

---

# DISPROPORTIONALITY

---

## Introduction

Disproportionality is the over or underrepresentation of a racial or ethnic group within a social system at a rate or percentage that is not proportionate to their representation in the general population. By most measures of child well-being, African American, American Indian, Hawaiian, and Alaska-Native children who are involved in the nation's child welfare system have worse experiences and outcomes than do white children.

This phenomenon has most significantly affected African American children, with national data indicating that African American children represent 33% of children in foster care, although they represent only 15% of children in the general population.<sup>41</sup> This overrepresentation of African American children has been observed in the child welfare system for more than thirty years,<sup>42</sup> yet persists as a national concern.<sup>43</sup>

Special Issue: Numerous studies indicate that African American children are disproportionately represented in the Texas child welfare system. According to data collected by DFPS, African American children are more likely to be removed, are less likely to be reunified, and spend longer waiting to be adopted.

## A. In Texas

In Texas, as compared to children of other races:

- African American children are more likely to be removed;
- African American children are least likely to return home;
- African American children are less likely to exit to reunification and more likely to exit to emancipation;
- African American child have the longest wait to exiting foster care; and
- For Native American children in the care of CPS, the trends and patterns are unstable due to the low numbers.

DFPS data from FY2017 shows African American children were much more likely than Anglo or Hispanic children to be reported as victims of child abuse or neglect and are removed from their families at almost twice the rate of the general population. African American children comprised 11.2% of the general child population of Texas but accounted for 23.2% of all children awaiting adoption. Even when other factors are considered, African American

---

children spend more time in foster care, or other substitute care, are less likely to go home to their parents, and wait longer for adoption.

While African American and American Indian children are overrepresented in foster care, White children are proportionately represented, and Hispanic children are underrepresented. However, most Hispanic children wait longer than White children to be adopted.<sup>44</sup>

## **B. The Elimination of Disproportionality and Disparities**

Texas Health and Human Services Commission (HHSC) and DFPS have been addressing disproportionality at the statewide level since 2005. In 2010, HHSC created the Center for Elimination of Disproportionality and Disparities to partner with health and human services agencies, external stakeholders, other systems, and communities to identify and eliminate disproportionality and disparities affecting children, families, and disparately impacted individuals. In 2017, the official name was changed to the Office of Minority Health Statistics and Engagement (OMHSE), which was charged with identifying the systemic factors and practice improvements needed to address the disproportionate representation and disparate outcomes for children, families, and disparately impacted individuals in the state's health and human services programs. The Texas Legislature defunded the OMHSE effective September 1, 2018.

## **C. What You Can Do About Disproportionality?**

Many Texas judges want to know what they can do to combat disproportionality from the bench.

Texas' two highest courts, the Supreme Court of Texas and the Texas Court of Criminal Appeals, spearheaded the Beyond the Bench: Law, Justice, and Communities Summit on December 14, 2016 in Dallas. The Summit brought together Texas judges, law-enforcement officers, and national, state, and community leaders with the objective of strengthening trust and confidence in our justice system.

Public trust is the justice system's principal asset but a recent study by the National Center for State Courts found there is widespread public perception that our courts do not provide justice for all. At the Summit, participants explored diverse viewpoints and engaged in candid conversations to listen and learn from one another.

The Beyond the Bench Toolkit was created to assist in planning similar convenings and to inspire continued conversation about this important issue. The Toolkit includes video and details from the event and is now available for print on the pages that follow and at the links below.

- Download the [Complete Toolkit](#)

- 
- Download the [Complete Toolkit for Print](#)
  - Visit the [YouTube Playlist](#)

In 2010, the Supreme Court Children’s Commission formed the Judicial Workgroup Addressing Disproportionality (JWD).

- The JWD mission is to educate the judiciary & legal stakeholders on how to address cultural & institutional racism that contributes to the over-representation of African American, Native American and Hispanic youth and families in the child protection system.
- Since 2011, there have been 16 different judicial trainings where judges learned how unconscious bias could be affecting their decision-making.
- In 2016, the JWD hosted 70 participants in a Poverty Simulation Seminar. Six judges brought court teams to participate in a simulation where they assumed the roles of families facing poverty and experienced and how difficult it is to survive day-to-day and navigate the court system in a child welfare case, when you have limited means. **Contact the Children’s Commission if you are interested in hosting a Poverty Simulation in your region.**

There are also many opportunities to partner with your community to contribute to this effort. Leaders in the African American community who speak out in support of these efforts are making powerful statements to children and families in the child welfare system and to their communities. Partnerships with the Alabama-Coushatta, Ysleta del Sur Pueblo, and Kickapoo Traditional Tribe of Texas are ongoing.

The National Council of Juvenile and Family Court Judges (NCJFCJ) developed the [Courts Catalyzing Change Preliminary Protective Hearing Benchcard](#), a practical and concrete judicial tool for use at the first hearing. This Benchcard reflects best practices for one of the most critical stages in a child abuse and neglect case.<sup>45</sup>

Health and human services agencies, the justice system, and other systems must partner with each other to make a difference in past patterns. The child welfare system plays a pivotal role in the solution, because it addresses the family as a whole and has the potential to decrease future disparate outcomes for African Americans. By working with local, regional, state, and national agencies in education, juvenile justice, health, and other stakeholders, the child welfare community seeks to identify common issues and barriers to equal access to community services for all Texans. While this is not an isolated issue in child welfare, child welfare leaders in Texas are committed to ongoing conversations and solutions that will contribute to the reduction of disproportionality and disparities and improve outcomes. Texas CPS is working in partnership with communities and stakeholders to ensure our children, youth and families remain at the heart of our work.