20Council%20of,of%20justice%20for%20all%20youth.%E2%80%9D)

[Benchcard#:::targetText=The%20National%20Council%20of,of%20justice%20for%20all%20youth.%E2%80%9D](http://www.ncjfcj.org/Addressing-Bias-Benchcard#:::targetText=The%20National%20Council%20of,of%20justice%20for%20all%20youth.%E2%80%9D)>

[9] See, National Council of Juvenile and Family Court Judges. *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, 2016, 15, 21, 41, & 66.

<<https://www.ncjfcj.org/sites/default/files/%20NCJFCJ%20Enhanced%20Resource%20Guidelines%2005-2016.pdf>>

[10] See e.g., Goff, Phillip Atiba. *Implicit Racial Bias in Public Defender Triage*, *Yale Law Journal* 122, 2013, 2626.

[11] American Bar Association. *Hidden Injustice: Toward a Better Defense*, November 19, 2017.

<https://www.americanbar.org/news/abanews/aba-news-archives/2016/08/hidden_injusticet/>

[12] ABA Section of Litigation, Implicit Bias Initiative. (citing Kang & Banaji, Fiske & Gilbers, Asgari, Dasgupta & Asgari).

<<https://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/>>