

Chapter 1. Introduction and Review of Literature

The Colorado Minority Over-representation in Child Welfare study uses child welfare administrative data to examine regional and ethnic patterns in services and decisions. Impetus for the study arose from two recent examinations of specific portions of Colorado's child welfare system. A recent study of the Core Services program found that minority children were less likely to receive certain in-home supportive services (Fluke, 2001). Similarly, a study of the predictors of timely permanency for children served in Colorado's Expedited Permanency Planning (EPP) Program found that African American children were some 90% less likely to meet the EPP timelines – timelines that mirror those imposed by ASFA (Potter & Klein-Rothschild, 2002). Seeking to respond to these two studies by better understanding patterns of over-representation and disparities in service outcomes, the Colorado Department of Human Services, Child Welfare Division commissioned the MOR study.

The MOR study uses data from Colorado's accounts management system (CWEST) for the years 1995 through 2000. This system was designed to manage paid child welfare services in Colorado and has the usual administrative data limitations when examining questions of case process and outcome. Colorado's new SACWIS system, Trails, came on-line in 2000, and in the coming years will create an opportunity for significantly more in-depth research. Specifically, the introduction in Trails of standardized risk, safety and family functioning assessments will allow researchers to better examine the relative contributions of ethnicity, socioeconomic status, family risk and protective factors, and service packages in predicting case outcomes.

Nationally the discussion of minority overrepresentation in child welfare mirrors discussions in other public service arenas. Much work has been done in the health arena to examine racial health disparities, focusing on both the differential health problems of minority persons and on differential access to and utilization of services. In juvenile justice, a decade of national initiatives have documented racial disparities and have prompted states to create and implement action plans aimed at reducing racial disparities at various points in the juvenile justice system. In the health arena discussion centers on improving access and use of high quality health services. In juvenile justice discussion centers on ways to improve access to supportive, diverting programs so as to minimize disparity in confinement. In the one case, existing interventions are seen as helpful and to be increased; in the other interventions are seen as punitive and to be decreased.

Discussion of minority over-representation in child welfare has followed both traditions. Most recent literature argues that minority over-representation in coercive services is a problem, a problem that may be caused by discriminatory decision-making in the child welfare system (Morton, 1999). Recent discussions (Barth, et al., 2001) have argued that over-representation may be reasonable given the many overlapping risk factors for minority families. It is argued that, if family needs are greater, in general, for minority families, then more intensive services may not only be warranted but possibly beneficial for children. Barth and colleagues also argue for multiplicative models for understanding family risks that impact system responses. While we agree with this conclusion, we also believe that the child welfare system will benefit from examination of decision-making patterns. In our view, it is unwise to dichotomize this debate by seeking to blame either minority families or child welfare workers for over-

representation. We believe that models that propose both individual, family, neighborhood and community risk factors *and* systemic patterns of decision making as contributors to minority over-representation will prove most fruitful. There is a need for researchers to investigate these complex models as we seek to understand contributing factors. The goal is to create supports for all families in our society and to insure that all families receive fair and equitable treatment in the child welfare system. These goals are well served by clearly understanding the complexity of child welfare decision-making and the interactions between client needs and system responses.

That said, this study will not shed much light on the complex patterns that influence minority overrepresentation in Colorado's child welfare system. The CWEST data allows us to describe some patterns of service in child welfare and to examine these patterns across counties and regions. A few explanatory variables can be used (age, race, gender, program target, and one, limited, income variable). However, many variables of interest relating to family situations, presenting problems and levels of risk are not available. The MOR study represents a starting point for Colorado's examination of the experiences and outcomes of child welfare services for minority children and their families. We hope that it provides fodder for discussion among the many stakeholders who care about this issue. We also hope that it will prompt local communities to undertake more complex analyses of patterns in their community.

Minority Over-representation in Child Welfare Services

The issue of over-representation of minority children (primarily African American) in the child welfare system in general and in long foster care stays in

particular has been raised in the social work research literature, in state examinations of data and policy, and at the national level.

Historical Perspective and the Current Debate

In the social work literature, Stehno's early report on 'differential treatment of minority children' pointed out that they received 'less desirable placements [institutions, training schools, and jails]' (p. 40), while having unequal access to private sector care and to quality in-home services (Stehno, 1982). Another researcher traced the history of over-representation of African American children in out of home care back to a series of policies, not all of them child welfare policies per se, that have had the effect of breaking up families and causing as many social problems as they were designed to prevent (Lawrence-Webb, 1997). The author points particularly to 'the Flemming Rule' of the 1960s, part of the AFDC guidelines that denied welfare benefits to a mother suspected of having a male partner. This rule, overwhelmingly enforced against single Black mothers, created thousands of families left without income, and children placed for that reason alone.

There are also historical reasons for the over-representation of American Indian children in child welfare, particularly the policies to 'save' Indian children and force their assimilation, first through boarding schools and later through adoption into White families (Cross, 2000). While those policies are no longer in effect, Cross points out that limited funding for effective preventive services for American Indian children combined with the social and economic strains for reservation families (some of the poorest in America) creates a situation where there is still a serious over-representation of American Indian children in substitute care.

