

*Building a culture of fairness and equity  
in California's child welfare system:  
A call to leadership and action*

**By**

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# 1. Background

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- **May 2001**
- CWS Stakeholders Group creates a workgroup on fairness and equity
- The recommendation to create workgroup came from the Stakeholders Summit in Monterey, California.

# Workgroup Task

- The workgroup was charged with the following task: to develop strategies to integrate and ensure fairness and equity throughout the redesigned CWS system— from prevention and community partnerships, to early intervention and differential response, to safety and change interventions, as well as successful placement outcomes.

# Membership

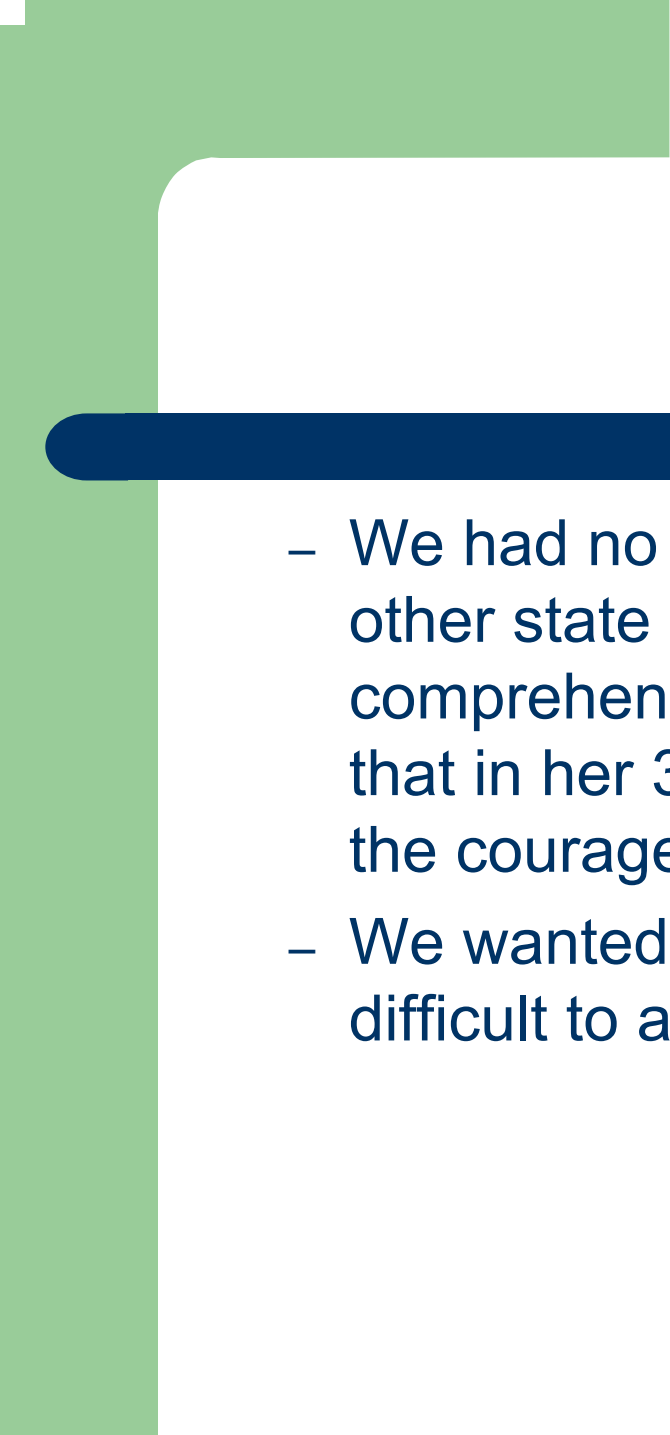

- There were 20 members of the workgroup, Retired Judge Alice Lytle and two consultants, (Gil Villagran and myself) who provided leadership and direction in defining the concept of fairness and developing strategies appropriate for the redesign efforts.

# CDSS & CaISWEC

- Staff of the Department of Social Services and CaISWEC provided statistical data and measurements related to fairness and equity to the workgroup.
- Workgroup began meeting in October 2001 for a period of nearly six months dividing its work into several phases.

