

REPORT TO THE LEGISLATURE

**Racial Disproportionality and Disparity in
Washington State**

RCW 74.13.096(6)
Chapter 465, Laws of 2007, Section 3
(SHB 1472)

December 1, 2017

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Introduction

Substitute House Bill 1472, enacted in 2007, created the statewide Racial Disproportionality Advisory Committee (WSRDAC) for the purposes of convening an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in the Washington state child welfare system. Legislation also directed the creation of a remediation plan and performance measures for implementing the plan. The sunset date for the legislation was June 30, 2017.

An analysis of disproportionality in the Washington state child welfare system was completed in 2008 by the Washington State Institute for Public Policy (WSIPP). The analysis concluded that racial disproportionality did exist in the Washington state child welfare system for Native American, Black and Hispanic children and that the greatest disproportionality occurred at the following decision points:

- The initial referral to Child Protective Services (CPS)
- The decision to remove a child from their home
- A child remaining in care for over two years

In December 2008, WSRDAC submitted a remediation plan to then Department of Social and Health Services (DSHS) Secretary Robin Arnold-Williams. The plan included activities focused on the three decision points:

- *Structured Decision Making® (SDM)*: Study SDM® to determine its impact on reducing disproportionality.
- *Family Team Decision Making (FTDM)*: Assess FTDM to determine its impact on disproportionality.
- *Kinship Care*: Implement policies to ensure equitable services and supports for children and families in kinship care.
- *Compliance with the Indian Child Welfare Act (ICWA)*: Comply with ICWA. Use Indian Child Welfare Case Review model as an anchor for quality improvement and compliance measurement.
- *Enactment of Washington State Indian Child Welfare Act*: Support enactment of a Washington State ICWA.
- *Cultural Competency and Anti-Racism Training*: Implement mandatory ongoing anti-racism training.
- *Caseloads (Council on Accreditation Standards)*: Children's Administration (CA) caseloads should meet COA standards
- *Mandated reporter training*: Revise mandated reporter training to increase awareness of racial disproportionality.
- *Assessment of CA*: Assess organizational cultural competency and commitment to the elimination of racial disproportionality for children of color.

- *Implement a Racial Equity Impact Analysis Tool:* Implement the tool to review all policies and practices.
- *Explore implementation of in-home, community-based services that will keep children safe and reduce the need for out-of-home placement:* Study the impact of in-home and community-based services on reducing racial disproportionality and disparity in other states. If there was a positive impact, recommendation was to increase the availability and access to those services.

In November 2011, supplemental remediation initiatives were developed. These included:

- *Increase recruitment and licensing of caregivers of color*
- *Increase documentation of ethnic and racial background and tribal affiliation in FamLink*
- *Eliminate the use of long-term foster care for children of color 12 years or older*
- *Make disproportionality awareness training mandatory for CA staff*

WSRDAC, DSHS leadership, CA leadership and staff, tribes, stakeholders, state partners and philanthropic partners, such as Casey Family Programs, have continued efforts to reduce disparate outcomes for children of color in the child welfare system.

WSRDAC has continued to evaluate strategies and activities and monitor progress to safely reduce racial disproportionality. CA continues to work internally and with tribes, external partners and stakeholders to reduce racial disproportionality in the Washington state child welfare system. The following report describes and summarizes the thoughtful work, accomplishments and progress in addressing disproportionality to date and next steps for continuing the work.

Progress

Summary and Status:

CA has continued to monitor the progress and impact of implementation of the remediation plan. As a way to institutionalize the work, it is critical that CA continue to address those outcomes that have not been achieved. The tables below list each remediation activity and its current status.