Robert's (2002) recent book on racial bias in child welfare provides additional historical perspective on the over-representation of African American children, and examines the complex issue of to what extent poverty and to what extent systemic racism contribute to that over-representation. While poverty is clearly linked to what is defined as neglect, and more African American families are below the poverty level, Roberts suggests that framing the over-representation solely in terms of poverty is part of a tendency to look for 'anything but race' (p. 98) as an explanation, especially since the dismantling of family preservation initiatives and the emphasis on termination of parental rights and adoption.

Roberts and others (Morton, 1999) argue that given that the only studies designed to estimate the actual number of cases of child maltreatment in the population have consistently found no difference in rates across ethnic groups (the National Incidence Studies) it is hard to see the over-representation of African American children as due to anything but bias. However, others argue that if the NIS research is not an accurate estimate of the true incidence of maltreatment, and if levels of maltreatment and therefore need for intervention are higher in poor and minority families (the position taken by Barth et al. in their 2001 report), then the higher rates of foster care for African American children are proportional to need.

Understanding the methodology of the National Incidence Studies conducted by Westat for the U.S. Department of Health and Human Services and thus the validity of the conclusions about incidence of maltreatment in different ethnic groups is crucial in this debate. It is a complex study, using weighted samples of a variety of 'sentinels' – professionals in the community who should be in a position to see children who had been

harmed by abuse or neglect (the ‘harm standard’) or children who were at risk of harm (the ‘endangerment standard’) (Sedlak & Broadhurst, 1996) . By using sentinels who are in contact with children in the course of their work, and comparing their referrals during the study period to actual cases known to CPS, the intent of the study was to estimate the true incidence of maltreatment in the country and to determine the percent reported.

Some researchers have raised questions, however, about the fact that the sentinels did not include any family or community members. Ards, Chung, and Myers (1998, 2000) point out that without family and community members, who do make up a certain percentage of the referrals actually received by CPS, the NIS study has introduced a ‘sample selection bias’ that limits the ability of the study to draw conclusions about true incidence in different ethnic groups. Their analysis was focused on the issue of reporting rates, and whether those rates are systematically higher for children in some ethnic groups. They concluded that while there may still be bias at later decision points (such as the decision to substantiate or the decision to place a child in foster care), their analysis of the data suggested that when the lack of reports by friends/family was corrected statistically, there “does not appear to be any racial bias in reporting” (p. 8, 2000).

The study from the Research Triangle Institute addressing overrepresentation by Barth et al. (2001) reaches the same conclusion about the limitations of the NIS study, along with the fact that it under-sampled large urban centers (which was confirmed by the NIS study authors). They suggest that the actual need for child welfare services is higher for African American children, due at least in part to higher levels of poverty, neighborhood factors, violence, parental incarceration and parental mortality. Their analysis of NCANDS data, to which they add county-level data on adequacy of prenatal

care, crime, county size, and county proportion of African American children, suggests that “there is no compelling finding that race alone contributes substantially to child welfare decision making at this crucial juncture [foster care placement]” (p. 107).

However they find that the decision to substantiate is influenced by ethnicity. They conclude that the existing national data, which lacks accurate measures of the relevant risk factors, is not sufficient to truly answer the question of whether or not the higher levels of foster care services given to African American children are appropriate.

Overrepresentation Issues in Screening, Investigation, and Substantiation

Most studies of over-representation in child welfare use as their starting point the proportions of children already in the system. There is less information on the numbers of children in different ethnic groups who are reported to CPS but whose referrals may be screened out. Recent work by Gryzlak, Wells, Johnson and Ariana (2001) examined the issue of whether referrals received involving children of color were more or less likely to be accepted for investigation. Their study, which involved gathering detailed records on every call received at 12 sites in five states, showed that race alone was not a factor in the decision to screen calls in. In fact, across the five sites chosen for analysis (they excluded sites that accepted close to 100% of calls for investigation), only 44% of referrals on children of color (a category made by combining all minority children) were screened in (84 out of 190), compared to 52% of referrals on White children (175 of 335). More important factors in determining screening for investigation were: the severity of abuse, young age of the child, nature of the allegation (sexual abuse being most likely to be screened in), and report source. Race of the child was significant, however, in combination with two other factors – allegation type and number of children in the report.

Sexual abuse was much more likely to be screened in when the child was White, whereas physical abuse and neglect were more likely to be screened in for children of color. It was also more likely for reports involving multiple children to be screened in when they were children of color, whereas if only one child were reported, White families were more likely to be screened in. Finally, though much data was missing, the authors looked at the influence of caseworker race on the screening decision. Results varied across sites, with White workers screening in more calls at some sites, less calls at others.

It would be useful to know the actual sites used in this study of screening, because of the contrast of those findings to other studies done with Illinois and New York child welfare data that examine disproportionality in the decision to substantiate (Eckenrode, Powers, Doris, Munsch, & Bolger, 1988; Rolock & Testa, 2001). The study by Eckenrode et al. on child abuse reports from 1995 in New York State found that the overall substantiation rate was close to the national average of 30-40%, though it varied by type of abuse (with 48% of physical abuse but only 28% of neglect reports substantiated). Across all abuse types, one of the most important factors in predicting substantiation was that the report was from a professional source, particularly if court actions had been initiated. While race played no significant part in the decision to substantiate either sexual abuse or neglect, it was highly significant for physical abuse cases – African American and Hispanic children were much more likely to be substantiated for physical abuse, controlling for all other factors.