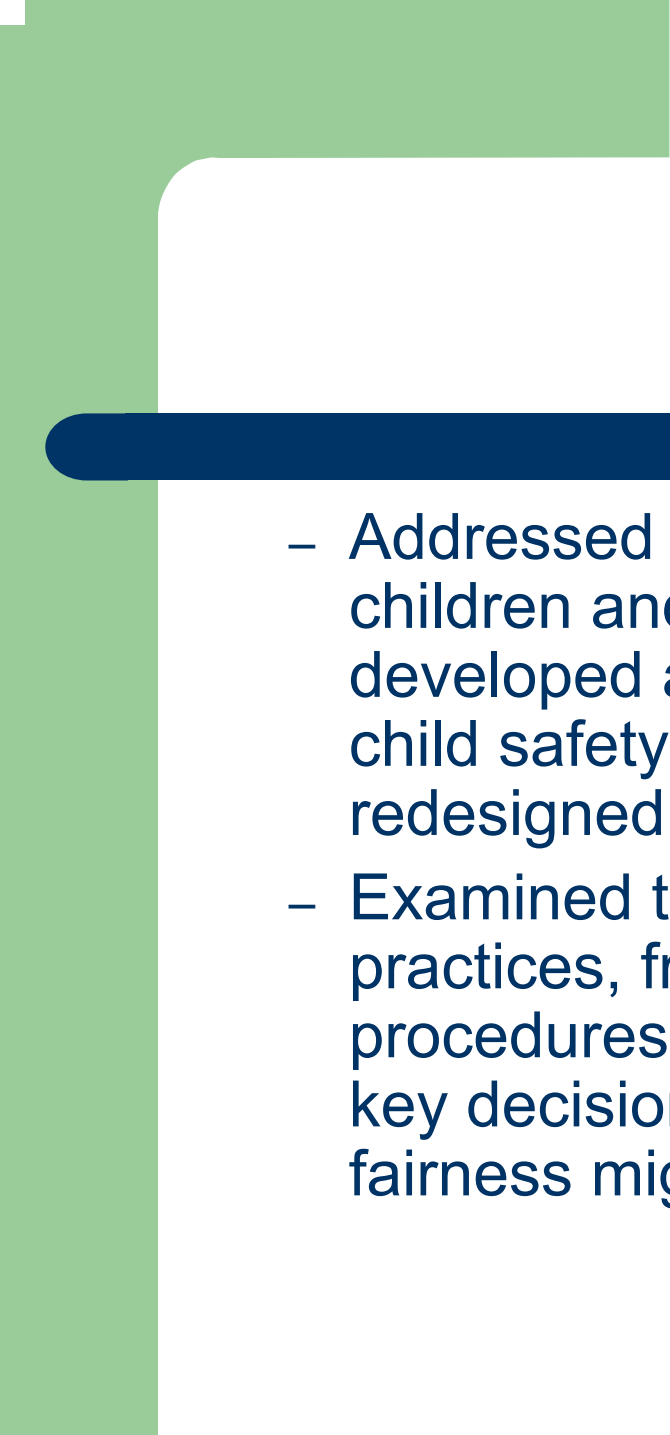

# Our Approach

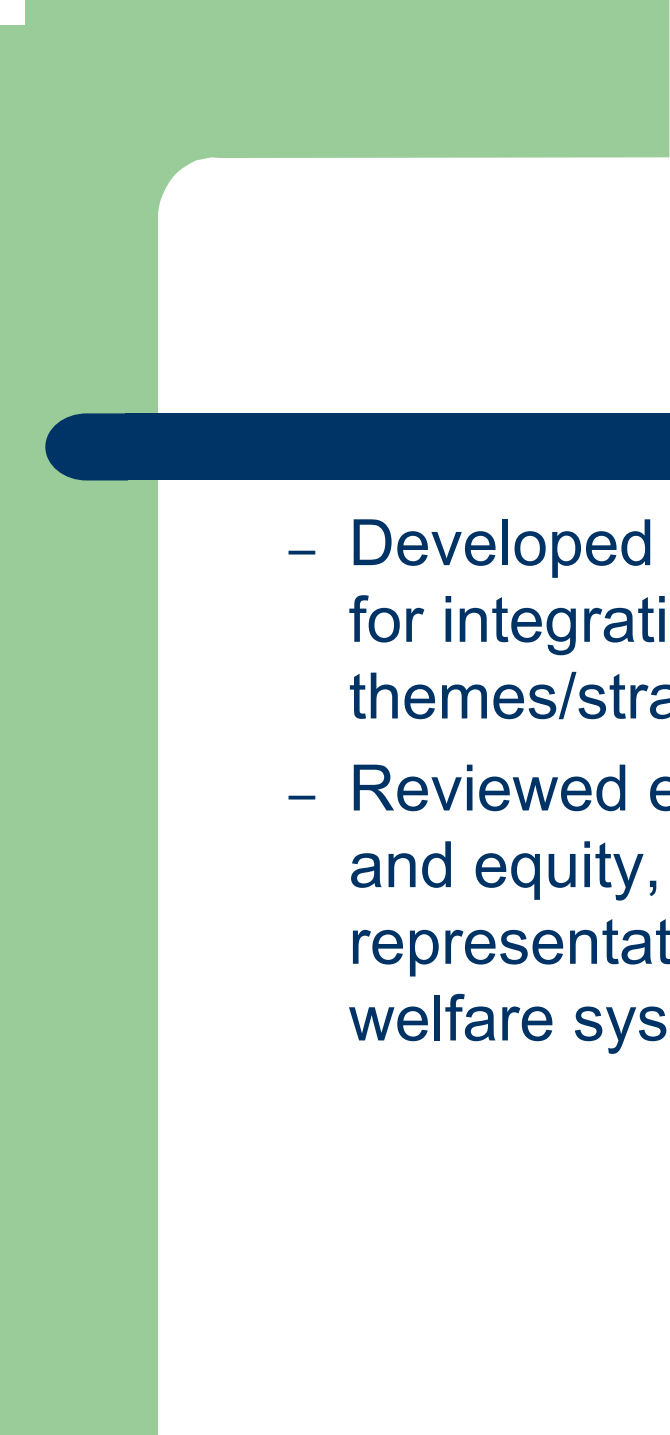

- Recognition of the emotive and complex nature of the subject.
- The uncertainty among decision makers and practitioners within CWS regarding how best to address it.
- CWS literature, while highlighting several issues related to fairness, does not provide a road for addressing the subject.

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- We had no precedence to follow because no other state had addressed the subject in such a comprehensive manner. (Remarks from