

HOUSE BILL REPORT

SSB 5882

As Passed House:

April 13, 2009

Title: An act relating to an evaluation of two recommendations made by the racial disproportionality advisory committee.

Brief Description: Remediating racial disproportionality in child welfare practices.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, McAuliffe, Regala, Shin and Kline).

Brief History:

Committee Activity:

Early Learning & Children's Services: 3/19/09, 3/20/09 [DP];

Health & Human Services Appropriations: 4/1/09, 4/3/09 [DP].

Floor Activity

Passed House: 4/13/09, 98-0.

Brief Summary of Substitute Bill

- Directs the Washington State Institute for Public Policy to evaluate the impact of selected interventions on racial disproportionality in Washington's child welfare system and report its findings by September 1, 2010.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass. Signed by 5 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Goodman and Seaquist.

Minority Report: Without recommendation. Signed by 1 member: Representative Angel.

Staff: Sydney Forrester (786-7120)

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: Do pass. Signed by 15 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking

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Minority Member; Appleton, Cody, Dickerson, Ericksen, Johnson, Miloscia, Morrell, O'Brien, Roberts, Walsh and Wood.

Staff: Melissa Palmer (786-7388)

Background:

The disproportionate representation of a racial or ethnic group within a system is often referred to as racial disproportionality. In the child welfare and juvenile justice systems, racial disproportionality occurs when a particular racial or ethnic group of children is represented at a higher percentage than other racial or ethnic groups. The concept of racial disproportionality looks across racial and ethnic groups at the relative ratios of children in a system.

Research at the national level illustrates that children of color are represented in foster care at a rate higher than these children are represented in the general population. Within Washington, the most recent look at racial disproportionality in child welfare is the work done by the Racial Disproportionality Advisory Committee (RDAC) created by the Legislature in 2007. The Washington State Institute for Public Policy (WSIPP) provided technical assistance to the RDAC to examine and analyze:

- the level of involvement for children of color in the state's child welfare system;
- the number of children of color in low-income or single-parent families involved in child welfare;
- the structures of families involved in child welfare; and
- the outcomes for children in the existing system.

In June 2008 the RDAC and the WSIPP reported the results of their analysis of outcomes for about 58,000 children who were referred to Child Protective Services (CPS) in 2004. The analysis follows these children through 2007, and reflects that patterns of disproportionality were evident at the time of reports to CPS alleging child abuse or neglect, and that when compared with white children:

- American Indian children were three times as likely to be referred to CPS.
- Black children were nearly twice as likely to be referred to CPS.
- Hispanic children were 1.3 times as likely to be referred to CPS.
- Asian children were less likely to be referred to CPS.

The WSIPP's research also indicates that disproportionality occurred within the child welfare system, and patterns of this disproportionality varied by race. Compared with white children referred to CPS, after referral:

- American Indian children were 1.6 times as likely to be removed from home and twice as likely to remain in foster care for over two years.
- Black children were 1.2 times more likely to be removed from home and 1.5 times more likely to remain in care for over two years.
- Hispanic children were no more likely to be removed from home or to remain in care for over two years.
- Asian children were no more likely to be removed from home and less likely to remain in care for over two years.

In response to the WSIPP findings, the RDAC developed the first phase of a remediation plan and recommended that two practices being implemented by the Children's Administration, structured decision-making (SDM) and the family team decision-making (FTDM) model, be studied to determine their impacts on racial disproportionality. Other recommendations from the RDAC include:

- implementing policies to ensure equitable services and supports for children and families using kinship care;
- measuring compliance with the Indian Child Welfare Act (ICWA);
- enacting a state version of the ICWA;
- requiring training across various systems to focus on cultural competency and understanding race and racism;
- reducing caseloads for child welfare and child protection workers;
- revising the training for mandatory reporters;
- assessing the cultural competency of the Children's Administration as an organization;
- implementing a racial equity impact analysis tool; and
- exploring implementation of in-home community-based services to keep children safe and reduce the need for out-of-home placements.

Summary of Bill:

The WSIPP is directed to evaluate the impact of SDM practices and the FTDM model on racial disproportionality in the state's child welfare system. The evaluation is to be accomplished within appropriated funding or within amounts received from private grants or contributions. If adequate funding is not available to evaluate both practices, the FTDM model shall be evaluated first. The Department of Social and Health Services (DSHS) and the WSIPP must complete the necessary data sharing agreements and identify potential sources of private funding to supplement any state-appropriated amounts. The WSIPP shall report its findings to the Legislature and the DSHS by September 1, 2010.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Early Learning & Children's Services):

(In support) This bill is about accountability and cost efficiency. It is about ensuring the state is investing in the right policies to address disproportionality, as the DSHS has proposed in its remediation plan. It is important to make sure that current practices are consistent with our goal of reducing disproportionality. At this point, we do not have credible data showing that these practices will help reduce the disproportionate number of children of color referred to the system and kept in care for longer periods of time. While there is anticipation that these approaches will have the intended effect, we should be analyzing whether we are getting the expected return on investment. We are concerned about the on-going findings

that racial disproportionality exists and remain committed to having a system that is free from institutional racism.

The Indian tribes are strongly in support of this bill. Given the fact that tribal children are such a big part of the foster care universe, tribes are desperately wanting continued training and expertise added to the DSHS to address this problem.

The Mockingbird Society is concerned about the ongoing findings that racial disproportionality exists and we support evaluations that identify the tools, services, and interventions that help to ensure families receive what they need to strengthen their families and reduce the number of kids that are placed--and remain--in foster care unnecessarily. Further we believe by reducing the number of youth that are unnecessarily brought in, and remain in, the child welfare system we will reduce costs. This legislation is about supporting and promoting evidence-based practices and holding the DSHS accountable for reducing racial disproportionality. By making the system work better for those children who are served the worst, we make the system better for every child in foster care.

(Information only) Racial disproportionality is a way of comparing how prevalent one race is in a given system as compared to other races in the same system. When a race is represented in a system at a higher percentage as compared to how that race is represented in the general population, we find that race to be overrepresented. This overrepresentation of a race is what we call racial disproportionality.

(Opposed) None.

Staff Summary of Public Testimony (Health & Human Services Appropriations):

(In support) This bill is about cost efficiency and accountability. This bill is about making sure steps are being taken to address the disproportionate number of children of color that are referred to out-of-home care and are left in out-of-home care for longer periods of time. The public needs to make sure that the Department of Social and Health Services is taking the right steps and that the state is putting public resources in the right place. By having the Washington State Institute of Public Policy evaluate the decision-making processes within the Children's Administration, the bill would achieve efficiency and accountability. It is appreciated that the House's proposed budget has provided adequate funding and believe that addressing racial disproportionality in the child welfare system can result in long term savings.

(Opposed) None.

Persons Testifying (Early Learning & Children's Services): (In support) Teresa Mosqueda, Children's Alliance; Laurie Lippold, Children's Home Society; Mike Moran, Sammish Umatilla Tribes; and Tera Bianchi, Mockingbird Society.

(Information only) David Del Villarfox, Department of Social and Health Services, Children's Administration; and Marna Miller, Washington State Institute for Public Policy.

Persons Testifying (Health & Human Services Appropriations): Teresa Mosqueda, Children's Alliance.

Persons Signed In To Testify But Not Testifying (Early Learning & Children's Services): None.

Persons Signed In To Testify But Not Testifying (Health & Human Services Appropriations): None.