Rolock and Testa's (2001) research on all Illinois investigations done in the ten-year period 1989-1999 looked at substantiation rates by family race, caseworker race, area of the state, and type of allegation (excluding neglect). Their results were complex

but they identified two main trends: White workers in general substantiated a higher proportion of all of their cases than did African American workers, and White workers were much more likely to substantiate physical abuse than African American workers. Overall, White workers did not substantiate a higher percent of African American families; however, in certain areas, and for the category of Substance Exposed Infants, they did.

Overrepresentation in Foster Care

There is no question that African American children are over-represented in foster care, especially relative to census figures, but to what extent this is tied to the fact that they are referred to CPS in higher numbers is harder to know. Very few data sets contain enough detail to know how similar cases actually are, and thus most predictive models account for only a small proportion of the overall variance, or influence, on the decision to place in foster care. In addition, when studies disagree on the importance of race as a factor, they are often based on very different populations – whether because of the era in which the research was done or the location.

Analysis of a representative national study of children receiving child welfare services, done originally in 1977 and again in 1994, reached very different conclusions for the two different eras. Lindsey's 1994 analysis of the 1977 data from the National Study of Social Services to Children and their Families found no differences in the percentages of African American and White children in CPS who were placed in foster care, and found that Hispanic children were less likely to be placed. The strongest predictor at that time was poverty, particularly being poor and *not* receiving government aid. Analysis of the data from the 1994 update, the National Study of Protective,

Preventive and Reunification Services Delivered to Children and their Families (NSPPRS), however, revealed that AFDC status had no significant influence, and that race (only African American and White children were included in the analysis due to sample size) was a strong predictor of foster care, even controlling for other significant variables (Hill, 2001a). Within race, for example, caretaker substance abuse, child disability, and receipt of Medicaid were also highly predictive of foster care placement.

The 1994 NSPPRS study was based on a representative national sample of cases. There have also been regional studies, and the results of the influence of race vary considerably depending on where the study was done. Research by Zuravin and DePanfilis (1997), for example, that found no significant effect of race in the decision to place in foster care, was based on 1035 cases from 1988, in a mid-Atlantic metropolitan area, where the mix of families in the CPS sample drawn was 80% African American, 20% White. It is not possible to say from the study whether this reflects the census population figures for that area or reflects a significant over-representation in reports to CPS. In that sample the only significant predictors of placement were: prior abuse, substance abuse, mental health issues, domestic violence, receipt of AFDC, and mothers younger than 18.

There is some evidence that when minority groups make up a fairly large percentage of a community, there is less disparity in placement rates, but that when they comprise a smaller percentage in a community and are thus more 'visible', their placement rates would be higher. Garland et al. tested that idea, called the visibility hypothesis, using 1990 data from San Diego County (Garland, Ellis-MacLeod, Landsverk, Ganger, & Johnson, 1998). Their results showed that for African American

children (but not Hispanic or Asian American children) the visibility hypothesis was true; the fewer African American families in a neighborhood, the more likely they were to be placed out of home. The authors suggest that this result was not due just to socioeconomic factors, since the base poverty rates for children under 18 for African American and Hispanic children were very similar (30% and 28%), however, since their dataset did not have a family-level measure of poverty, it would not be possible to completely rule economic factors out.

One reason that data gathered at one point in time over-represents African American children can also be that they are less likely to return home and in general have longer stays in foster care than other children. Research on foster care and adoption patterns in California indicated that African American children were only half as likely to be reunified with parents (though more likely to be in kin care) and much less likely to be adopted (Barth, 1997). Another study based on the 1994 NSPPRS data looking at the influence of race on reunification rates (Hill, 2001b) found that of children in care during the one-year study period, 34% of the White children were reunified, while only 9% of the African American children were. While cross-sectional data are not ideal for drawing conclusions about length of time in foster care (because they tend to over-sample cases that have been in care longer), Hill notes that the results found are similar to other longitudinal research. Just as he found in his study on the decision to place into foster care, the decision to reunify is significantly influenced by race, even when controlling for other important factors. Those other factors that contributed to longer stays in foster care were: younger age at entry into care, lack of caretaker job skills, caretaker substance abuse problems, and lack of provision of child welfare services to the family.

Reunification was also less likely for children placed in kinship care, and since more African American children are in kinship care, this contributed to their lower rates of reunification.

However, some researchers suggest that it may be important to re-think the way kinship care is counted in data about permanency. Testa's 2001 analysis of Illinois data for the period 1990-1997 suggests that when states are able to use policies that make it possible for relative caregivers to assume a permanent status as guardians, the percentage of African American children who successfully exit out of home care for a permanent home can go up dramatically. The Illinois data used show that after the state received a waiver permitting subsidies to kin caregivers who became guardians, children in kinship care went from being 43% less likely than children in unrelated foster care to find permanent homes to 57% more likely.

