

HOUSE BILL REPORT

HB 1472

As Reported by House Committee On:
Early Learning & Children's Services
Appropriations

Title: An act relating to analyzing and remedying racial disproportionality and racial disparity in child welfare.

Brief Description: Analyzing and remedying racial disproportionality and racial disparity in child welfare.

Sponsors: Representatives Pettigrew, Haler, Kagi, P. Sullivan, Walsh, Lovick, Barlow, Kenney, McCoy, Darneille, Hasegawa, Roberts, Hinkle, Santos, Appleton, Upthegrove, Williams, Moeller, Ormsby, VanDeWege, Schual-Berke and Dickerson.

Brief History:

Committee Activity:

Early Learning & Children's Services: 1/30/07, 2/2/07 [DPS];
Appropriations: 2/13/07, 2/14/07 [DPS(ELCS)].

Brief Summary of Substitute Bill

- Directs the Secretary of the Department of Social and Health Services to convene an advisory committee to analyze and make recommendations regarding the disproportionate representation of children of color in the state's child welfare system.
- Requires development of a remediation plan and an annual progress report for reducing and eliminating racial disproportionality and disparity in the state's child welfare system.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 6 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle and Pettigrew.

Staff: Sydney Forrester (786-7120).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The disproportionate representation of a racial or ethnic group within a system is often referred to as racial disproportionality. The concept of racial disproportionality looks across racial and ethnic groups at the relative ratios of the groups in a system. In the child welfare system, racial disproportionality occurs when a particular racial or ethnic group of children is represented at a higher percentage than would be expected based on their percentage of the population as a whole.

A related concept used to discuss disproportionate representation in the child welfare system is *over-representation*. This concept looks at the difference between how a particular group of children is represented in a system compared with how that same group is represented in the general population.

Racial disparity is a term used to define disparate services provided (type, quantity, or quality) or treatment extended to one or more racial or ethnic groups. Within the child welfare system, racial disparity occurs when racial or ethnic minority children receive unequal treatment as compared with non-minority children. The term *racial disparity* also is used to describe disparate outcomes related to health, mental health, educational achievement and graduation rates, permanency, homelessness, or criminal involvement for different racial or ethnic groups.

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 in King County beginning in 2004. The data from this research indicates that disproportionate numbers of children of color in King County are represented in the state's child welfare system. Native American and African American children are over-represented at nearly every decision point in the system. The King County Coalition on Racial Disproportionality currently is using this data to implement interventions to address disproportionality at targeted decision points in the system.

The Washington Department of Social and Health Services (DSHS) recently participated in a conference coordinated by the National Conference of State Legislatures to address the causes and extent of racial disproportionality in child welfare. Also examined were states' efforts to identify promising practices to reduce racial disproportionality and disparate outcomes for children of color in child welfare. The DSHS currently is engaged in a variety of efforts with Washington's Tribal leaders to address the over-representation of Native American children in the state's child welfare system.

Summary of Substitute Bill:

The Secretary of the DSHS is directed to convene an advisory committee to address racial disproportionality and disparity in Washington's child welfare system. The advisory group will be limited to 15 members and comprised of:

- (1) experts in social work, law, child welfare, psychology, and related fields;
- (2) two or more tribal representatives;
- (3) one representative of a community-based organization involved with child welfare;
- (4) one representative from the DSHS;
- (5) one current or former foster youth;
- (6) one current or former foster parent;
- (7) one parent previously involved with Washington's child welfare or juvenile justice system; and
- (8) a representative from the Governor's Juvenile Justice Advisory Committee.

The Senate, House of Representatives, and Secretary of the DSHS each will appoint five members of the advisory committee. Appointments to the committee must be coordinated to achieve the specified representation. Once appointed, the committee will select two members to serve as co-chairs, one of whom must be from a non-governmental entity.

The Washington Institute for Public Policy will provide technical assistance to the committee. The DSHS must make reasonable efforts to seek public and private funding for the advisory committee.

The advisory committee must examine and analyze:

- (1) the level of involvement for children of color in the state's child welfare system; and
- (2) the outcomes for children in the existing system.

