Individual and systemic/structural bias in child welfare decision making: Implications for children and families of color

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ABSTRACT

The factors contributing to observed racial disproportionality and disparity in the child welfare system have been the subject of national discourse for decades. This qualitative study used focus groups to engage child welfare and collaborating system decision makers, community partners, and families in a subjective interpretive analysis of racial disproportionality and disparity that had been demonstrated by a previous quantitative analysis of Oregon's child welfare system. Thematic analysis yielded eleven themes from the participant focus groups, four of which clustered around individual and structural/systemic bias and are examined in this paper: visibility bias; cultural bias and insensitivity; personal influences on determination of minimally adequate care; and foster and adoptive parent recruitment and licensing practices. Participants offered recommendations to improve outcomes for children and families of color in light of these observations: increase awareness of bias, create checks and balances in decision-making, contract with and hire culturally and racially diverse professionals, and increase funding for training.

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1. Introduction

There is increased acknowledgment and concern about racial disproportionality and disparity in child welfare systems across the United States. National data consistently indicate that children and families of color are represented disproportionately in the child welfare system (Sedlak & Broadhurst, 1996; Sedlak & Schultz, 2005; Sedlak et al., 2010; U.S. General Accounting Office, 2007) and experience disparate outcomes at key decision points along the child welfare continuum (Chapin Hall at University of Chicago, 2009; Fluke, Yuan, Hedderson, & Curtis, 2003; Harris & Hackett, 2008; Hill, 2006; James, Green, Rodriguez, & Fong, 2008, 2011; Marts, Lee, McRoy, & McCroskey, 2008, 2011; McRoy, 2004). In response, organizations such as the Child Welfare League of America, Casey Family Programs, and child welfare agencies across the nation have focused their attention on the issue. Researchers have made a concerted effort to identify families most impacted, conduct research to determine causal factors, and identify equitable services once families become involved with child welfare (Alliance for Racial Equity in Child Welfare, 2009; Child Welfare Information Gateway, 2011; U.S. General Accounting Office, 2007).

1.1. Contributors to racial disproportionality and disparity

Scholars have attempted to identify the contributors to racial disproportionality and disparity in the child welfare system, yet the debates on the issue continue to dominate the national child welfare conversation. In an effort to identify and articulate both the antecedents of and barriers to resolving racial disproportionality and disparity, the child welfare literature offers a range of theoretical and conceptual explanations. Among these are: (1) higher prevalence of risks in communities of color; (2) individual bias; (3) systemic and structural bias; and (4) multiple determinants.

1.1.1. Higher prevalence of risks in communities of color

Studies have cited poverty, incarceration, substance abuse, mental health problems, single parenthood, and violence, factors that are prevalent in communities of color, as being associated with an increased risk for child maltreatment (Barth, 2005; Coulton, Korbin, & Su, 1999; Drake, Lee, & Johnson-Reid, 2009; Nelson, Saunders, & Landsman, 1993; Sedlak & Broadhurst, 1996). Thus, one theory advanced in the literature as a primary driver of racial disproportionality and disparity in the child welfare system is that children who live in communities with a higher prevalence of multiple risks are more vulnerable to maltreatment (Bartholet, 2009; Bartholet, Wulczyn, Barth, & Lederman, 2011). Specifically, Black families are characterized as being disproportionately

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affected by risk factors associated with child maltreatment and as a result are more likely to maltreat their children (Bartholet, 2009; Drake & Pandey, 1996).

Some scholars suggest that the relationship between child maltreatment and exposure to familial and contextual risks is so strong that bias (individual, systemic, or structural) can be discounted as a significant factor (Bartholet, 2009; Bartholet et al., 2011). Proponents of this argument also suggest that an emphasis on racial equity, with a focus on a reduction in the rates of Black children in child welfare similar to those of White children, poses significant risks to Black children's safety. For example, Bartholet (2009) asserts that Black families' representation in child welfare is proportionate to their exposure to risk. She identifies this association as the primary issue of concern and that designing interventions focused on racial bias may lead professionals to ignore the real risk of maltreatment of Black children.

While early waves of the National Incidence Study (NIS) of Child Abuse and Neglect concluded that Black children were not more likely than White children to be maltreated (Sedlak, 1991; Sedlak & Broadhurst, 1996), the recent NIS-4 and reanalysis of the data from prior studies found racial differences in the rates of maltreatment, specifically finding that there were higher incidences of maltreatment for Black children (Sedlak et al., 2010). The NIS-4 researchers recommended that future analyses examine the independent and interrelated associations between family factors (i.e., employment status, socioeconomic status, family structure) and the incidence of child maltreatment. Researchers suggested that further analyses examine whether racial differences in maltreatment rates remain when controlling for family vulnerabilities (Sedlak et al., 2010).