The Influence of Poverty

While race, and particularly being African American, is clearly a factor in the overrepresentation of children in child welfare and foster care, many authors have also explored the inter-related influence of poverty and neighborhood conditions. Waldfogel reviewed a series of studies which included a measure of income along with ethnicity, most of which showed that poverty, with its strong association with neglect allegations, is a more powerful predictor of entrance into the child welfare system than race. The author states: 'low income, rather than race or ethnicity, seems to be the prime determinant of the higher rates at which minority children are reported to CPS' (p. 9) (Waldfogel, 1998). In fact, one recent study of families receiving AFDC in 10 California counties (Needell, Cuccaro-Alamin, Brookhart, & Lee, 1999) found higher rates of later entry into child

welfare services for White families than other ethnicities. Most studies do not start with the population of AFDC recipients however; they are based on analysis of families already referred in to CPS. Drake and Zuravin's review of the research led them to conclude that poverty, class, and substance abuse are inter-related in their association with child maltreatment, and that the over-representation of minority children is probably due to these factors (Drake & Zuravin, 1998). They believe these factors to be more important than other competing hypotheses, such as that poor families receive more scrutiny from systems that would be likely to report abuse and neglect, or the visibility hypothesis. Finding a strong correlation between poverty and being reported to CPS does not mean, however, that race is uninvolved. Myers' 1993 work on 'Measuring and Detecting Discrimination' points out that there can be both differential treatment and differential impact. In the language of civil rights, differential impact refers to other factors that may be correlated with race (like poverty, or education level) that might result in different impacts even if treatment by a system was the same.

Measuring Bias

Even if much of the over-representation of minority children in child welfare is linked to poverty, however, there may still be racial bias in the way families are assessed and decisions are made. Roberts (2002) refers to the experience of trainers for the National Child Welfare Leadership Center, who use vignettes in training caseworkers that present the same information, but alternate the race of the family: "without exception, the results of the exercise conducted in all sessions revealed that decisions about the level of risk and intervention were influenced by the race of the child and family described in the vignette, independent of all other factors" (quoted on p. 52 in Roberts from a 1990 article

in *Protecting Children*). In a related field, studies of mental health professionals also find that race is a strong determinant of diagnosis: “Black psychiatric patients with case information identical to that of white patients are often given a more severe diagnosis because they are stereotyped as more dangerous” (p. 51) (Whaley, 1998).

However, additional studies in child welfare using similar methodology (reading vignettes) have found that varying the race of families in the vignettes did not influence the decision-making process. One recent study designed to compare different professions on the decision to place children sampled judges, GALs, CASAs, social workers and mental health providers (Britner & Mossler, 2002). They found no differences by ethnicity of the vignette in the decision to place the child; what did vary was the importance each professional group placed on other factors. Social workers relied on information about the severity of the abuse and response to prior services; judges and GALs relied on information about the risk of re-abuse and the child’s ability to recount the abuse, and CASAs used information about the stability of the family. The authors suggest that these different professional perspectives contribute to the low reliability of placement decisions found in studies of actual caseloads, as sometimes there is multiple professional input into the decision to place.

One other study using vignettes to study the influence of the family’s race on the decision to reunify also found that it was not race that determined the social workers’ decision to reunify, but caseworker gender and length of time on the job. Male social workers, and those with less experience, were significantly less likely to recommend reunification (Gammon, 2001). The contrast between the findings of the latter two studies – that race did not play a part in decision-making – and the finding from a national

training center that it did, suggests that further research is needed into the issue of how the information was gathered. It may be, for example, that people rate things differently when they agree to participate in academic research than when they are functioning in a work (or training) environment.

Another study focused on assessing racial bias in case decision-making looked at a total of 270 cases stratified into three groups: substantiated and closed, substantiated and opened, and unsubstantiated, and then compared decisions made about African American and White cases in each category (Levine, Doueck, Compaan, & Freeman, 1996). They found few significant differences in the types of contacts made by workers (number of calls, office contacts and other visits); only home visits were made more often to African American families, and no difference in the percentage of families rated by the worker as ‘uncooperative’ (about 10% in each group). Two of their key variables – substantiation rates and the decision to open a case or close upon substantiation – showed no differences between African American and White families. One limitation in the design of this study, however, is that the samples were drawn based on the outcomes being studied. Rather than picking the substantiated cases and comparing the case process for African American and White families within that category, for instance, it is possible the results would have been different if the starting point had been representative samples of African American and White families referred to CPS, and the study had looked at what percent within each group actually went to substantiation or other outcomes.

Finally, there is debate in the field about the value and equity of new risk assessment tools as a guide to caseworker decision-making. Child welfare has been criticized for a lack of reliability and validity in decision-making (Lindsey, 1994).

Morton (1999) suggests that the new, more structured risk assessment tools may simply perpetuate existing bias in decision-making. However, there is some evidence that empirical risk assessment tools, such as the Structured Decision Making (SDM) model used in Michigan, do not operate to bias worker's assessment of risk for minority children and that the level of risk rated by using the instrument predicts subsequent maltreatment equally across all ethnic groups (Wiebush, Freitag, & Baird, 2001).

