



## The Pursuit of Permanency: The First 90 Days

### Tackling Bias



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### *What Happens in the First 90 Days of a Dependency Case?*

- Initial contact with families- mandated reporting, ER workers
- Initial Hearing
- ICWA
- Notice
- Parentage
- No time waiver trial
- The Case Plan
- Return or Placement
- Visitation Orders



**Bias:** A disproportionate weight in favor of or against an idea or finding.

1. **Conscious bias** (also known as explicit bias) refers to the attitudes and beliefs about a person or group on a conscious level.
2. **Unconscious bias (also known as implicit bias)** Unconscious biases are social stereotypes about certain groups of people that individuals form outside their own conscious awareness. Everyone holds unconscious beliefs about various social and identity groups, and these biases stem from one's tendency to organize social worlds by categorizing. Unconscious bias is far more prevalent than conscious prejudice and often incompatible with one's conscious values. Certain scenarios can activate unconscious attitudes and beliefs. For example, biases may be more prevalent when multi-tasking or working under time pressure.
3. **Classism (also known as socio-economic bias)** is differential treatment based on social class or perceived social class; prejudice against poor people. The systematic assignment of characteristics of worth and ability based on social class.
4. **Sexual Orientation, Gender Identity, and Expression bias [SOGIE]:** the negative regard, inferior status and relative powerlessness that society collectively accords to any non-heterosexual behavior, identity, relationship or community.
5. **Ability bias:** bias against persons due to their physical conditions, mental conditions, or perceived disability. Ability bias is the assumption that able bodied people are the norm in society, and that people who have disabilities must either strive to become normal or keep their distance.
6. **Observational selection bias.** The tendency to notice individuals, groups, or data for analysis because they are already in the front of one's mind.
7. **In-group bias.** The tendency to search for or interpret information in a manner that favors members of one's group over those who are not a member of one's group.
8. **Anchoring effect.** The tendency to search for or interpret new information through the lens of the first piece of information offered.
9. **Status Quo Bias.** The tendency to search for or interpret information in a manner that favors the current state or status quo.
10. **Bandwagon effect.** The tendency to search for or interpret information in a manner that agrees with perspectives that have already been adopted by others.
11. **Confirmation Bias.** The tendency to search for or interpret information in a way that confirms one's preconceptions.

### *Examples- Bias, systemic racism in the First 90 Days of a Dependency Case*

- Initial contact with families- mandated reporting, ER workers
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### *The First 90 Days of a Dependency Case*

#### TAKE AWAYS:

- Take the Implicit bias test or take it again-
- Understand the definitions on bias, when likely to rear up...
- Accountability partner/ Affinity group
- Reading- start the journey; commit to at least one action
- Work from a position of HUMILITY

### *IN PURSUIT OF PERMANENCY- WHAT DOES THAT MEAN FROM A DEI PERSPECTIVE?*

#### **Permanency is an enduring relationship that**

- Is safe and meant to last a lifetime
- Offers the legal rights and social status of full family membership
- Provides for physical, emotional, cognitive and spiritual well-being
- Assures lifelong connections to extended family, siblings, other significant adults, family history and traditions, race and ethnic heritage, culture, religion and language.

*From "A Call to Action: An Integrated Approach to Youth Permanency and Preparation for Adulthood. April 2005.*

IN PURSUIT OF *PERMANENCY*-  
WHAT DOES THAT MEAN FROM A DEI PERSPECTIVE?



- **Reunification**
  - **Kinship Care decision points**
  - **Cultural Competency of lawyers, CASAs, Hearing Officers, Caretakers, etc.**
- [Intent vs Impact]**

What you can do?

- ▶ Reunification
- ▶ Family Finding,  
Family Finding, Family Finding
- ▶ Youth & parent Agency
- ▶ Challenge demeaning narratives
- ▶ Create & work partnerships/  
intersections such as housing,  
mental health, dual status
- ▶ Ask, is system meeting the  
needs of children/ communities?
- ▶ Recognize Assets of Black, Brown  
and Native families and  
communities



## *Promising Dependency and Child Welfare Strategies which may Impact Permanency*

1. Blind Removal Strategy

2. Pre-Petition Legal Representation

2. Challenging Neglect Statutes and Mandated Reporting

3. Texas S.B.ANo.A1578

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## **Blind Removals**

Data shows a reduction in the disproportionate rate of black children in foster care when a child welfare agency uses a "blind removal" strategy to make decisions about whether to separate a family.

- ▶ AB 2665 (ASM CARRILLO) Addressing Racial Disparities in Child Welfare by Establishing a Blind Removal Pilot Project
- ▶ This bill would establish a pilot project where participating counties would create and implement a process to remove identifiable information from the case file prior to deciding to remove a child from their parent's custody.

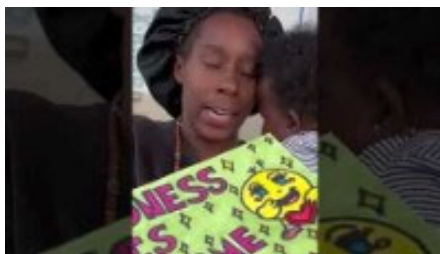
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## Pre-petition Legal Representation

- ▶ Pre-petition legal representation involves the provision of legal services to families after they have come to the attention of the child protection agency but before a dependency petition (request to remove a child due to alleged maltreatment) has been filed in family court.
- ▶ The goal of pre-petition representation is to prevent the unnecessary and traumatic separation of children from their families, particularly when poverty-related issues are conflated with neglect.
- ▶ Far too many families lack adequate income, housing, or education because of systemic inequities that have left opportunities scarce in certain communities, particularly communities of color. Providing legal representation before a dependency petition is filed is one way to make sure families have the support and resources they need to keep their children safely with them.



## Parenting in poverty- at what price?



WIC § 300(b)

Penal Code 11165.2



## Disentangle Neglect from Poverty



WIC § 300(b)

Penal Code 11165.2



## Texas S.B.A.No.A1578

- ▶ Under the new law, caregivers accused of abuse based on a medical report will be allowed to request that CPS get another opinion from a doctor whose expertise is relevant to the child's injuries. And when parents get a second medical opinion on their own, the law will require judges to consider that evidence before issuing orders for children to be taken into state custody.
- ▶ The law, signed by Gov. Greg Abbott on Friday, also orders a state commission to study the work of state-funded doctors who are tasked with diagnosing child abuse. The commission will propose improvements to the process that Texas Child Protective Services workers follow when relying on these doctors' medical reports.



**THANK YOU FOR  
YOUR ATTENTION!**

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