Disproportionality Rates for Children of Color in Foster Care (FY 2014)

Technical Assistance Bulletin    August, 2016
The National Council of Juvenile and Family Court Judges® (NCJFCJ), provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

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Joey Orduna Hastings J.D., Chief Executive Officer

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Disproportionality Rates for Children of Color in Foster Care

Children of color are disproportionately\(^1\) represented in the United States foster care system. In most states, there are higher proportions of African American/Black and American Indian children in foster care than in the general child population. Data vary at the county level, with some counties experiencing more disproportionality than is evident statewide. This Technical Assistance Bulletin (TAB) presents disproportionality rates for all 50 states, as well as Washington D.C. and Puerto Rico.

In 2000, African American/Black children represented 38% of the foster care population while they comprised only 16% of the general child population, indicating a disproportionality index of 2.5 (i.e., African American children were disproportionately represented in foster care at a rate 2.5 times their rates in the general population). American Indian children represented 1.9% of the foster care population, yet only encompassed 1.3% of the general child population. Hispanic/Latino children, although not overrepresented nationally, were disproportionately represented in 7 states. In 2014, 14 years later, these numbers have changed. While disproportionality rates increased between 2000 and 2004, African American/Black disproportionality has now decreased to 1.7 from 2.5 nationally. American Indian disproportionality has increased over the last fourteen years from 1.5 to 2.7. Hispanic/Latino children are now overrepresented in 4 states at rate at least 1.5 times their rate in the general population. Table 1 (page 3) illustrates the 2000 and 2014 disproportionality rates for children in foster care for each state and nationally.

In addition to calculating the rate of disproportionality for children in care, this document begins to explore other decision points where there may be differences based on race or ethnicity. In particular, this TAB examines differences in the median number of placements for child, the current placement type (relative, foster care, congregate care) and the time to achieving permanency, presented as a survival curve. This allows for further exploration of data points in child welfare court process where there may be differences in outcomes for children of color.

**Note:** This Technical Assistance Bulletin represents FY2014 Adoption and Foster Care Analysis and Reporting System (AFCARS) and 2014 U.S. Census Bureau population estimates data.

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\(^1\) Disproportionality is the level at which groups of children are present in the child welfare system at higher or lower percentages or rates than in the general population. An index of 1.0 reflects no disproportionality. An index of greater than 1.0 reflects overrepresentation. An index of less than 1.0 reflects underrepresentation.
Using This Report

In May 2011, the National Council of Juvenile and Family Court Judges (NCJFCJ) published its first Disproportionality Rates for Children of Color in Foster Care Technical Assistance Bulletin. Since that time, the report has gained national attention. The information provided by the report has been used in a number of ways and by a broad spectrum of stakeholders and interested parties. Delineated below are some of the ways that this information may helpful to states, courts, policy makers, professional stakeholders, and academics who are interested in racial disproportionality and child welfare. These examples provide a few illustrations of the many ways that this report can be used in informing ongoing discussion and research of this important issue.

**Evidence or Reference.** In October of 2011, National Public Radio (NPR) used the report for its series on Native Foster Care: Lost Children, Shattered Families, citing the report as evidence supporting their position and drawing national attention to the issue, and pointing out behavior in one state in particular. NPR used data from the report to create an interactive map on its website that focused specifically on disproportionality rates of Native youth.²

**Foundation for Further Research.** The report has also been used in scholarly research. The journal Race and Social Problems published a paper on “Race and Child Welfare Policy: State-Level Variations in Disproportionality.”³ The paper used data from the report to explore how state African American populations relate to disproportionality rates. The paper finds that states with larger African American populations have dramatically lower levels of racial disproportionality among their children in foster care.

**Means of Extending Dialogue.** Individual states have also used the report to explore their own disproportionality score trends. Oregon, for example, noted that their internal state data appeared to be different from the data used for the report. Through a series of dialogues, differences were identified in how mixed-race children are counted and categorized in AFCARS data, in U.S. Census data, and in Oregon state data. These differences in how racial groups are defined, counted, and assigned to data categories can have significant effects on a state’s disproportionality profile and may explain discrepancies between data. Results of this discussion and analysis were presented in a NCJFCJ Research Memo available on the NCJFCJ website.⁴

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i Children identified by the child welfare system as African American, non-Hispanic, and with only one race category.

ii Children identified by the child welfare system as White, non-Hispanic, and with only one race category.

iii Children identified by the child welfare system as having Hispanic origins; not a racial category.

iv Children identified by the child welfare system as Asian, which includes Hawaiian and Pacific Islander, non-Hispanic and with only one racial category.

