



**Bias in Child Welfare: How it Impacts Permanency Efforts in the First 90 Days**

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Presented by the Children's Advocacy Institute & Sponsored by the Judicial Council


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This presentation will discuss how racial and poverty-based bias impacts child welfare cases, specifically during the first 90 days; what lawyers, judges, and social workers can do to address bias, specifically with regard to critical decisions made in the first 90 days; key decision points and the different impacts in communities of color and impoverished communities; and potential bias with regard to mandatory reporting, how relatives and NREFMs are treated on placement decisions, removal orders at disposition, and access to services for different communities, etc.




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**Learning Objectives**



- Participants will be able to identify how race and socioeconomic bias impacts at least three key decision points during the first 90 days of a child welfare case.
- Participants will be able to describe at least two specific actions that they can take and tools they can use to identify and address bias in the child welfare system.

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## Lets meet Danielle...

- ▶ Where I'm from
- ▶ My family growing up
- ▶ What led me to law school
- ▶ How I became interested in Child Welfare & what has kept me here
- ▶ How long I've been in Child Welfare




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## What is Systemic Racism?

Dr. Rita Cameron-Wedding



- ∞ When your race can predict your lived experiences in America
- ∞ When your race can predict on the day you are born as a Black person, that you will live a significantly shorter life than a white person
- ∞ When we can predict based on your race, a greater likelihood of you going to prison than college
- ∞ When there is persistent racial disparities in all public systems, What we are describing is systemic racism!

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## Questions/Reactions to the slide

- Do you agree with the definition in the previous slide?
- Have you personally experienced systemic racism?
  - Can you give an example/examples?
- Have you seen systemic racism in Child Welfare? (Share any common examples/situations where you've seen this happening)

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## Racism has not ended...it has transformed

- ▶ Institutional racism consists of established laws, customs and practices which systematically reflect and produce intentionally and unintentionally racial inequalities in American society.
- ▶ Individuals and institutions apply and create rules, guidelines, standards, procedures and practices that create racist effects.
- ▶ The differences in how policies, laws and standards are enforced are justified and explained by the tools of modern racism: implicit bias, stereotypes, colorblindness, microaggressions and various forms of implicit bias.




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## What is Implicit Bias?



- ▶ Unconscious bias, also known as implicit bias, refers to attitudes or stereotypes that are outside our awareness and affect our understanding, our interactions and our decisions.
- ▶ Researchers have found that we all harbor unconscious associations - both positive and negative - about other people based on characteristics such as race, ethnicity, gender, age, social class, and appearance.

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## What is the difference between Implicit Bias and Racism?

- ▶ Implicit bias can be defined as the attitudes or stereotypes that affect our understanding, actions and decisions unconsciously.
- ▶ Racism on the other hand, can be understood as prejudice and discrimination that operates with our conscious awareness based on the belief of the innate inferiority of an individual or group.




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## Biases in Child Welfare

◇ What are yours?

◇ Let's explore some scenarios to see if you agree...

- - Asian family...what might the allegations be?
- - Mormon family...what might the allegations be?
- - A man comes to Court with a briefcase...what is your assumption?
- - Two different fathers appear in Court who look very similar

◇ Countertransference

[illegible]

## Microaggressions



- Everyday verbal, nonverbal and environmental slights, snubs or insults which communicate hostile and derogatory messages which target persons according to the stereotypes. D. Sue
- Our biases can lead to microaggressions and how we act in the presence of people.
- Microaggressions can be communicated through language, tone of voice, interruptions, intimidating body posturing, commands vs. requests, or defensiveness.

[illegible]

What is your reaction to the last two slides?

- Examples of Implicit Bias Outside of Race:
  - Sports team allegiances?
  - Driving?
- Racism/Microaggressions in Child Welfare
  - Do we see it?
  - Examples?

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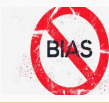
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## How to Eliminate Bias



- **Pre-petition**
  - Hotline/Mandated Reporters
  - Criteria Staffing
  - Pre-Preventative Services
- **Detention**
  - Judicial Bias-Assess, Recognize, Understand
  - Attorney Bias-Assess, Recognize, Understand
- **Between Detention and Disposition**
  - Detention order considerations-Poverty vs Neglect? Reasonable Efforts?
  - Placement with Relatives
  - Dispo-Removal order considerations
  - Appropriateness of service objectives
  - Access to culturally appropriate services
- **Post-Dispo/Reunification**

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## Buzzwords Can Negatively Impact Service

- ◊ Examples of words that are subjective and prone to misinterpretation include: volatile, unstable, resistant, hostile, aggressive, terrified, and threatening
- ◊ Using words that exaggerate the situation distort our perceptions and descriptions of incidents and prevent fair decision making
- ◊ Language used at one decision-point even though inaccurate, will likely be repeated at each subsequent level of review

◊ Alameda County Child Welfare




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## So what can we do?

- Just imagine what would happen if we ended implicit bias at our respective decision-points.
- In this Pandemic and Protest Era, we can talk about race and interrupt racism, because as we see, race really does matter.
- As Justice Blackmun said; "In order to get beyond racism, we must first take account of race. There is no other way."

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