Sylvia--- that in her 35 years in state service, no one had the courage to touch the subject.
  - We wanted consensus where unanimity was difficult to achieve.

# Our work

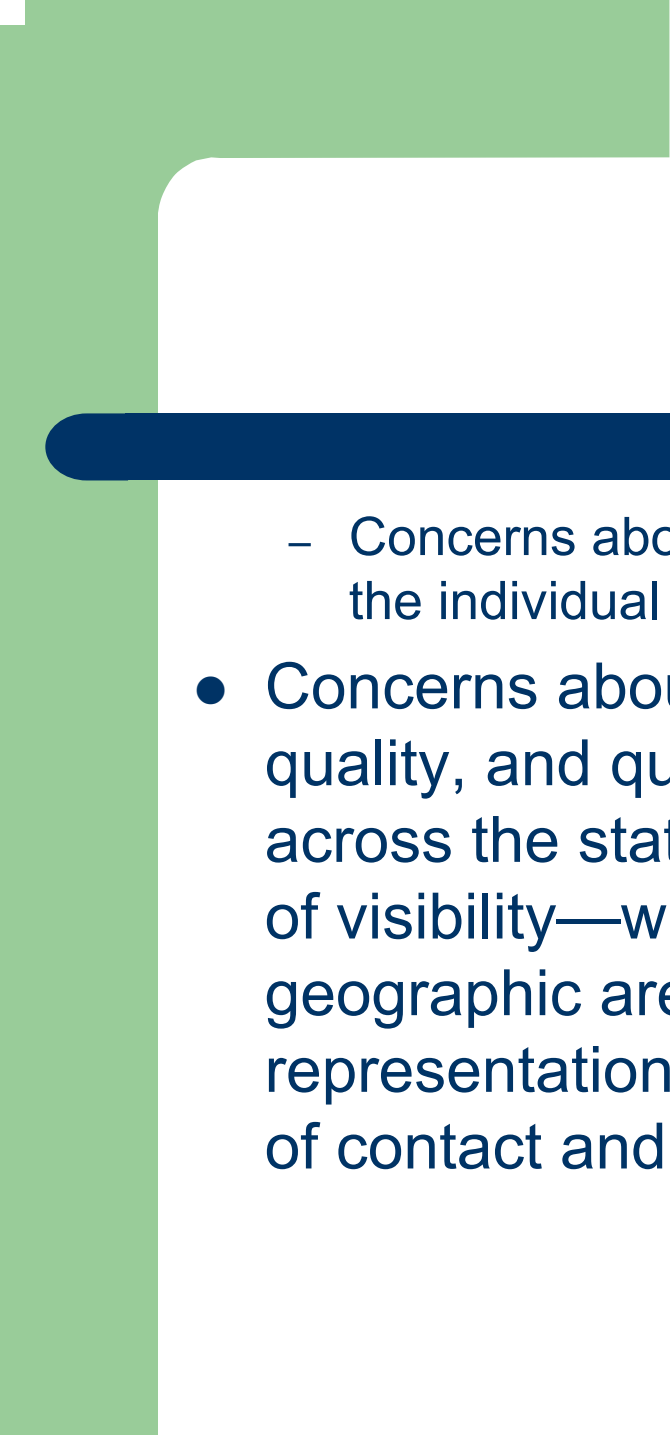
- The workgroup
  - Examined the culture within which the child welfare system operates, and how cultural assumptions and beliefs shape thought processes and communication, in this case, CWS processes and decisions;
  - Examined the nature and complexity of fairness as a construct, and provided a system-relevant definition for California's child welfare system;