INITIAL REMEDIATION INITIATIVES	
INITIATIVE	STATUS
Evaluate SDM.[®] The SDM [®] is a risk assessment tool implemented by CA in 2007 designed to assist CPS workers in making decisions regarding child safety and risk.	The WSIPP study was completed and published in 2011. Results and CA response are addressed in the Report to the Legislature March 6, 2012 .
Evaluate FTDM. An FTDM meeting brings together family members, relatives and other supports to make decisions about safety planning, removal, changes in out-of-home placement and reunification.	The WSIPP study was completed and published in 2011. Results and CA response are addressed in the Report to the Legislature March 6, 2012 .
Implement Kinship Care Policies	Policies to support equitable services and supports for children involved in child welfare and in kinship care have been implemented and continue to be reviewed and supported.
Maintain Compliance with ICWA	CA completed ICW case reviews in 2007, 2009, 2012 and 2015 in collaboration with tribes and Recognized American Indian Organizations (RAIO) to support continued compliance and assess areas of strength and improvement.
Enactment of a Washington state ICWA	The Washington state ICWA was enacted in 2011.
Implement Cultural Competency and Anti-Racism Training. Combined with supplemental initiative on training.	CA implemented Building Bridges (Prejudice Reduction Workshop) as mandatory training for all staff in 2012. Beginning in 2016, CA implemented Microaggressions training as mandatory training for all staff.
Implement Council on Accreditation Caseload Standards.	WSRDAC rescinded this recommendation in June 2011 because it lacked a clear connection to reducing racial disproportionality and eliminating racial disparities.
Implement Mandated Reporter Training	CA mandated reporter training materials were updated to include information about disproportionality.

INITIAL REMEDIATION INITIATIVES	
INITIATIVE	STATUS
Conduct Assessment of CA	Surveys were completed in 2011 and 2013 using the National Association of Public Child Welfare Administrators (NAPCWA) Disproportionality Diagnostic Tool. CA is interested in exploring other assessment tools that could align with the DSHS Equity, Diversity and Inclusion (EDI) work.
Implement a Racial Equity Impact Analysis Tool	CA leadership approved a Race Equity Analysis (REA) tool for implementation in 2014.
Explore Implementation of In-Home, Community Based Services	CA continues to work to improve the in-home service array available to children and families and to integrate data related to race and ethnicity to support development and availability of services to meet each family's unique needs.

SUPPLEMENTAL REMEDIATION INITIATIVES	
INITIATIVE	STATUS
Increased Recruitment and Licensing of Caregivers of Color	Performance-based, regionally managed recruitment and retention contracts have been established and include performance targets related to recruitment and licensing of caregivers of color.
Increased Documentation of Racial, Ethnic and Tribal Affiliation Data in FamLink	Processes for ensuring that race, ethnicity and tribal affiliation are documented have been implemented.
Elimination of the Use of Long-term Foster Care for Children of Color 12 years of age or older	CA does not favor long-term foster care as a permanent plan. The use of long-term foster care is allowed for youth 16 and older when permanent plan options of adoption, reunification or guardianship have been ruled out through a shared planning process. CA is continuing ongoing efforts to improve permanency outcomes.
Make Disproportionality Awareness Training Mandatory for Children's Administration Staff (combined with remediation initiative on training)	Beginning in 2016, CA implemented Microaggressions training as mandatory training for all staff.

Achievements and Challenges

Since the enactment of the legislation and identification of the remediation initiatives, there have been achievements as well as challenges in addressing disproportionality.

ACHIEVEMENTS

CA has made progress in addressing disproportionality and disparities including: the development of accurate data that can be used to evaluate progress and develop strategies; engaging and responding to community voice; engaging staff and ongoing engagement of staff; increased accountability for outcomes; and integration of staff training.

Examples include:

Training

- Ongoing training is available to support understanding of disproportionality and bias at all levels of the organization.
- Updated mandated reporter training and resources include disproportionality awareness.

Count of Native American children

- Improved documentation processes for tribal membership and affiliation.
- Established statewide Native American Identification and Research (NAIR) unit.

Improving data accuracy, accessibility

- Documentation of race, ethnicity and tribal affiliation is occurring consistently. Processes are in place to make sure this continues.
- Race/ethnicity is in standard reports available in FamLink.
- Race/ethnicity categories have been aligned (Multi-racial, Multi-racial Black, Multi-racial Native American) to improve consistency of understanding and reporting.
- Annual statewide data is now available at the regional level to allow for locally targeted improvement strategies.

ICW case reviews

- Successful completion of four rounds of reviews in collaboration with tribes and RAIO.
- Development of statewide and regionally specific action items to improve practice.

Kinship care policies

- Implemented the relative guardianship assistance program (RGAP) which provides subsidy to licensed relatives who establish guardianships for dependent children and youth.
- Supported elimination of means testing for non-licensed kinship caregivers (Chapter 20, Laws of 2017 [[2ESSB 5890 Sec. 16](#)]).
- Relative support funds are available for unlicensed relatives to meet concrete needs related to caring for children in out-of-home care.
- Established a process for CA licensors to have direct access to concrete service funds to pay for items needed to support relatives in completing their home studies and/or becoming licensed foster parents.

