

Elimination of Bias in Child Welfare

A Candid Conversation

Let's Meet Danielle

- Where are you from?
- Tell us about your family growing up?
- What led you to law school?
- How did you get into child welfare? (later I'll ask about what has kept you in child welfare)
- What do you do now? For how long?

Rita: What is Systemic Racism

- 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!

Thank you, Dr. Cameron-Wedding!

Rita: Racism has not ended ... it has just 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.

Questions/Reaction to this slide

- Do you agree with the definition in that slide?
- Have you personally experienced systemic racism?
- Can you give an example or two?
- Have you seen systemic racism in child welfare?
 - Common examples/situations where you've seen this

Rita: 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.
- Harvard test:

Rita: 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.

Biases in Child Welfare

- What are yours?
- Let me throw some of mine at you and see if you agree:
 - Asian family comes in ... what are the allegations
 - Mormon family comes in ... what are the allegations
 - Man with a briefcase comes in
 - Two different dads who look very similar
- Counter-transference

Rita: Microaggressions

- Everyday verbal, nonverbal and environmental slights, snubs, 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.

Reaction to those last two slides?

- Example of Implicit Bias Outside of Race
 - Sports team allegiances-?
 - Driving?
- Racism/Microaggressions in child welfare
 - Do we see it?
 - Examples

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

Pre-petition

- HHS studies report that minority children are more likely to be in foster care placement than receive in-home services
- Contributing factors: poverty, bias, inadequate access to services, housing
- Poverty is #1 risk factor
- Poverty is not Neglect

Hotline

- Mandated reporter bias: Key is to drill down
- Criteria Staffing
- Found: many calls were inadequate supervision, general neglect, came to school dirty
- Calls coming from teachers and nurses
- Train mandated reporters to distinguish neglect from poverty

Preventative Services

- Differential Response
- Reasonable efforts to prevent need for removal
- Families First and FFDRP

Combating Bias

- Assess
- Recognize
- Understand
- Slowing the process down. Recognizing our own biases, and ask yourself if they impact THIS CASE and THIS HEARING
- Empathy Goes a long way

Attorney and Judicial Bias

- We have a role in combating this
- Lawyers can educate the bench
- Lawyers can help slow the process down
- Look at the assumptions
- Am I convinced reasonable efforts have been made?
- Have we considered relatives?

Dispo

- Detention order considerations-Poverty vs Neglect? Reasonable Efforts?
- Placement with Relatives
- Dispo-Removal order considerations
- Appropriateness of service objectives
- Access to culturally appropriate services
- Behaviorally Based Case Plans Check this to an Extent
- Cookie cutter becomes cookie cutter because it works! it works?

Rita: 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

Rita: 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.”

Closing Thoughts

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