Disproportionality in Child Welfare

Fact Sheet

A publication of the National Indian Child Welfare Association

NICWA
National Indian Child Welfare Association

What is Disproportionality in Child Welfare?

Research and data from states tell us that American Indian/Alaska Native (AI/AN) children are disproportionately represented, or overrepresented, in state foster care systems nationwide. This means that higher percentages of AI/AN children are found in the state foster care systems than in the U.S. population.

The overrepresentation of AI/AN children often starts with reports of abuse and neglect at rates proportionate to their population but grows higher at each major decision point in child welfare:
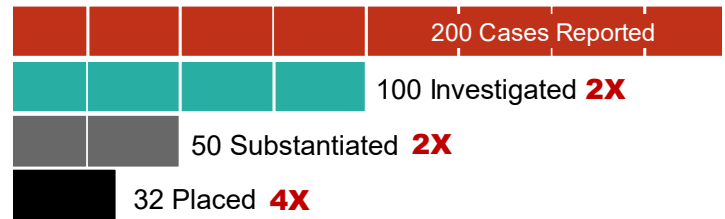
1) whether to order an investigation regarding abuse or neglect allegations,

2) whether to substantiate abuse or neglect allegations during or after an investigation, and

3) whether to remove a child from their home and place in foster care.

One national study found that, where abuse has been reported, AI/AN children are two times more likely to be investigated, two times more likely to have allegations of abuse or neglect substantiated, and four times more likely to be placed in foster care than Caucasian/White children (Hill, 2007).

White/Caucasian Children

200 Cases Reported
50 Investigated
25 Substantiated
8 Placed

American Indian/Alaska Native Children

200 Cases Reported
100 Investigated **2X**
50 Substantiated **2X**
32 Placed **4X**

American Indian/Alaska Natives Disproportionality in Child Welfare Nationally

Nationwide, AI/AN children are overrepresented in state foster care at a rate 2.66 times greater than their proportion in the general population.

> "...although American Indian/Alaska Native children are just 1% of all children in the U.S., they are 2.7% of all children who are placed outside their homes in foster care..."

This means that although AI/AN children are just 1% of all children in the U.S., they are 2.7% of all children who are placed outside their homes in foster care (2019 data, which is the most recent available). By comparison, Caucasian/White children are underrepresented nationwide at a rate of 0.93 times lower than their proportion of the general population.

While these published rates are helpful in understanding where and at what level foster care disproportionality exists, AI/AN children are often undercounted in state child welfare systems for different reasons, such as reporters of child maltreatment assuming a child is non-AI/AN based on their appearance or name, which results in underestimates of the actual number of AI/AN children who are in state foster care.

> "American Indian/Alaska Native children are often undercounted in state child welfare systems for different reasons, such as reporters assuming a child is non-AI/AN based on their appearance or name..."

Additionally, the population of AI/AN children in some states include AI/AN children who would never appear in a state child welfare system because they are under tribal jurisdiction. This inflates the actual number of AI/AN children who could enter a state child welfare system.

By inflating the overall number of AI/AN children in a state that could be served by state child welfare agency and undercounting the number of AI/AN children who are currently in a state child welfare system, the disproportionality data can be assumed to be greater than the reported rate in many states.

Caucasian/White children make up 53% of all children in the United States but only 51% of all children placed outside their homes in foster care (Puzzanchera & Taylor, 2021).

Calculating disproportionality statistics typically relies on a formula that compares the population rate of AI/AN children in a state, including AI/AN children both on and off tribal lands, to the rate of AI/AN children in that state foster care system.

Sources
[1] Hill, R. B. Casey-Center for the Study of Social Policy Alliance for Racial Equity in Child Welfare, Race Matters Consortium Westat. (2007). An analysis of racial/ethnic disproportionality and disparity at the national, state, and county levels. Seattle, WA: Casey Family Programs.
[2] National Center for Juvenile Justice (2019). Disproportionality Rates for Children of Color in Foster Care Dashboard. www.ncjj.org/AFCARS/Disproportionality_Dashboard.aspx

Disproportionate Foster Care of AI/AN Children: 15 States with the Highest Rates

Although national data highlights the overrepresentation of AI/AN children in state child welfare systems as a whole, a closer look at individual state foster care data in the table below illustrates how specific state policies and practices can impact the care and placement of AI/AN children and families in state child welfare systems (Puzzanchera & Taylor, 2021).