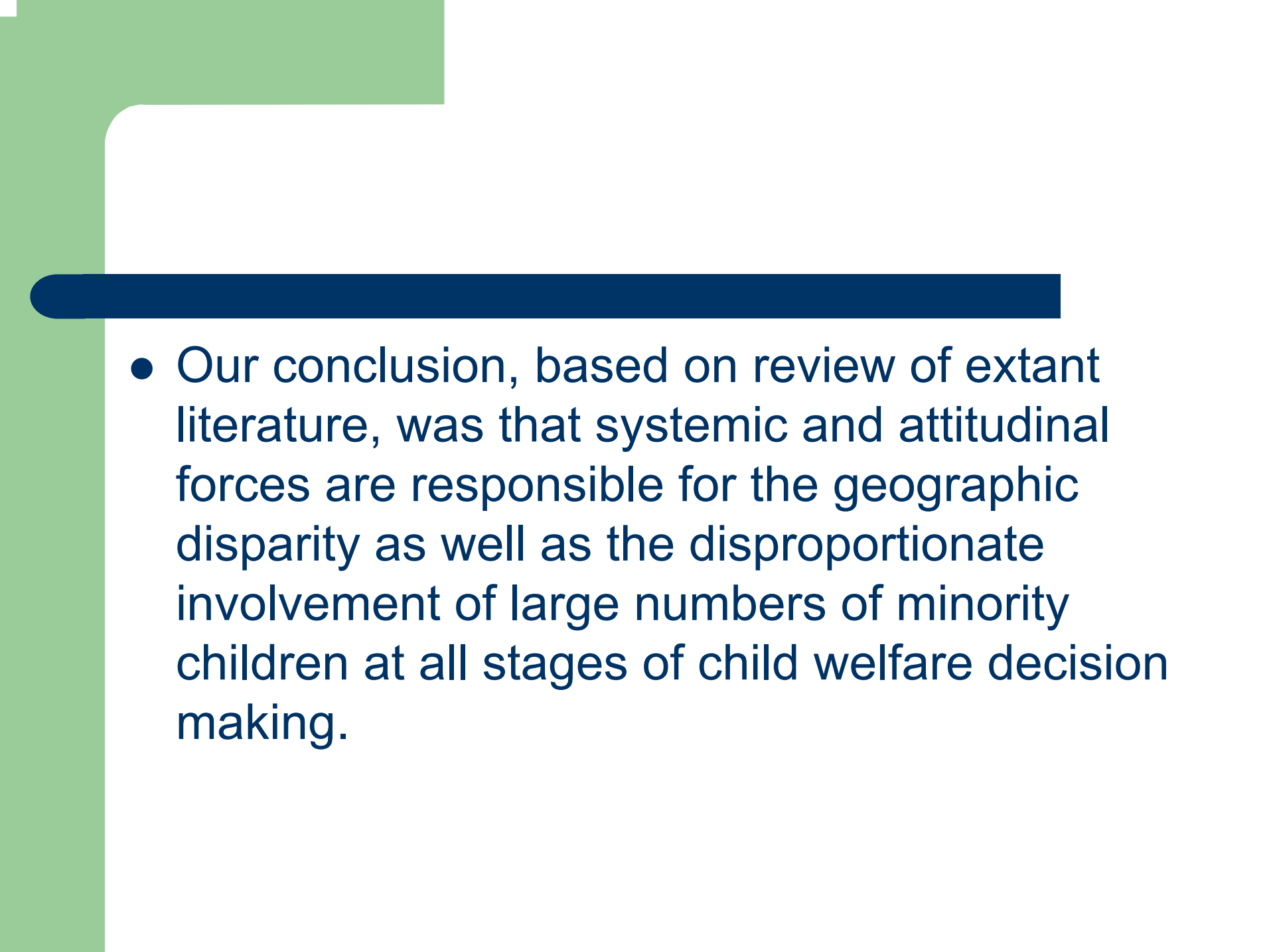
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- Addressed the issue of fairness outcomes for children and families in the system, and developed an outcome statement for ensuring child safety and family well-being in the redesigned system;
  - Examined the child welfare system processes and practices, from intake to disposition, policies and procedures contained in the system, as well as key decision points and process elements where fairness might be implicated;