v Children identified by the child welfare system as American Indian or Alaska Native, non-Hispanic, and with only one racial category.

vi Puerto Rico data are not available for children in care for the year 2000.
CALCULATING DISPROPORTIONALITY & BEYOND

Disproportionality is defined as the level at which groups of children are present in the child welfare system at higher or lower percentages or rates than in the general population. Hill\textsuperscript{7} developed the “disproportionality index” as an indicator of the degree a given jurisdiction is disproportionate. The disproportionately index is calculated by taking the proportion of children in foster care for a given race and dividing it by the proportion of the same racial group in the child population. This creates a ratio where scores ranging from 0.00 to 0.99 are indicative of underrepresentation, scores of 1.0 indicate no disproportionality, and scores of 1.1 and greater indicate overrepresentation. For example, in a community where 40% of the children entering foster care are African American, and only 20% of the child population is African American, the disproportionality index would be 2.0, indicating African Americans are twice as represented in foster care as they are in the general population. Disproportionality scores are calculated for the number of children “in care” at the end of the fiscal year. This calculation requires (1) the child population (by race) for any given state or jurisdiction, available from census data; and (2) the number of children in the child welfare system (by race), available from the Adoption and Foster Care Analysis and Reporting System (AFCARS).

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In addition to disproportionality rates, this Brief explores additional race differences in placement and outcomes. The report explores time to permanency, median number of placements, and type of placement (relative, foster care, congregate care) by race. An explanation of how these variables are reported, including limitations of these methods follows.

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**In Care Disproportionality.** The results of these disproportionality calculations are presented graphically. The graph to the right portrays the percentage of each racial group in foster care in 2014 and the disproportionality scores for each race in terms of in care rates. Bars moving to the right of 1.0 indicate overrepresentation; bars moving to the left of 1.0 demonstrate underrepresentation.

The graph below is known as a survival curve. The x-axis indicates the number of days in care. The y-axis indicates the probability of “surviving,” or not experiencing the event of interest. In the current report, the event of interest is permanency for a child. Therefore, “surviving” implies that a child has not experienced permanency.

**Time to Permanency.** A point on the survival line corresponds to the probability of not experiencing permanency after a specified number of days in care. For example, the purple dot on the graph indicates that after 500 days in care, the probability that Asian/Pacific Islander children will not experience permanency is approximately 40%. Put another way, this group has a 60% probability of experiencing permanency after 500 days in care. The blue dot on the graph indicates that Black children have a 50% probability of experiencing (or not experiencing) permanency after the same number of days in care. These findings show that Black children are taking longer to achieve permanency and are spending more time in care than Asian/Pacific Islander children. In fact, the graph indicates that Black children take longer to achieve permanency than all other race/ethnicities. You can also read this as the percentage of youth who have exited care to permanency in a given timeframe. For example, in this chart approximately 50% of Black youth have exited care within 500 days, while approximately 60% of Asian youth have exited care within 500 days (40% = 40% still in care).
**Placement Percentages.** The graph on the right indicates the percent of placement by race/ethnicity. The graph has been separated into three placement types: relative foster care, non-relative foster care, and congregate care. Relative foster care includes all placements with a relative. Non-relative foster care includes all placements with individuals who are not a relative. Congregate care includes placements in a group home or an institution. The graph indicates that American Indian/Alaska Natives are the race/ethnicity with the highest percentage of relative foster care placements. Conversely, Black children have the lowest percentage of relative home placements. Along with Hispanic/Latinos, the most common placement for Black children is non-relative foster care. These numbers will not equal 100% as there are other placement types (e.g., trial home visit, runaway, etc.). In addition, it is important to consider what this won’t tell you how placement in congregate is divided by race only how placements are divided by type (e.g., you cannot say that white children make up 13% of kids in congregate care, you can only say 13% of white children are placed in congregate care).

**Median Placements.** The graph on the left indicates the median (i.e., middle value) number of placements for a given race/ethnicity. The median is used instead of the average because the median is not adversely affected by extreme values. For example, if 8 of 10 children in care had two placements and the remaining two children had eight placements, the average number of placements would be three. Using the median, however, the number of placements would be two. The graph indicates that White and American Indian/Alaska Native children experience fewer placements prior to case closure than other races/ethnicities. The median number of placements cannot tell you whether the moves were beneficial to the youth, only that the youth moved. Youth may have moved from congregate care to a foster home or relative placement. Looking closer at placement can give you more contextual information about placement moves.
Thinking Critically about Disproportionality Rates

The disproportionality data reported in the *Technical Assistance Bulletin* have a variety of uses, but it is also important to consider the limitations of the numbers and think about not only what they may mean for your jurisdiction, but what they do not mean.