Resources on Over-representation

There are many organizations and resources available that have focused on the issue of responding to the problem of overrepresentation in child welfare. McPhatter's article on "Cultural competence in child welfare: What is it? How do we achieve it? What happens without it?" provides an overview and introduction to this complex issue (McPhatter, 1997). A report generated from the first African American Child Welfare Summit, *Children in social peril: A community vision for preserving family care of African American children and youths* (Brissett-Chapman & Issacs-Schockley, 1997), addresses both child welfare agency issues and community response. The National Clearinghouse on Child Abuse and Neglect Information compiled an annotated bibliography on the subject of over-representation in March 2001 that provided abstracts of articles and federal reports about over-representation, Indian child welfare, kinship care, family group decision-making, and cultural competence (NCCAN, 2001). While many states have initiatives to reduce over-representation, particularly in the field of juvenile justice (which can be found through an internet search), Minnesota has done some extensive work related specifically to the issue of the disproportionality of African American children in their system (Minnesota Department of Human Services, 2002;

University of Minnesota, 2000). Given the reality that even with concerted efforts to reduce disproportionality, there are currently many minority children in out of home care, the Kellogg Foundation's initiative on finding "Families for Kids of Color" (W. K. Kellogg Foundation, n.d.) has published suggestions from experts in the communities most affected by disproportionality on how to implement more preventive strategies and how to recruit additional families of color as foster and adoptive parents. For American Indian children, the National Indian Child Welfare Association (NICWA) provides resources and training on the Indian Child Welfare Act and best practice with American Indian families (<http://www.nicwa.org/index.asp>).

Disproportionate Minority Confinement: The Juvenile Justice Perspective

Over the past 15 years juvenile justice researchers and policy-makers have focused on concerns regarding disproportionate numbers of minority youth served in the nation's juvenile justice system. The considerable interest in this area is supported by a federal policy environment that calls state attention to the issue and by national leadership from the Office of Juvenile Justice and Delinquency Prevention. The 1988 amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Pub. L. 93-415, 42 U.S.C. 5601 et seq.), requires that States participating the Part B Formula Grants program address the disproportionate confinement of minority youth in secure facilities. States are required to assess levels of disproportionate confinement and implement strategies to reduce disproportionate minority representation in areas it is found to exist. This policy environment has supported both research and intervention related to disproportionate minority confinement (DMC).

OJJDP has focused its attention on both documenting the nature of disproportionality at various stages of the juvenile justice process and by funding states to design and evaluate interventions aimed at reducing minority over-representation. The conceptual models used to understand disproportionate minority confinement and to propose solutions have been multi-systemic. That is, the juvenile justice field has focused on the risk and protective factors for youth (at individual, family, neighborhood and community levels) and, to some degree, on the risk and protective factors at work in the juvenile justice system itself (at arrest, charge, detention, adjudication, etc.)

The language used in juvenile justice is of some interest and may help frame the child welfare discussion.

?? *Over-representation* refers to situations in which a larger proportion of a group is present at various stages in the juvenile justice system than would be expected based on their numbers in the general population.

?? *Disparity* refers to differences among groups in the probability of receiving a particular outcome (for example, being detained vs. not being detained).

?? *Discrimination* occurs if juvenile justice system decision makers treat one group of juveniles differently from another group based wholly or in part on their gender, race or ethnic status (OJJDP, 1999).

Neither over-representation nor disparity necessarily implies discrimination if overrepresentation and disparity may be wholly explained by individual risk or protective factors that should inform decision-making (i.e. severity and type of crime).

Nevertheless, most of the literature in the juvenile justice arena assumes that risk factors informing decision-making may exist for both the juvenile and for the system.

There is substantial evidence of widespread over-representation in the juvenile justice system (OJJDP, 1999). In 1997, nearly all states reported significant over-representation of minority youth. For example, in 1997, in Colorado 28% of the state's juvenile population were minorities, however 56% of committed youth were minorities and 51 percent of detained youth were minorities. Nationally, minority youth comprised 34% of the juvenile population, but comprised 67% of committed youth and 62% of detained youth. A recent Colorado report, including data from July, 1999 through June, 2000 indicate a similar pattern. Although African American youth make up only 5.1% of the state juvenile population (ages 10-17), they comprise 15.2% of pre-adjudicated juveniles held in detention, 21% of youth held in county jails and 12.3% of youth committed to NYC. Hispanic youth make up 16.8% of the Colorado juvenile population, but they comprise 37.7% of pre-adjudicated youth held in detention, 30.5% of youth held in county jails and 38.4% of youth committed to NYC (Cores, 2000). It should be noted that most national research does not adequately illuminate patterns for Hispanic youth who are most often classified in a category with all youth who are not White or African American. Reviewing the national data, OJJDP concludes:

Minority, especially black, youth are over represented within the juvenile justice system particularly in secure facilities. These data further suggest that minority youth are more likely to be placed in public secure facilities, while white youth are more likely to be housed in private facilities or diverted from the juvenile justice system. Some research also suggests that differences in the offending rates of white and minority youth cannot explain the minority over-representation in arrest, conviction and incarceration counts (OJJDP, 1999, p. 2).

There is also substantial evidence that minority youth are treated differently from majority youth in juvenile justice decision-making. Pope and Feyerherm (1992) reviewed existing research literature finding that some two-thirds of studies showed that racial and/or ethnic status did influence decision-making. This disparity is seen at almost every decision point in the juvenile justice system, but appears to be strongest at early points in the juvenile justice process. The most pronounced disparities exist at the intake and detention decision points. As youth proceed through the system, small increments of disparity accumulate at later time points. It should be noted that substantial differences in disparity exist across states and court jurisdictions (OJJDP, 1999).