Recruitment and licensing of caregivers of color

- Established regionally based contracts for foster parent recruitment and retention. Contractors work with local teams to review data, identify recruitment needs and develop recruitment strategies.
- Recruitment and support materials for communities of color have been developed and implemented. Examples include Spanish radio broadcasts, video recruitment messages and Facebook pages.

CHALLENGES

As CA has continued to work toward remediating disproportionality, challenges have surfaced related to specific activities and initiatives including:

Racial Equity Analysis Tool

- While the REA tool was approved for implementation, additional assessment of the tool's use is needed to determine the best use within available resources.

FTDM Analysis

- While the initial FTDM analysis did not reflect reduced disproportionality, the shared planning process continues to be a cornerstone of family engagement. Improvements in data collection and reporting, including data regarding race and ethnicity, will continue to provide information regarding the engagement of families to strengthen practice and support improved outcomes and address disproportionality at the key decision points.

WSRDAC Recommendations

At the WSRDAC annual meeting held October 2017, the committee recommended three areas of focus for CA for the coming year. These include:

Outcome 1: All children are equitably able to remain safely in their own homes through collaborative efforts across systems to prevent initial placements into out-of-home care (and re-entry into care post-reunification).

Rationale: In order to effectively ameliorate disproportionate representation of families of color in the child welfare system it is essential to work across systems with a focus on prevention.

Outcome 2: Relative caregivers have culturally appropriate services and the support they need to care for relative children placed in their care.

Rationale: One great thing that CA does is place a lot of children with relative caregivers. This is good in terms of disproportionality because it means that children are placed within their own family/culture which is generally better for the children on many levels. However, because proportionately more of the relative caregivers are caregivers of color and we know that as a group, people of color are disproportionately less financially resourced, these families who have the greatest need are likely receiving fewer resources to care for their relative children. Strengthening financial support and services may help stabilize placement and hopefully lead to a shorter time to stable permanency.

Outcome 3: Disproportionality in child welfare is eliminated at all decision-points and the data are accurate and available to make it possible to document and monitor that process.

Rationale: This action item touches on all decision points and is important for overall monitoring of trends in disproportionality in regions and sub-regions across the state so that we can better understand the effects of efforts to reduce disproportionality in those regions/sub-regions. This action item could also be useful to concentrate efforts to focus specifically on the “placement” decision point to understand what is driving disproportionality at that decision point and potentially identify where improvements in practice or additional assistance to families might be needed. Accessible, reliable data at a variety of levels is essential to understanding and monitoring what is going on with disproportionality. CA has put a lot of work into improving the quality of and increasing access to data and understanding how it informs practice. It is important and helpful to the committee to continue to sustain and build on that.

Next Steps

CA will become part of the newly formed Department of Children Youth and Families (DCYF) July 1, 2018. With this transition, new advisory structures and performance targets may be established. The work that has been completed to date and the knowledge, expertise and infrastructure that exist will continue to inform our work as we move toward eliminating racial disproportionalities and disparities in the Washington state child welfare system while maintaining child safety, permanency and well-being. Access to an array of culturally appropriate services and supports delivered by culturally competent, sensitive and informed staff and contracted service providers is a key component of this work.

Next steps include:

- Continue to work with WSRDAC, tribal and community partners, and stakeholders to address disproportionality in the child welfare system. Strengthen the processes for monitoring implementation and outcomes related to recommendations and strategies.
- Continue to build infrastructure to support statewide region and field level discussion regarding race, ethnicity and disproportionality and integrate use of race and ethnicity data in decision making, program development and assessment of practice.
- Provide training on facilitating difficult discussions regarding race for disproportionality leads and other identified staff.
- Continue to focus on the development of a diverse, effective service array to meet the individual needs of children, youth and families.
- Integrate race and ethnicity data into program and practice reviews and discussions, including, but not limited to, advisory groups' review of data, case reviews, program evaluations, development and implementation of new programs.
- Implementation of regionally specific, data driven improvement plans to address disparate outcomes related to the identified decision points.