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- Developed a fairness and equity matrix as a tool for integrating fairness and equity themes/strategies in a redesigned CWS;
  - Reviewed extant literature on issues of fairness and equity, as well as factors to disproportionate representation of children of color in the child welfare system.

# Why fairness and equity

- Concern over disproportionality—the difference between the proportion of children of a particular racial or ethnic group in the child welfare system and the proportion of children in that particular racial or ethnic group in the general population [Hines et al, 2001].
- Concerns about the disproportionate representation of African American children placed in foster care.



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- Concerns about the fairness of the system in its treatment of the individual families being served.
  - Concerns about geographic disparity in the nature, quality, and quantity of services provided to families across the state. Here also we discussed the issue of visibility—where a “minority” family living in a geographic area where he/she has relatively less representation potentially has an increased chance of contact and placement with CWS.

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- Our conclusion, based on review of extant literature, was that systemic and attitudinal forces are responsible for the geographic disparity as well as the disproportionate involvement of large numbers of minority children at all stages of child welfare decision making.

# Grappling with the concept of fairness: Guiding Assumptions

- **Assumption 1:** The child welfare system is expected to operate within and be accountable to a set of legal and ethical values embodied in our constitution, statutes, rules and regulations. These are all designed to ensure fairness. There is unavoidable tension between the dictates of the justice system and the obligations of CWS.

- **Assumption 2:** Under the U.S. constitution, one of the fundamental rights identified is the right to parent one's own child. Tension results when the CWS or the court sets in motion a process to remove children from the parent either temporarily or permanently. The resulting tension is a product of the two conflicting imperatives of our justice system/CWS--- the right of persons to parent their child and the need to protect the child from harm.



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- **Assumption 3:** The child welfare system has a culture like other bureaucracies. Certain beliefs and assumptions permeate this culture and can produce tension, sometimes leading to serious conflict between the social worker and the family, the social worker and the attorney or the judge.

- **Assumption 4:** given the need to justify the intrusion of government into the protected family relationship, evidence is gathered and evaluated. Allegations that might lead to the permanent removal of children may be made based on this evidence. This process is, of necessity, judgmental and creates the risk that the decision maker will consciously or unconsciously form moral judgments about the person or family being investigated, i.e. whether they are “good” or “bad,” “decent” or not so “decent,” “worthy” or “unworthy.” Complicating this picture is the possible risk of racial, ethnic, gender or other types of impermissible bias.

- **Assumption 5:** The current culture of child protective services is one that makes both legal and moral judgments about good and bad behaviors regarding child abuse, maltreatment, and neglect. The mechanisms for making such judgments/conclusions are not just legal, but profoundly cultural.

# Three crucial points about culture

- **Culture provides the lens through which we see the world, process information, and communicate with others.**
- **Cultures evolve mechanisms for dealing with the duality of good and bad. These mechanisms are built upon the cultural means for dealing with difference, as well as establishing the boundaries between difference and deviance.**

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- **Cultures evolve different responses for behaviors that are considered as deviant or anti-social, ranging from expulsion to assimilation, or change from assimilation to expulsion.**

# Defining Fairness and Equity: Group Activity

- Please form groups of 5-12 around your table. Imagine for a moment that I have given your group a 12-inch pizza to share for lunch.
- Please come up with the best/fairest way to share the pizza among yourselves.
- You have 15 minutes for this activity.