Disproportionate Foster Care of AI/AN Children: 15 States with the Highest Rates[3]			
State	**Disproportionality Rate (2019)**	**% of children who are AI/AN**	**% of children in foster care who are AI/AN**
Minnesota	14.99	1.7%	25.8%
Wisconsin	5.87	1.3%	7.7%
North Dakota	5.16	8.5%	43.7%
South Dakota	4.52	13.7%	62.1%
Nebraska	4.16	1.3%	5.3%
Iowa	4.14	0.4%	1.8%
Montana	3.45	10.6%	36.7%
Washington	3.16	1.8%	5.6%
Hawaii	3.02	0.2%	0.6%
Oregon	2.98	1.6%	4.7%
Alaska	2.65	21.6%	57.3%
Utah	2.26	1.1%	2.4%
North Carolina	1.74	1.3%	2.3%
California	1.52	0.5%	0.8%
Maine	1.41	1.1%	1.5%

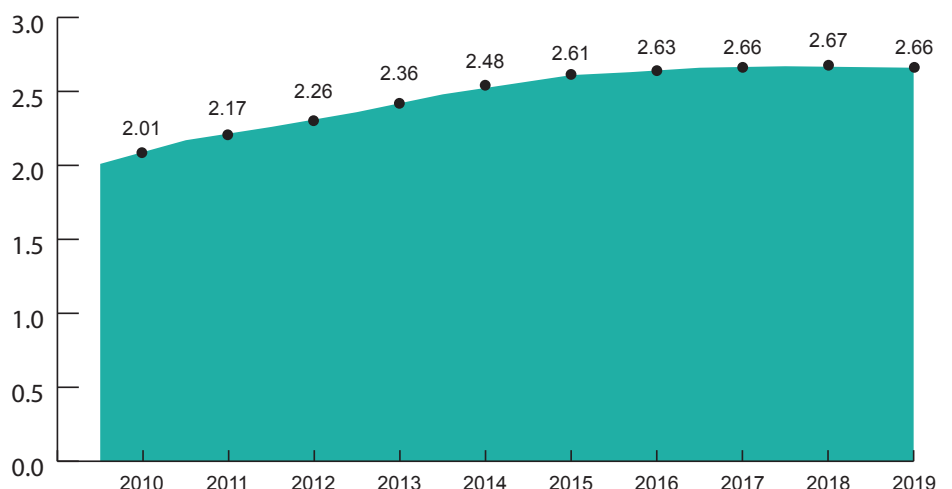

Trends in Disproportionate Foster Care Placement of AI/AN Children Over Time

While some states have reduced disproportionality of foster care placement of AI/AN children over time, others have not. As illustrated in the graph to the right, for AI/AN children, disproportionality increased dramatically from 2010 to 2014. It has since continued to increase, albeit at a slower rate, as shown to the right (Puzzanchera & Taylor, 2021).

By comparison, the disproportionality of other ethnic minority groups has decreased or held steady: for African Americans it has decreased (2.09 in 2010 vs. 1.67 in 2019); and has held steady for Asian Americans (range of 0.14 to 0.16 during years 2010–2019) and Hispanic Americans (range of 0.89 to 0.96 during years 2010–2019) (Puzzanchera & Taylor, 2021).

Disproportionality of American Indian/Alaska Native Youth in Foster Care in the U.S.

Year	Value
2010	2.01
2011	2.17
2012	2.26
2013	2.36
2014	2.48
2015	2.61
2016	2.63
2017	2.66
2018	2.67
2019	2.66

Confronting Inequities to Ameliorate Disproportionality

With clear disproportionalities both at the national and state levels for AI/AN involvement in the child welfare system, we must ask, ***what is behind these disproportionalities?***
What could be causing them, and how do we address the possible underlying causes?

> **Implicit bias is defined as having beliefs or attitudes that are unconscious regarding characteristics of different groups of people**

One possible explanation is that there is **systemic bias in the child welfare system.** Another possible explanation is that there could be **underlying factors differentially impacting AI/AN communities which put children at higher risk** of experiencing child abuse or neglect and thus higher rates of foster care placement. Below, we examine each of these possible explanations, evidence for those explanations, and the possible implications for reducing disproportionality for AI/AN families in the child welfare system.

Systemic bias refers to a differential response to AI/AN families on the part of the child welfare system compared to non-AI/AN families. In other words, child welfare workers may hold unconscious or implicit biases against AI/AN families, and therefore be more likely to substantiate reports of child welfare and also more likely to recommend removal of children from AI/AN homes.