1.1.2. Individual bias

Individually biased decision-making from child welfare and collaborating system professionals (e.g., law enforcement, educators, and medical personnel) is often postulated as a contributor to the overrepresentation of children and families of color in child welfare systems (Hill, 2005; Morton, 1999; Roberts, 2002). Individual bias is defined in this context as a positive or negative attitude, assumption, or judgment of any particular racial or cultural group that affects child welfare decision-making practices and policies. The complex relationships among individual practice, institutional and legislative requirements, and other factors make it difficult to point with certainty to evidence of individual bias that is racially or culturally based. Nevertheless, child welfare research generated over the past ten years supports the notion that this bias may indeed exist and contribute to disproportionality and disparate treatment. For example, studies have shown that disparate outcomes for Black children and families existed throughout the decision-making continuum (e.g., referral, substantiation, and length of foster care stay), even when factors such as family income, child characteristics, and the type of maltreatment were controlled (Ards, Myers, Malkis, Sugrue, & Zhou, 2003; Fluke et al., 2003; Lu et al., 2004; Needell, Brookhart, & Lee, 2003).

Qualitative studies have revealed negative preconceptions about persons of color and their life circumstances among some child welfare decision makers, which lend further support to the role that individual bias may play in disproportionality (Chibnall et al., 2003; Dettlaff & Rycraft, 2008, 2010, 2011). In a study conducted by Chibnall et al. (2003), participants suggested that while poverty and associated risks contributed to racial disproportionality, they also had observed school and medical personnel over-reporting families of color to child welfare agencies independent of those risks. For example, school teachers/administrators often confused factors that resulted from poverty as child maltreatment and consequently provided a (possibly unnecessary) child welfare intervention, rather than a poverty-related intervention. They observed that medical professionals made assumptions about African American women, in particular, regarding the possibility of drug use during pregnancy, which resulted in higher referrals for African

American children in the presence of similar risk factors as their White counterparts. In another qualitative study, Dettlaff and Rycraft (2008) reported that participants from the legal community observed culturally biased negative language used in caseworkers' affidavits. In addition, they witnessed patterns of caseworkers raising standards for Black families with children in foster care while not doing the same for White families. Such negative perceptions can have a devastating and compounding effect on families of color, especially when negative perceptions of a racial group exist at multiple points on the child welfare continuum — placing them at greater risks for reports to and deeper and extended involvement with the child welfare system.

1.1.3. Systemic and structural bias

Scholars have also proposed systemic and structural racial bias as a contributor to racial disproportionality and disparity (Roberts, 2002; Rodenborg, 2004). Rodenborg advanced a definition of institutional discrimination that focuses on indirect institutional bias as an organization's routine actions that unintentionally negatively affects people or communities of color. Although often conceptualized differently, systemic and structural biases are aligned closely with individual bias. Individual bias, whether intentional or not, has the potential to influence system level practices and policies, since systems and policies are both created and enacted by individuals. Similarly, system and structural level practices and policies can also influence individual level decision-making and conduct. Roberts (2002) proposed that racial disparities found in the child welfare system and structural racial inequalities are ultimately linked. In her view, it is inaccurate to suggest that when controlling for family income and other risks, the circumstances between White families and families of color are equal and that race is no longer a factor in child welfare decision-making.

Cahn and Harris (2005) found evidence in the research literature that structural concerns might contribute to disparate treatment within the child welfare system. Structural issues included data issues, the absence of structured risk assessments, and bias embedded in foster care placement standards that differentially affected children and families of color. In other work, child welfare and collaborating system professionals have identified aspects of institutional structures such as licensing regulations, staffing requirements, hiring patterns, workforce issues, and a lack of cultural fit in service array as institutional barriers to equitable outcomes for children and families of color (Chibnall et al., 2003; Dettlaff & Rycraft, 2010, 2011; Roberts, 2002).

1.1.4. Multiple determinants

Finally, some child welfare scholars posit a multiple determinants theory as a probable contributor to racial disproportionality and disparity. In an effort to comprehensively explore the contributors to the overrepresentation of particular racial groups, understand decision-making processes, and identify the effects of practice and policy decisions in the child welfare system, Baumann, Dalgleish, Fluke, and Kearn (2011) developed the Decision-Making Ecology Framework. The framework may assist researchers and practitioners in their efforts to capture the variety of factors that influence disproportionate and disparate outcomes for children and families of color. The multi-causal framework identifies and analyzes various sources of decision-making and conceptualizes the interaction of case, organizational, external, and individual factors in the decision-making process. The framework also proposes conducting a comprehensive examination of the context that child welfare decisions are made; psychological processes of those decisions; types of decision errors; and extent to which errors negatively or positively influence practices and policies.

Researchers have illustrated the complexities in attributing a single cause to the overrepresentation of children and families of color in the child welfare system (Dettlaff et al., 2011; Rivaux et al., 2008). Dettlaff et al. (2011) found that race was a predictor of