# Defining fairness

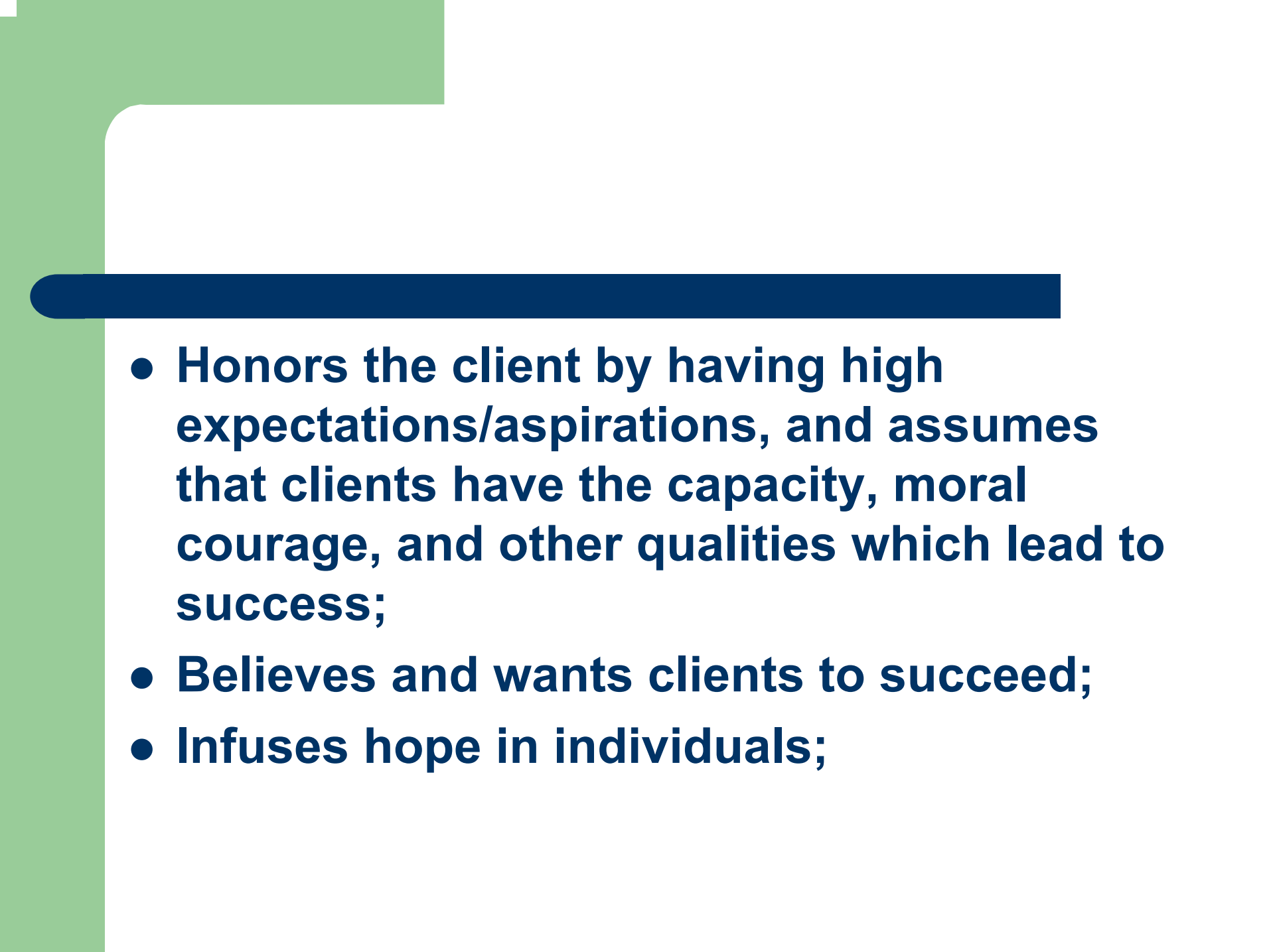
- Fairness is both a complex and contextual process—requiring the application of certain norms or mitigating factors in decision making, including decisions about how resources and services are distributed.