Here in Colorado between July of 1999 and June of 2000, African American youth (5.1% of the juvenile population) comprised 9.8% of filings, 6.2% of diversions, 9.2% of delinquent adjudications, 11.4% of probation, 9.5% of sentences to detention, 12.3% of commitments to NYC and 25.9% of commitments to the Youthful Offender System (YOS). Hispanic youth (16.8 of the juvenile population) represented 13.9% of juvenile filings, 25.8% of diversions, 14.3% of delinquent adjudications, 17.3% of probation sentences, 35.1% of detention sentences, 38.4% of commitments to NYC and 55.2% of commitments to YOS (Cortes, 2000). Thus, Colorado's trends appear to run counter to the national trends in that we see the largest disparities in decision-points deep into the juvenile justice process. In particular, Hispanic youth enter the system at a lesser rate than would be expected, but large disparities are seen in their sentences to secure settings.

Colorado trends over time indicate that while the child population proportions have remained steady, some patterns of over-representation and disparity have changed.

Between 1995 and 1999, African American disproportionality in pre-adjudicated detention has decreased, while all other ethnicities, including white, has increased slightly. Similarly, African American disparity in DYC and YOS sentencing has decreased while Hispanic disproportionality has increased slightly (Cortes, 2000).

The juvenile justice literature has sought to explain over-representation and disparity by suggesting three potential contributing factors 1) ethnic variation in type and severity of crime, 2) individual, family, neighborhood and community risk factors, and 2) juvenile justice decision-making patterns. Research in the latter two areas is limited. As in the child welfare literature, no firm conclusions can be drawn about the role of ethnicity in explaining disparities, primarily because few studies exist and most do not include explanatory variables from all three categories.

There is some evidence that there are ethnic/racial variations in offending. Official arrest data may reflect disparities in arrest and conviction patterns that may themselves be influenced by bias and should be interpreted cautiously. Nevertheless in some areas, specifically serious, violent crime, the official data indicates great disproportionality. For example black youth (15% of the juvenile population compared to 79% for white youth) are most over represented in arrests for robbery (54% vs. 43%) and for murder and nonnegligent manslaughter (49% vs 47%). Homicide rates among black youth account for much of the increase in violent crime between 1983 and 1992 and much of the decrease since then (Snyder & Sickmund, 1999). Self-report studies using broader measure of delinquency, such as the National Youth Survey, have produced differing conclusions regarding offense patterns. Two New York studies during the 1980's differed in findings, with one study finding that black youth reported

more involvement in all levels of crime and the other finding no racial/ethnic differences in self-report rates of offending (Hawkins, Laub, Lauritsen & Cothorn, 2000). Elliott (1994) found that some 36% of black males and 25% of white males reported having committed one or more serious violent offenses, a much smaller difference than is found in official data.

Studies focusing on offense type and seriousness tend to find that racial disparity exists even when offense variables are controlled. For example, Bishop and Frazier (1990), in a 3 year study of Florida's system, found that when juvenile offenders were alike in terms of age, gender, seriousness of the offense and seriousness of their prior records, the probability of receiving the harshest disposition available at each of several processing stages was higher for minority youth than for white youth. Similarly, a study of the California system found that minority youth, particularly African American and Hispanic youth, were more likely to receive more severe dispositions than white youth for the same offenses (Haparian & Leiber, 1997). Males and Maclair (2000) found among youth convicted of a violent crime, minority youth were 3.1 times more likely to be transferred to adult court. Thus, there is evidence that even when offense type and severity is controlled, racial disparity in juvenile justice exists.

Some would argue that differences in offending patterns and juvenile justice involvement may be explained in part by individual, family, neighborhood and community risk factors. There is evidence that these types of variables may affect offending, however much more research is needed to fully understand how these risk factors may combine with ethnicity to affect both individual juvenile behavior and system response. There have been few studies of offense rates across socioeconomically diverse

minority neighborhoods (Hawkins, Laub & Lauritson, 1998), however studies of firearm deaths indicate that black youth in rural areas are less at risk than their white counterparts while the opposite is true for core, inner-city neighborhoods. There is a need for studies that examine the neighborhood and community factors that affect youthful offending.

Most discussions of racial disparity in juvenile justice assume some role of professionals in the juvenile justice system in creating or maintaining practices that support disparate decisions. However, little research has been conducted to substantiate this assumption. One recent qualitative study in California found that police officers do not believe that officer decisions play any role in minority over-representation. Others have investigated the ways in which risk factors are over-attributed to minority youth impacts juvenile justice assessments and decisions (Bridges & Steen, 1998).

OJJDP has funded several Disproportional Minority Confinement (DMC) initiatives across the country (Devine, Coolbaugh & Jenkins, 1998). Stressing that efforts to understand and respond to DMC requires locally generated strategies involving multiple stakeholders, OJJDP makes detailed recommendations for communities seeking to change patterns of overrepresentation and disparate outcomes. The lessons from the OJJDP state initiatives, as reported in Disproportionate Minority Confinement: Lessons Learned from Five States and the companion Disproportionate Minority Confinement Technical Assistance Manual may of use in examining next steps in Colorado. They may be found at the OJJDP website: <http://ojjdp.ncjrs.org/dmc/index.html>. In addition, much of the literature in this area may be accessed at the Building Blocks for Youth website: <http://buildingblocksforyouth.org>

In summary, much like the child welfare literature, the juvenile justice literature documents clear patterns of overrepresentation and disparate system outcomes. Researchers continue to examine the role of individual, family, neighborhood and community factors as they influence overrepresentation in juvenile justice systems. Unlike the child welfare system, the juvenile justice policy environment clearly identifies minority overrepresentation as a problem in need of a solution. Solutions are assumed to be community-based and focused on youth and their environments as well as changes in the juvenile justice system itself.

