

**Race & Child Welfare:
Disproportionality, Disparity, Discrimination:
Re-Assessing the Facts, Re-Thinking the Policy Options**

Working Conference

**Harvard Law School
Cambridge, MA
January 28-29, 2011**

Sponsor: Harvard Law School Child Advocacy Program

Affiliate Sponsor: Chapin Hall at the University of Chicago

Participating Organizations:

National Council of Juvenile and Family Court Judges
National Court Appointed Special Advocates (CASA)

Friday Afternoon – HLS Austin Hall 1st Floor	4:00-7:15 pm
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Registration

4:00-5:00 pm

Outside Austin North Classroom

Registration Table will be staffed throughout the conference.

Welcome & Introduction:

5:00 pm

Austin North Classroom

Elizabeth Bartholet, Professor of Law & Faculty Director, Child Advocacy Program (CAP),
Harvard Law School

Fred Wulczyn, Research Fellow, Chapin Hall at the University of Chicago

Nature and Purpose of the Conference; brief perspectives on the issues; Conference format.

Historical & Social Context:

5:30-7:15 pm

Austin North Classroom

Dorothy Roberts: Professor of Law, Northwestern Law School

Duncan Kennedy: Professor of Law, Harvard Law School

Randall Kennedy: Professor of Law, Harvard Law School

Moderator: Charles Ogletree, Professor of Law & Director, Charles Hamilton Houston
Institute for Race & Justice

Audience Questions & Comments

Friday Evening – HLS Pound Hall	7:30-9:00 pm
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Dinner Buffet & Reception Ropes Gray Room, Pound Hall 2nd Floor	7:30-9:00 pm
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Saturday – HLS Austin Hall (followed by Reception 6-7:30 pm)	7:30 am – 6:00 pm
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Breakfast Austin Rotunda, Austin Hall	7:30-8:15 am
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Welcome & Conference Specifics: Austin North Classroom	8:30-9:00 am
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Elizabeth Bartholet, HLS Professor of Law & CAP Faculty Director
Jessica Budnitz, HLS Lecturer on Law & CAP Managing Director

Facts: Entry Issues:

Removal Rates, Official vs Actual Maltreatment Incidence

9:00-10:45 am

Austin North Classroom

This session will present recent research on comparative rates, by race, of reporting, substantiation and removal to foster care, and on the degree to which any racial disparities do or do not appear to reflect differences in actual maltreatment incidence.

John D. Fluke, Director, American Humane Association: Findings from Research Synthesis on Child Welfare Disproportionality and Disparities (American Humane 2010) related to Entry issues

Brett Drake, Professor, the Brown School, Washington University School of Social Work: recent work related to NIS-4, actual and official maltreatment rates

Emily Putnam-Hornstein, Associate Research Specialist, Center for Social Services Research, University of California at Berkeley: recent research on maltreatment death rates and actual maltreatment incidence vs official maltreatment rates

Richard Barth, Dean, School of Social Work, University of Maryland: recent research on maltreatment incidence as relates to entry rates, and on degree to which child welfare services programs function as protective institutions

Audience Questions & Comments

Facts: Exit Issues:

Rates of Foster Care Retention, Kinship Care, Access to Permanency

10:50-11:55 am

Austin North Classroom

This session will present recent research on the comparative rates, by race, for retention in and exit from foster care, and the role different factors appear to play in contributing to any racial disparities.

Brenda Jones Harden, Associate Professor, Institute for Child Study, University of Maryland College Park: Findings from Research Synthesis on Child Welfare Disproportionality and Disparities (American Humane 2010), foster care services related to Exit Issues

Fred Wulczyn, Research Fellow, Chapin Hall at the University of Chicago: recent research on exit issues, including reunification, guardianship and adoption rates

Audience Questions & Comments

Moderator for the morning sessions: Hon. Cindy S. Lederman, Circuit Judge, 11th Judicial Circuit Court, Juvenile Division, Miami, FL

LUNCH BREAK – Lunch boxes

12:00-1:00 pm

Austin Rotunda & Austin Hall East and West Classrooms

Policy & Practice Options Related to Entry Issues:

1:15-2:25 pm

Austin North Classroom

Policy proposals have included reducing the number of black children removed to foster care, and increasing racial sensitivity training of CPS workers, based on a belief that removal rates largely reflect system bias. Related proposals are for Congress and for child welfare administrators to measure the success of state child welfare systems by the degree to which they reduce black child removal rates to match population percentages. Others question the emphasis on system bias, and propose a focus on reducing the incidence of maltreatment through, for example, expanded up-front prevention and family support programs, and expanded efforts to address parental substance abuse. Speakers and panel members will discuss a wide range of policy options related to the entry issues, based on their best understanding of the empirical realities that were the subject of the morning Facts Session on Entry Issues.

Barbara Needell, Center for Social Services Research, School of Social Welfare, University of California, Berkeley: birth variables predicting CPS intervention

Deborah Daro, Research Fellow, Chapin Hall at the University of Chicago: General Prevention Strategies, Including Early Intensive Home Visitation.

Claire Houston, S.J.D. Candidate, Harvard Law School: Parental Substance Abuse & Child Welfare: Promising Programs for Early Intervention and Permanency

Audience Questions & Comments

Policy proposals have included increasing black family reunification rates, and increasing the movement of black children from foster care to guardianship or adoption, based on a belief that current rates reflect system bias. Others question the emphasis on system bias, and propose a focus on moving all children, regardless of race, more expeditiously to healthy forms of permanency. Speakers and panel members will discuss a wide range of policy options related to the exit issues, based on their best understanding of the empirical realities that were the subject of the morning Facts Session on Exit Issues.

Joe Ryan, Associate Professor & Faculty Fellow, Child and Family Research Center, School of Social Work, University of Illinois: substance abuse “coach” system, and prospects for timely rehabilitation and reunification, vs timely move to adoption and other permanency options if reunification not appropriate.

Jill Duerr Berrick, Professor & Co-Director, Center for Child and Youth Policy, University of California, Berkeley: Concurrent Planning (ideals and realities), and other programs for moving children more expeditiously to permanency.

Anne Marie Lancour, Director of State Projects, ABA Center on Children & the Law: Removing Barriers to Permanency Project.

Audience Questions & Comments

**Panel Discussion: Comments on Policy & Practice Options for
Both Entry and Exit Issues**
Austin North Classroom

3:50-6:00 pm

Panel members:

Lily Dorman Colby, U.C. Berkeley Law School Class of 2014, Yale University Class of 2010, foster care alumna, former foster parent

Eric D. Fenner, Executive Director, Franklin County Children Services, Columbus, Ohio

Hon. Patricia M. Martin, National Council of Juvenile and Family Court Judges

John Mattingly, Commissioner, New York City’s Administration for Children’s Services

Cassie Statuto Bevan, Adjunct Faculty, School of Social Policy and Practice, University of Pennsylvania

David Sanders, EVP Systems Improvement, Casey Family Programs

Hon. Cindy S. Lederman, Circuit Judge, 11th Judicial Circuit Court, Juvenile Division, Miami, FL

Audience Questions & Comments

Moderator for the afternoon sessions: Elizabeth Bartholet, Professor of Law & Faculty Director,
Child Advocacy Program, Harvard Law School

FINAL RECEPTION

6:00-7:30 pm

[Austin Rotunda](#)