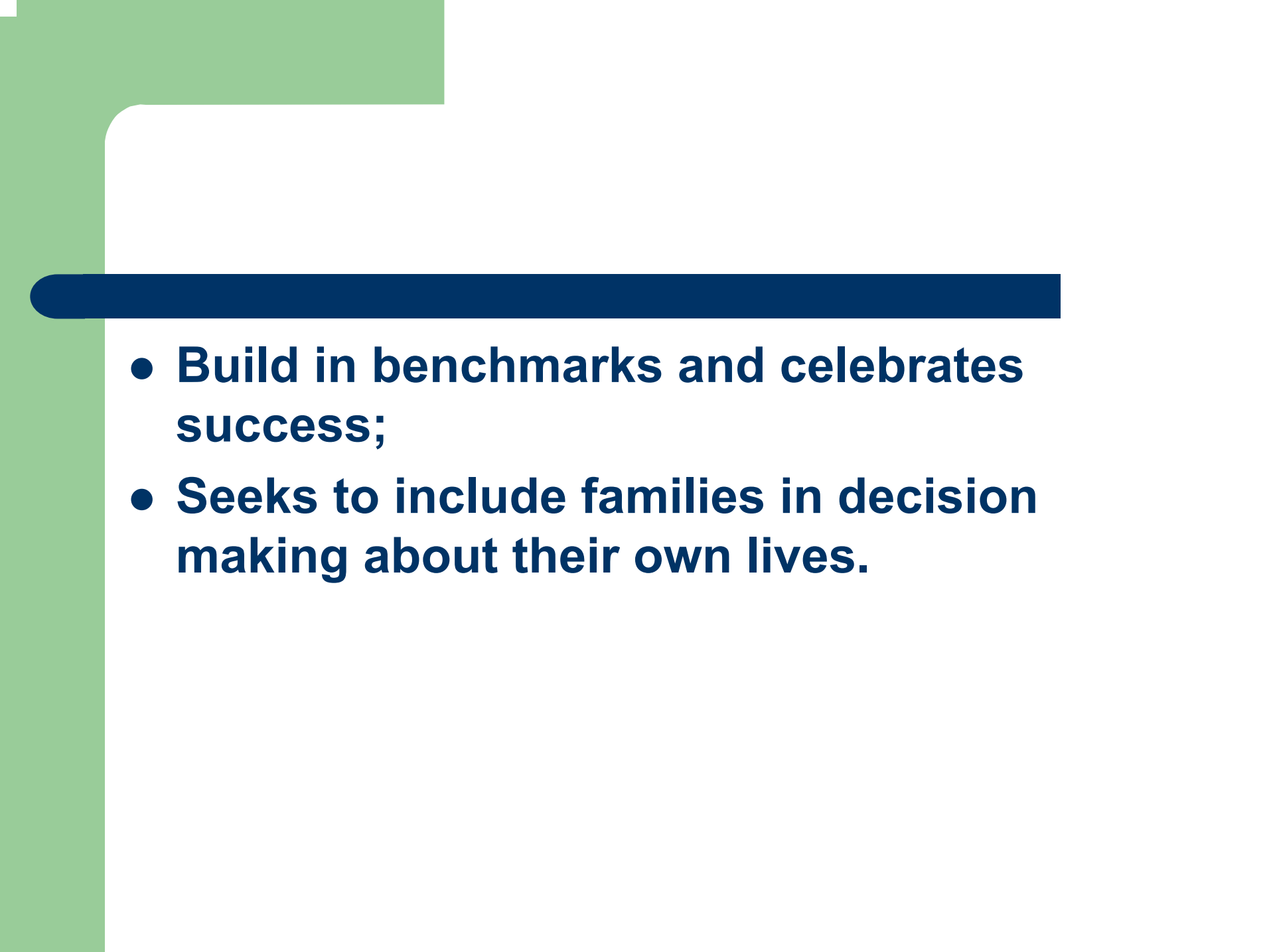
# A supportive child welfare system

- A fair child welfare system is organized and implemented to provide a supportive institutional response in which each family is offered needed services, taking into account the individual's experience and cultural background, to effectively modify individual behaviors as well as remedy systemic and community problems that negatively affect a child's well-being.

# **A supportive child welfare institution is one which:**

- **Continuously examines itself in terms of policies, regulations and practices to avoid placing roadblocks to clients and outcomes;**
- **Seeks to remove systemic or institutional roadblocks from paths of clients;**
- **Respects the humanity of its clientele even when it doesn't respect the behaviors;**

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- **Honors the client by having high expectations/aspirations, and assumes that clients have the capacity, moral courage, and other qualities which lead to success;**
  - **Believes and wants clients to succeed;**
  - **Infuses hope in individuals;**



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- **Build in benchmarks and celebrates success;**
  - **Seeks to include families in decision making about their own lives.**



# A call to leadership and action

- **Examining System Decision Points: Developing a Fairness Matrix**
- **Discussions focused on stages in case processing in CWS from the point in case flow when a report is made to CPS through to the point when the report/case is disposed.**

## **We identified 15 areas that have implications for fairness:**

- Current system is adversarial focusing mainly on individual blame and deficits**
- Current assessment methods and tools lack cultural understanding, including how lack of understanding of economic and social inequities might result in family contact with system**

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- **Bias toward single parents, single mothers on AFDC, mothers who have children by different men, grand parents and extended families.**
  - **Frustration in working with mothers/female victims of domestic violence—thus shifting the focus from assisting the family to only protecting the child.**
  - **Power disparity between family, case worker and system**