By September 1, 2007, the committee must report the results of its analysis to the DSHS. If the data indicates disproportionality or disparity for one or more racial or ethnic groups within one or more regions in the state, the DSHS must develop a plan to remedy the disproportionality or disparity. The committee will provide ongoing evaluation of current and prospective efforts to reduce and eliminate racial disproportionality and disparity.

By January 1, 2008, the DSHS must report to the Legislature regarding the analysis undertaken by the committee and the plan to remedy the disproportionality or disparity. Beginning January 1, 2009, and through January 1, 2013, the DSHS must provide the Legislature with an annual progress report on efforts to reduce and eliminate racial disproportionality and disparity in the state's child welfare system. The act expires June 30, 2013.

Substitute Bill Compared to Original Bill:

Adds to the advisory committee a representative from the Governor's Juvenile Justice Advisory Committee and removes references to studying and remedying racial disproportionality in the juvenile justice system. Directs the Secretary of the DSHS, rather than the Governor, to appoint five members of the advisory committee and expands the number of committee members to be appointed by each chamber of the Legislature from three each to five each. Requires the appointments to be coordinated so that the specific representation is achieved and directs the committee to select two co-chairs. Clarifies the role of the advisory committee during implementation of the remediation plan.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) For several years we have been hearing about racial disproportionality. We are aware of racial disproportionality and disparity in child welfare because of the statistics, but we have not yet undertaken a comprehensive statewide focus to address it. The children we are talking about should be in stable and permanent families. This is an investment that will pay off for the children and for the state in terms of better overall outcomes as these children exit foster care. By making the foster care system work better for children of color we will be making it work better for all children.

This bill is meant to promote ongoing efforts to address racial disproportionality by looking at what's working elsewhere and paying attention to this issue with annual reviews. The advisory committee role and the annual report to the Legislature will help identify the initiatives in Washington and elsewhere proving effective in reducing and eliminating racial disproportionality.

Back in 1969 we began to be aware of racial disproportionality and disparity in juvenile justice and in students' readiness to learn in school. This is one of the most important pieces of legislation to come along on this topic because it elevates the conversation to a state level. It will help us learn what is working and what is not working so we can stop what is not working and build on what *is* working. We also should consider the potential impact we can have on academic achievement, the high school dropout rate, and the prison population rate. All children deserve an equal opportunity for a good childhood. The sustainability of our efforts is very important if we hope to make a real difference. This issue touches on spiritual, cultural, and ideological issues. We would like to see accountability measures that will continue a long-term focus on this issue.

This bill is complementary to the Braam Implementation Plan which requires the DSHS to track outcomes related to foster care youth based on racial and ethnic data. We do not want this to be forgotten. This bill will assist the DSHS in accomplishing some of the goals set out by Braam.

This is a critically important issue and we are pleased to see a plan to collect and analyze data at a number of discreet decision-making points. This will be most helpful in identifying the strategies that can make a difference and in monitoring progress. The resources and technical assistance being directed to the work in King County might be leveraged to promote a statewide plan to reduce and eliminate racial disproportionality and disparity in child welfare.

(Opposed) None.

Persons Testifying: Representative Pettigrew, prime sponsor; Kip Tokuda, City of Seattle; Patricia Clark, King County Juvenile Court; Casey Trupin, Columbia Legal Services; Sarah Cherin, Children's Alliance; Sandi Swarthout, Washington Health Foundation; Mary Williams, Governor's Juvenile Justice Advisory Committee; Robert Wyman, Washington Defender Association and The Defender Association; Nancy Roberts-Brown, Catalyst for Kids; and Janeen Comenote, United Indians of All Tribes Foundation.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

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

Staff: Amy Skei (786-7140).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Early Learning & Children's Services:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) For years we've been working on the root causes of racial disproportionality, whether in the child welfare system, the criminal justice system, or the juvenile justice system. This is one way to centralize the discussion, the education, and the initiatives that are forthcoming and that are already in place in DSHS and in the community. Racial disproportionality is a national problem, and it is time for Washington to work on a statewide picture of disproportionality. Michigan has been effective with similar efforts that included an active public-private partnership. Michigan has reduced its foster care caseload by 2 percent since it began working on racial disproportionality.

(Opposed) None.

Persons Testifying: Representative Pettigrew, prime sponsor; Yoshe Revelle; and Sarah Cherin, Children's Alliance.

Persons Signed In To Testify But Not Testifying: None.