- **Rates are only as good as the data reported.** The disproportionality rates are only as good as the data reported to Census and AFCARS. As such, if states are inconsistent in how they capture and report race, this may lead to inconsistencies in the data.

- **Not Disparity.** Disproportionality and disparity are not the same thing. Disparity compares outcomes between two groups, whereas disproportionality compares only to a set reference category (e.g., population). These numbers will not tell you if children of color have worse outcomes than Caucasian children, they can only provide a starting point for examining the numbers. *Disproportionality (as we have defined it) makes no comparisons between races.* The graphs in this document do illustrate differences in placement and outcomes by race providing you an opportunity to start to explore whether and where disparities may exist.

- **Multiple Calculation Methods.** Both disproportionality and disparity can be calculated in multiple ways. It is important to consider where this information comes from. This is a comparison of rates in care to rates in the general population. Other calculations may use different numerators or denominators, creating a variable that explains something different than what we are discussing herein.

- **Missing Data.** Missing data may skew results, inflating or deflating disproportionality rates, making the rates an inaccurate portrayal of the current foster care population. Missing data rates are reported in the *Race/Ethnicity Breakdowns Table.* Consider New York, for example. The table (below) illustrates a high percentage of missing data. If these data were available, disproportionality rates could be drastically different.

### Race/ethnicity breakdowns

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Population</th>
<th>Entries</th>
<th>In care</th>
<th>Exits</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American/Black</td>
<td>15.8%</td>
<td>21.7%</td>
<td>32.3%</td>
<td>34.3%</td>
</tr>
<tr>
<td>Caucasian/White</td>
<td>49.6%</td>
<td>25.6%</td>
<td>19.3%</td>
<td>22.8%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>23.6%</td>
<td>8.8%</td>
<td>14.1%</td>
<td>14.6%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>7.4%</td>
<td>0.3%</td>
<td>0.4%</td>
<td>0.5%</td>
</tr>
<tr>
<td>American Indian/Alaska Native</td>
<td>0.3%</td>
<td>0.2%</td>
<td>0.3%</td>
<td>0.3%</td>
</tr>
<tr>
<td>More than one race</td>
<td>3.2%</td>
<td>4.6%</td>
<td>3.6%</td>
<td>4.0%</td>
</tr>
<tr>
<td>Missing</td>
<td>0.0%</td>
<td><em>38.9%</em></td>
<td><em>30.1%</em></td>
<td><em>23.4%</em></td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

### Things to think about

- What limitations do data in your state have?
- How is race or ethnicity captured in your jurisdiction? Who is asked?
- Who enters race data into the case management system?
- Is there a system in place for checks and balances?
- Is there missing data? Why?
- What is the sample size for the children who are disproportionately represented?
- Is there disproportionality in children of color who report as more than one race? If so, how might you discover what your numbers really are?
Thinking Critically About the Disproportionality Rates

- **Small sample size.** It is also important to pay attention to sample size. In some jurisdictions the number of children of a particular race may be really small, but compared to their population, this number may be inflated. For example, in Hawaii, there were 5 American Indian/Alaska Native youth who entered foster care in 2014. This represents .4% of the foster care population (of 1,221 kids). However, because the population is .2% American Indian, they have a disproportionality rate of 1.9. If sample sizes are small, even a small change could inflate the numbers. For cases like this, it is important to examine trends over time. This is also true for the other race data presented herein. Consider congregate numbers, for example, if there are only 3 American Indian children in foster care and 2 are placed in congregate care, then 67% are in congregate care. If there is only 1 child of a specific race, then that may make it seem like all children are placed in a specific type. It is important to consider this when interpreting the data.

- **More than one race.** A final consideration is the more than one race variable. This is a major limitation of the current methodology. At present, disproportionality is calculated only using children identified as one race. If they identify more than one race, they are classified as more than one race. The more than one race category is often disproportionate, but not really reported in the graphs. While it is beyond the scope of these efforts to disaggregate all more than one race children, it is important to consider how this could affect your data. Take Oregon, for example. In 2011, when the first disproportionality Technical Assistance Bulletin was published, Oregon showed no American Indian disproportionality, which was contrary to their high rate reported in the 2007 GAO report. When more than one race was disaggregated to include American Indian and another race or African American and another race, clear patterns of disproportionality emerged. As you can tell from the graph (right) there was still a disproportionate number of children of color in care. If more than one race numbers are disproportionate, it is important to think about how to disaggregate to better learn what these numbers actually mean.
Comparisons of Disproportionality by State
African American/Black