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- **Minimal effort at formulating policies and practices that are responsive to the unique needs of each family**
  - **Limited time for processing cases.**
  - **Increasing case load and volume of paper work**
  - **Adoption decisions lack cultural understanding**

# The Fairness Matrix



# Examining system processes and practices

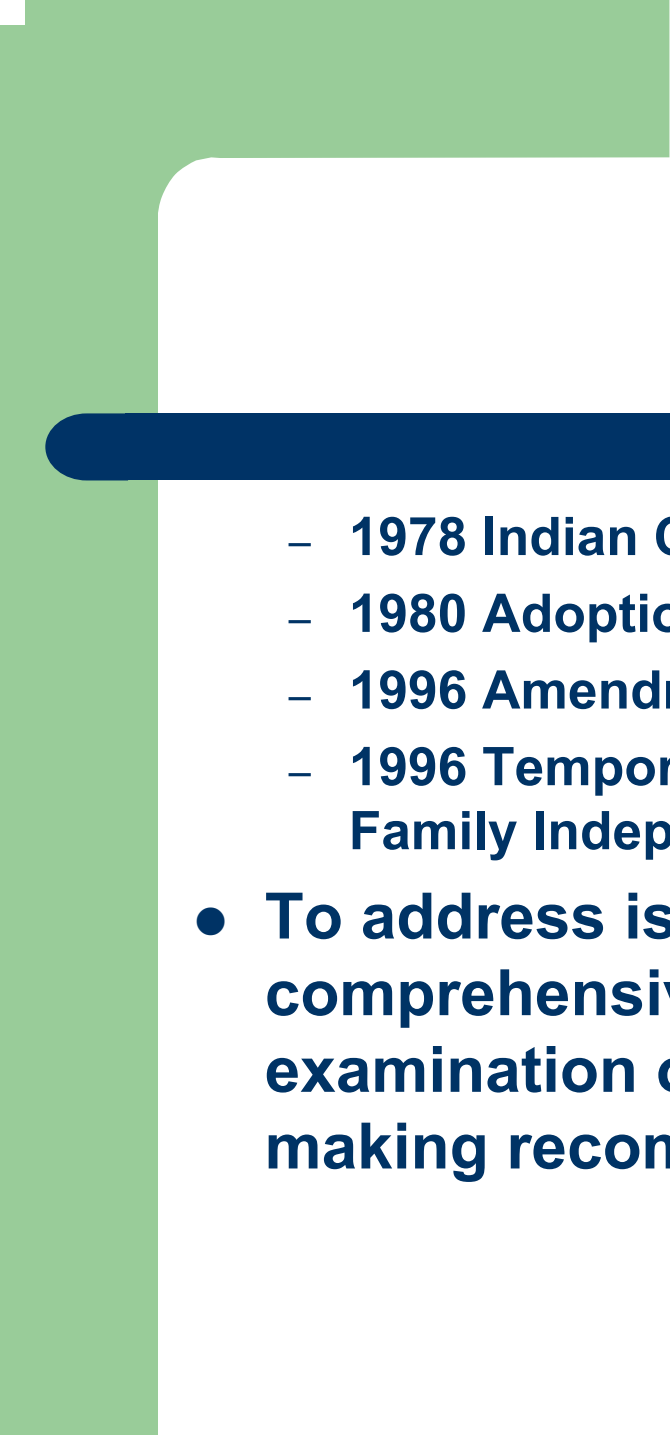
- **This involves how social workers process information, evaluate cases, manage communication, and arrive at decisions.**

# Seven elements with fairness implications

- **Observation**
- **Assessment**
- **Inclusion**
- **Interaction**
- **Power and use of sanctions**
- **Home visits and role clarity**
- **Physical boundaries**

# Examining system policies and regulations

- **Policies and regulations that are codified and their potential impact on fairness, including such issues as family reunification:**

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- 1978 Indian Child welfare Act**
  - 1980 Adoption Assistance and Child Welfare Act**
  - 1996 Amendment to the Multiethnic Placement Act**
  - 1996 Temporary Assistance to Needy Families and the Family Independence Act (formerly AFDC)**
  - To address issues of fairness more comprehensively will require a more closer examination of these policies with a view to making recommendations for change.**

## **Group Activity: The Albatross Culture**

- **You are going to be visited by some members of the Albatross culture. Please do no giggle or laugh during this activity. Your task is to observe the visitors and to write down your observations. You will need a pen/pencil and paper for this activity.**