Minority Over-representation in Colorado Child Welfare Cases

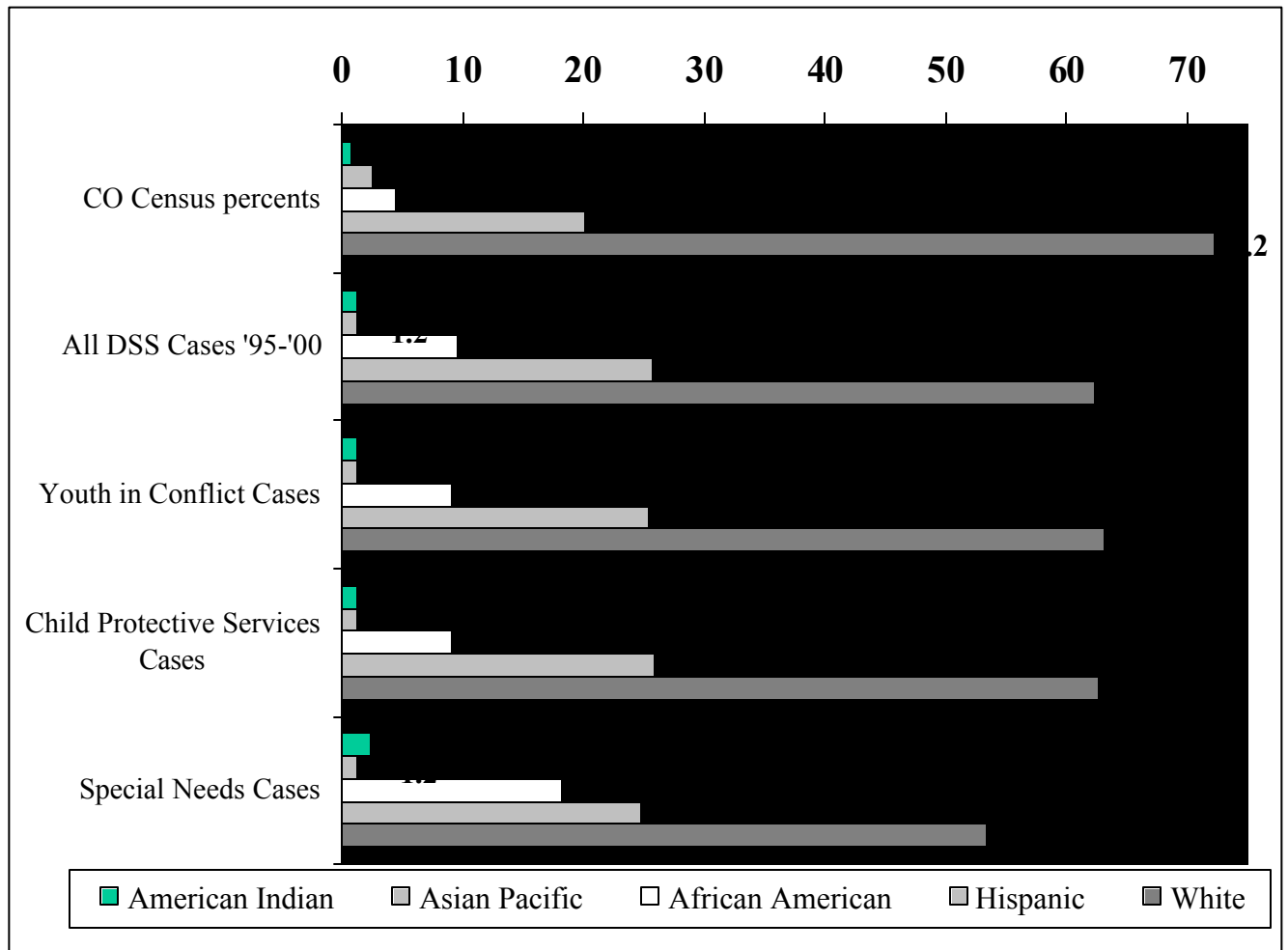
This section defines the cases used for analysis and presents information on the percentages by ethnicity in child welfare programs compared to the Colorado census. The file used for analysis was created from CWEST records covering 1995-2000. There were 486,321 service records, representing 195,747 unique children. 35,836 cases that opened prior to 1995 were removed, leaving a total of 159,911 unique cases. Table 1.1 shows the numbers of cases in each DSS program area: Youth in Conflict (YIC), Child in Need of Protection (CPS), and Children Needing Specialized Services (PA VI).