African American/Black children are the most overrepresented racial group in the United States. Nearly every state has a disproportionate number of African American children in foster care. The map below illustrates the varying degrees of disproportionality of African American children in foster care throughout the United States. Colors on the map range from white (no disproportionality) to red (a score greater than 4.0 or 4 times the rate in the general population).
Across the United States, American Indian/Alaska Native children are overrepresented in foster care at a rate of 2.4 times their rate in the general population. While not all states show disproportionality, 21 states do have some overrepresentation. Twenty-four percent of the states that have overrepresentation have a disproportionality index of greater than 4.1. In Minnesota, the disproportionality is index 13.9, in Washington State it is 4.3.
The rates of Hispanic/Latino overrepresentation across the country are less pronounced. Only a handful of states demonstrate an overrepresentation of Hispanic/Latino children. Overrepresentation rates vary from 1.5 to 7.1. Maine is the only state that has a disproportionality index score of greater than two (7.1). There may be, however, more overrepresentation at the county or court jurisdiction level. It is important to examine state and jurisdiction disproportionality indexes to gain a more in-depth understanding of how disproportionality rates vary by location.
Changes in Disproportionality

As illustrated in Table 1, disproportionality indexes have changed since 2000. The first set of maps portrays the African American disproportionality in the United States in 2000 (left) and 2014 (right). The reduction in disproportionality is illustrated by fewer orange and red states (highest disproportionality) and increases in the yellow states, which represent disproportionality at rates of 3.0 or lower as well as white states which show little to no disproportionality.

The second set of maps illustrates the disproportionality of American Indian children in foster care for the year 2000 (left) and the year 2014 (right). The number of states that show disproportionality has decreased from 23 to 16 and some states have shown a decrease in their disproportionality rates. However, many of the “red” states remain high, particularly states like Minnesota, whose disproportionality rates have risen dramatically in the last decade.
National Changes in Disproportionality over Time

The maps on the previous pages illustrate changes in disproportionality over time. It is clear that some states have reduced disproportionality over time, while others have not. What the maps do not show is the trends in disproportionality over time. As illustrated in the graph below, there has been a trend toward decreased African American disproportionality over time. For American Indian/Native American children, disproportionality has increased in the last few years. Looking at data over time often portrays a different picture than a point in time estimate (such as this Bulletin). Comparing numbers over time allows for a better understanding of trends and also can demonstrate any anomalies in data. From the data we have to date, there does appear to be a trend for reduction for some children and increases for others. Understanding why this is occurring will be an important next step in the process.
National Disproportionality Graphs (Fiscal Year 2014)
Arkansas

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
Washington, D.C.

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
Idaho

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Probability of Not Experiencing Permanency

Days in Care

Median Number of Placements

Percent of Placement Types by Race/Ethnicity

- Black
- White
- Hispanic/Latino
- Asian/Pacific Islander
- American Indian/Alaska Native

- Relative Foster Care
- Non-Relative Foster Care
- Congregate Care
Indiana

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

- Black
- White
- Hispanic/Latino
- Asian/Pacific Islander
- American Indian/Alaska Native

Probability of Not Experiencing Permanency

Days in Care

Median Number of Placements

Percent of Placement Types by Race/Ethnicity

- Relative Foster Care
- Non-Relative Foster Care
- Congregate Care
Kentucky

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
Louisiana

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity

Days in Care

Probability of Not Experiencing Permanency
Michigan

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Probability of Not Experiencing Permanency

Days in Care

Median Number of Placements

Percent of Placement Types by Race/Ethnicity

Black
White
Hispanic/Latino
Asian/Pacific Islander
American Indian/Alaska Native

Relative Foster Care
Non-Relative Foster Care
Congregate Care
Missouri

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
New Mexico

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity

Days in Care

Probability of Not Experiencing Permanency

Black
White
Hispanic/Latino
Asian/Pacific Islander
American Indian/Alaska Native
New York

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
North Carolina

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
Washington

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
West Virginia

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Median Number of Placements

Percent of Placement Types by Race/Ethnicity
Wisconsin

Race/Ethnicity of Children in Out-of-Home Care, 2014

Racial Disproportionality Index, 2014

Probability of Not Experiencing Permanency

Days in Care

Median Number of Placements

Percent of Placement Types by Race/Ethnicity

Median Number of Placements

Percent of Placement Types by Race/Ethnicity

- Relative Foster Care
- Non-Relative Foster Care
- Congregate Care