Implicit bias is defined as having beliefs or attitudes that are unconscious (i.e., out of an individual's control) regarding characteristics of different groups of people (Project Implicit, 2011). Such implicit biases could result in reporters and child welfare workers treating AI/AN families differently than non-AI/AN families during the process of addressing potential reports of child abuse and neglect. The evidence that points to systemic bias against AI/AN families is that **disproportionality rates increase at different points in the child welfare process.**

A national study by Robert Hill (2007) analyzed the data from the National Child Abuse and Neglect Data System (NCANDS) and Adoption and Foster Care Analysis and Reporting System (AFCARS) databases. Three stages of involvement with child welfare were examined: investigation of families, substantiation of reports of child abuse or neglect, and placement of children into foster care. The report found that AI/AN families were disproportionally represented at all three stages. Strikingly, the degree of overrepresentation of AI/AN families rises as families move through the three stages of investigation, substantiation, and placement. As Hill (2007, p. 10) writes,

> *In sum, at the national level, Blacks and AIs are twice as likely to be investigated or substantiated than they are in the general child population, but they are two or three times more likely to be placed in foster care than they are in the general child population. On the other hand, Whites and APIs are less likely to be investigated, substantiated, or placed in foster care than they are in the national child population. Regarding disparity ratios, Blacks and AIs are twice as likely as Whites to be investigated or substantiated, but three or four times more likely than White children to be placed in foster care.*

In interpreting these data, Hill observes, "At the national level, the disproportionality rates among Black children and AI children rise as the child goes deeper into the child welfare system—from investigation through substantiation to foster care placement" (Hill, 2007, p. 49). This growing disproportionality through the three phases of child welfare system involvement suggests that there is systemic bias affecting key child welfare decisions. If that were not the case, we would expect the disproportionality rate to remain the same across all three decision points (investigation, substantiation, and removal).

> **"At the national level, the disproportionality rates among Black children and AI children rise as the child goes deeper into the child welfare system—from investigation through substantiation to foster care placement."**
>
> (Hill, 2007)

In addition to systemic bias, other factors that may contribute to AI/AN children and other children of color being overrepresented in the child welfare system are overt (rather than implicit) racial/cultural biases held by child welfare workers, lack of training in doing cross-cultural work, and policy-related barriers.

While some scholars assert that there are truly higher rates of child abuse and neglect in Black and AI/AN communities, and that is why those communities are overrepresented in the child welfare system (Drake et al., 2009), this explanation is likely incomplete. The National Incidence Studies of Child Abuse and Neglect-4 (the most recent wave of this long-standing study) concluded that both "how reporters to CPS respond to the maltreated children they encounter" (i.e., unconscious or systemic bias) and "the incidence of child abuse and neglect itself" are both likely reasons for disproportionality (Sedlak et al., 2010).

The report states that "the current information suggests that both of these dynamics contributed" to disproportionality (Sedlak et al., 2010).

An analysis of the most recent national data available (2019) demonstrates that the primary reasons AI/AN children come into the child welfare system are allegations of neglect (63%), reported alcohol use by parents (15%), or reported other substance use by parents (41%) (personal communication, Frank Edwards). The percentages add up to more than 100% because there may be multiple reasons that a child entered the child welfare system.

These reasons may also be interrelated, as allegations of neglect may be related to parental alcohol or substance abuse. There are also underlying structural inequities putting AI/AN children at higher risk of experiencing abuse or neglect (Drake et al., 2009; Putnam-Hornstein, 2013; Pelton, 2015).

PRIMARY REASONS AMERICAN INDIAN / ALASKA NATIVE CHILDREN COME INTO FOSTER CARE:

63% – Allegations of neglect

15% – Reported alcohol use by parents

41% – Reported other substance use by parents

Such factors include higher rates of poverty and unemployment for AI/ANs compared with Whites, a disparity that has been exacerbated by the COVID-19 pandemic according to recent U.S. Census data (Feir & Golding, 2020). AI/AN adults experience mental health and substance use challenges at higher rates than non-AI/ANs as well (Park-Lee et al., 2018), which may also contribute to the risk for child abuse and neglect. Historical trauma for AI/AN communities, including the forced removal of AI/AN children from their homes through federal assimilationist policies, is at the root of these other inequities (Brave Heart & DeBruyn, 1998).

> **ICWA's requirement to provide active efforts to rehabilitate families and placement preferences provide a pathway for keeping American Indian / Alaska Native children connected to their families, communities, and culture.**

The Indian Child Welfare Act (25 U.S.C. 1901 et seq.) offers a way forward for addressing both systemic bias and historical trauma through recognizing tribal sovereignty and self-determination over child welfare. ICWA's requirement to provide active efforts to rehabilitate families and placement preferences provide a pathway for keeping AI/AN children connected to their families, communities, and culture. Improving state compliance with ICWA is an important strategy for addressing systemic bias against AI/AN families in the child welfare system, particularly in placement preferences required by ICWA for AI/AN children to be placed preferentially with AI/AN families before being placed in non-AI/AN homes. ICWA requires that "active efforts" be made to prevent child removal and support family reunification if at all possible by providing services and supports for families to help keep children safely at home.

The active efforts requirement is intended to counteract potential bias that may lead to unnecessary child removal and ultimately result in termination of parental rights. The Indian child's parents and tribe may also petition to have state child welfare proceedings transferred to tribal court. Therefore, adherence to ICWA requirements and placement preferences offers a critical mechanism for preventing systemic bias from impacting child welfare system decisions.

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