



# Equity Analysis for Dependency Courts

**December 2023**

## Background

The Blueprint for Racial Justice, launched in 2021, examines the systemic changes needed to make equal justice under the law an enduring reality for all. National Center for State Courts' staff and representatives from state courts across the country collaborate to generate policies, educational opportunities, bench cards, and other resources to assist state court leaders in engaging with local racial justice, equity, and inclusion efforts. One of the resources created by the Blueprint team is the [Racial Justice Organizational Assessment Tool for Courts](#). The Assessment Tool walks courts through a step-by-step process to identify priorities for action and improvements. The Equity Analysis Guide for Dependency Courts builds upon the framework outlined in the Assessment Tool and is specifically designed for dependency courts.

## Introduction

Disproportionality and disparity in the child welfare system are not new problems. For decades, courts and child welfare professionals have recognized the overrepresentation of families of color in the child welfare system. While communities and child welfare agencies play a role in understanding why these issues exist, there are critical decision-making points before, during, and after court involvement where courts can implement changes to address disproportionality and disparity. Disproportionality is when a group is overrepresented or underrepresented at a decision point compared to the proportion of the general population or preceding decisions. For example, although Black children represent approximately 15% of the country's total child population, they represent 22% of children in foster care. Disparity, on the other hand, is when one group experiences different outcomes compared to another group at the same decision point. For example, a greater percentage of White families experience reunification at case closure than Black families.

This Equity Analysis Guide for Dependency Courts is designed to assist dependency court leaders in assessing and identifying points in the dependency court process where

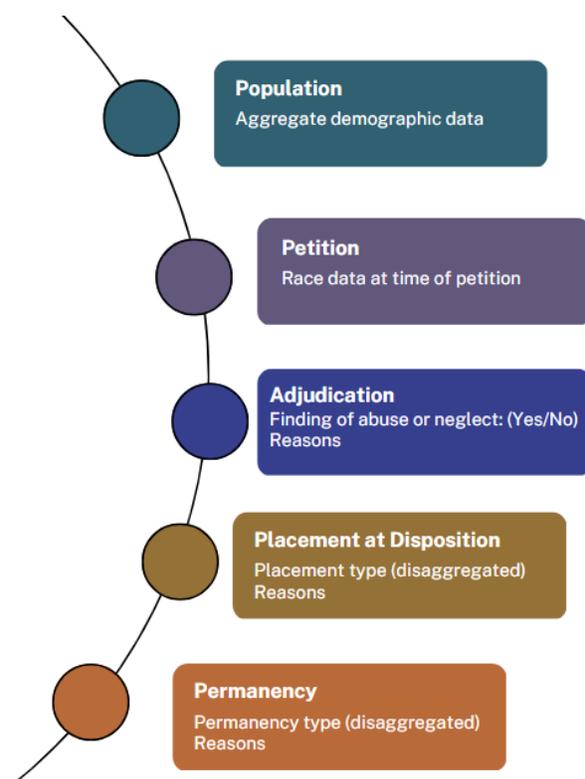
disproportionality and disparity exist. It provides users with a step-by-step guide to understand how to (1) map the process; (2) access the data; (3) analyze the data; and (4) develop a plan to address the disproportionality or disparity.

## Step 1: Map the Process

1. Map the court's procedures to the process map.
2. Identify and understand the decision points in the process.
3. Determine data available at each decision point.

The first step in the equity analysis is to map court procedures to the Dependency Court Process Map below. Because jurisdictions may process dependency cases differently, the Dependency Court Process Map is a high-level example and displays the points where data are required for the equity analysis. Families are likely involved with the child welfare agency before a dependency petition is filed; however, this analysis focuses on dependency court cases (also known as abuse and neglect) from petition to court case closure. The five points where race data is required are the population of the community, petitions filed, adjudication of the case, placement at the time of disposition, and permanency type at court case closure. These points are referred to here as decision points and are the focus of the equity analysis.

### *Dependency Court Process Map:*



For the purpose of the equity analysis, most of these decision points describe times when the court makes a major decision in a dependency case. The exception is the first point (**Population**) which describes the racial demographics of the community the court serves. The first point is compared to the racial demographics of **cases petitioned to the court** to identify differences between the composition of the community and the court-user population. The demographics at the point of petition give context to the remaining decision points.

**Adjudication** refers to the point where the court decides whether sufficient evidence exists to support the allegations of abuse or neglect. If abuse or neglect is found, the case will continue in the dependency court process. If abuse or neglect is not found, the case may be dismissed or the petition may be withdrawn.

**Placement at disposition** refers to where the court places the child(ren). Common options include kinship care, foster care, or congregate care.

Finally, **permanency** refers to the point when a child is legally placed in a safe and permanent home, and the court case is closed. There are numerous permanency types, including remaining at home, reunification, adoption, permanent legal guardianship, or another planned permanent living arrangement (APPLA). When an individual in foster care reaches 18 years of age, has not achieved permanency, and consequently exits the child welfare system, it is commonly referred to as aging out.