Table 1.1: Number of Cases in MOR Analysis, by DSS Program Area, 1995-2000

Ethnic Group	All DSS	YIC	CPS	PA VI
American Indian	1,871	237	1,447	187
Asian Pacific	1,744	264	1,388	92
African American	13,954	1,826	10,713	1,415
Hispanic	37,547	5,115	30,503	1,929
White	91,058	12,714	74,187	4,157
Unknown	13,737	2,417	11,062	258
Total Cases	159,911	22,573	129,300	8,038
Total w/ known Ethnicity	146,174	20,156	118,238	7,780

Figure 1.1 shows the proportions of child welfare cases by ethnic group, for child welfare services as a whole and within program areas, for all cases with an opening date from 1995 through 2000. These percentages are compared to actual percentages for youth under 18 in Colorado, using 1997 census figures, a year that falls in the middle of the CWEST dataset used. Cases with missing ethnicity (about 9% of the DSS cases) are not used in the analysis and are not shown on the chart.

Figure 1.1 Ethnic Distributions within DSS Cases and 1997 Colorado Youth Census



It is clear from the chart that American Indian, African American, and Hispanic youth are over-represented in all DSS Program Area categories. Asian Pacific Island and White children make up less of the child welfare caseload than their census percentages.

Since over-representation of minority children has been found in a variety of other systems involved with children, including juvenile justice and special education, there are some published guidelines that define over-representation numerically. OJJDP computes a Minority Overrepresentation Index, calculated by dividing the percentages of each ethnic group in the system to the percentages from the census population (defined at: <http://www.jrsa.org/jjec/programs/dmc/identification.html>). Any index greater than 1 is considered over-representation. Using that method, three indices for Colorado child welfare cases (including all program areas) are greater than 1:

Table 1.2 Minority Over-representation Index (OJJDP Guidelines)

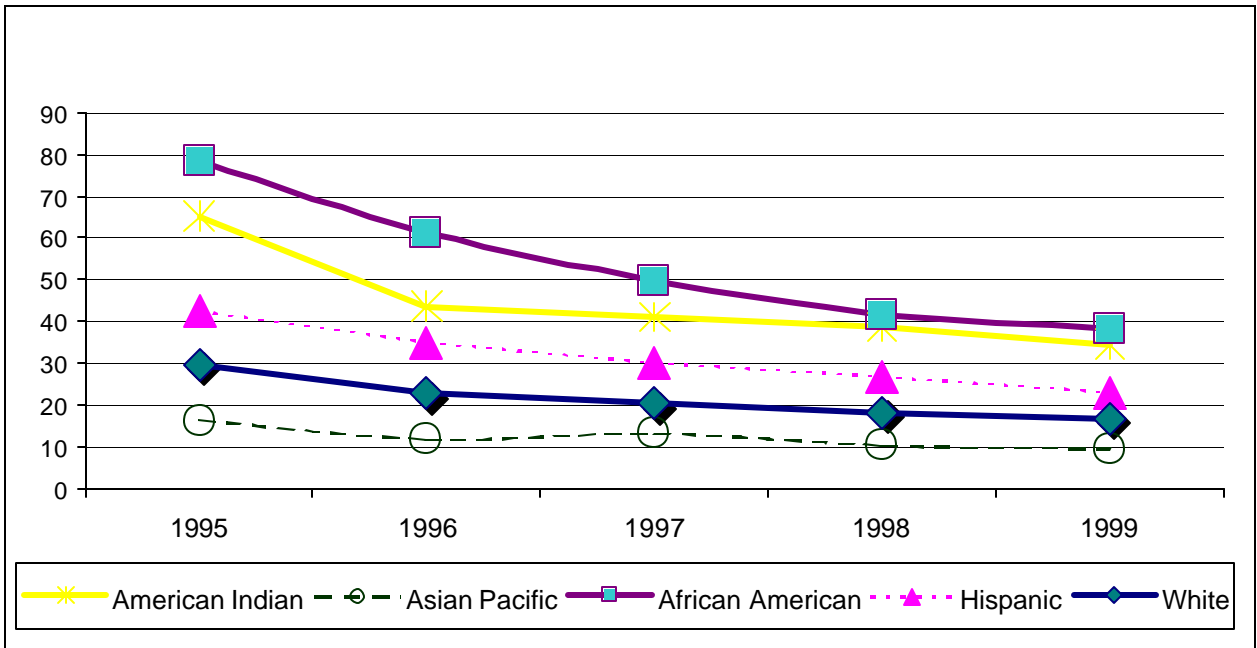
Ethnic Group in DSS Cases	MOR Index (% in program / % in population)
American Indian	1.71
African American	2.02
Hispanic	1.28

The U. S. Department of Education defines disproportionality by creating a range of $\pm 2\%$ around that percentage (from 34 CFR §300.755 referenced in a recent article by Coutinho and Oswald, 2000) If the percentages of any group fall above or below the range, that group is considered to be disproportional. Using those guidelines, American Indian, African American and Hispanic youth are disproportional as their percentages within DSS are above the census percentage plus 2%.

It is also useful to look at the rates per thousand of DSS case openings, and since census data broken out by ethnicity and age is available for 1995-1999, the following

chart shows the change in rates per thousand by ethnicity for those five years, counting each child's first case in the data period.

Figure 1.2 Rates per 1,000, All DSS Case Openings, 1995-2000



While the over-representation of minority children in Child Welfare cases is evident across all years, the encouraging trend is a steady reduction in the degree of disproportionality across the years 1995 to 1999. Rates of DSS case openings per thousand children in the state's population declined for all ethnic groups, but declined the most for African American and American Indian children. The following chapters examine disproportionality within specific DSS program areas and for two special populations of youth, as well as by county and region.