The two most important data elements needed for the equity analysis are the dates of key decision points and the race of the family members. Case-level data for all dependency cases closed within a specified timeframe and individual-level demographic data representing each person involved in the case are needed. Families may represent more than one race; for example, a child may be multiracial, with parents of different races. Similarly, multiple parents may be associated with a dependency case, and each parent may be of a different race. Courts must determine whether the equity analysis will focus on children, parents, or the entire family. Data availability often drives this decision as some court administrative data systems may not track the race for all family members.

## Step 2: Access the Data

1. Review sources of aggregate data to identify the demographic composition of the community.
2. Collect or access case-specific data at decision points.

Review sources of aggregate data to describe the demographic composition of the local court community. Population data disaggregated by race is available from the Census or the Office of Juvenile Justice and Delinquency Prevention's [Statistical Briefing Book](#).

Collect or access individual and case-specific data for each decision point. Data points to collect at the individual level include race; source of race data (i.e., petition, direct inquiry, driver's license, etc.); and relation to the case. Data points to collect at the case level include dates of petition, adjudication, disposition, and case closure; placement at disposition; and permanency type (reunification, TPR/adoption, guardianship, APPLA, etc.). See NCSC's [NODS for Dependency Cases](#) for a more comprehensive list of data elements relevant to dependency cases.

## Step 3: Analyze the Data

1. Analyze data at each decision point to identify disparities or disproportionalities.
2. Identify the reasons a family may have a specific outcome at each decision point using individual-level data.
3. Collect data on the reasons why families have specific outcomes.

After collecting data, compare the demographic profile at each decision point to identify inequities. Several mathematical approaches can be used to make this comparison.

Calculating relative rates and simple rates are commonly used to identify disproportionalities and disparities. The relative rate compares each decision point to an earlier decision point, while the simple rate compares each decision point to the population as a whole.<sup>1</sup> Disproportionality is when a group is out of proportion, while disparity is when a group experiences unequal treatment.

Relative rate index (RRI) or Relative Rate Ratio (RRR) compares the rate for families of a particular racial group with the rate for families at an earlier decision point. Calculate the RRR by dividing the number of families at the decision point by the number of families at the previous decision point, providing the rate at which particular decisions are made for specific groups of families. Then divide the rate for the non-White group by the rate for the White group. The result is the relative rate.<sup>2</sup> A result of 1.0 in this analysis indicates that there is no disproportionality at that particular decision point. The more the result deviates from 1.0 in either direction, the more disproportionality exists.

Disproportionate representation index (DRI) is a simple rate that compares the proportion of individuals of a specific racial group to the total population. To calculate the DRI, divide the percentage of the non-White group by the percentage of the total population. This calculation will make it possible to compare the percentages of particular racial groups to the percentage of the population as a whole.<sup>3</sup>

<sup>1</sup> <http://www.jjgps.org/racial-fairness#monitoring-methods?view=relative>

<sup>2</sup> <https://mjja.org/images/resources/dmc/how-to-calculate-relative-rate-index.pdf>

<sup>3</sup> <http://www.jjgps.org/racial-fairness#monitoring-methods?view=relative>

### *How to calculate the relative rate index*

In this example, the court is interested in learning whether White and Black children are equally likely to be reunified with their families. The court will examine the proportion of each group that has “reunification” listed as the Permanency Type, relative to the proportion of each group that reached permanency in their cases.

**Step One:** Divide the number of White children reunified with their families by the total number of White children whose cases reached permanency.

$$\frac{\text{White Children Reunified}}{\text{White Children Achieving Permanency}} = \frac{544}{800} = 0.68 = 68\%$$

**Step Two:** Divide the number of Black children reunified with their families by the total number of Black children whose cases reached permanency.

$$\frac{\text{Black Children Reunified}}{\text{Black Children Achieving Permanency}} = \frac{192}{600} = 0.32 = 32\%$$

**Step Three:** Divide the rate of reunification for Black children by the rate of reunification for White Children.

$$\frac{\text{Black Rate}}{\text{White Rate}} = \frac{0.32}{0.68} = \mathbf{0.47} \text{ (Relative Rate Index or RRI)}$$

A result of **0.47** (less than 1.0) indicates that, among cases that have reached permanency, Black children are half as likely as White children to be reunified.

Identify all possible outcomes at each decision point. This task is best done in a group setting to elicit a variety of perspectives. Multiple outcomes will be possible at each decision point; however, the analysis becomes more complex with more outcomes considered, so it may be beneficial to identify a few high-level outcome categories rather than several detailed outcomes. Similarly, the group may collect several subcategories of root causes to contextualize disparities and disproportionalities, but the subcategories should fit into the broader categories for the initial analysis. Root causes include specific reasons that a judge makes a particular decision, such as the family does not have a safe home, the agency has not identified a relative placement, etc.

Some examples may include:

#### *Adjudication*

- If evidence of abuse or neglect is not found
  - Alternative Outcomes:
    - Dismissed
    - Petition withdrawn
    - Insufficient evidence

### *Placement at Disposition*

- If the child does not remain at home
  - Alternative Outcomes:
    - Kinship
    - Foster care
    - Congregate Care
    - Other

### *Permanency*

- If the child does not remain at home
  - Alternative Outcomes:
    - Reunification
    - Adoption
    - Permanent guardianship
    - APPLA

After determining the various outcomes each case reaches, record the root cause for each family. For example, in the analysis above, the court discovered that among cases that reach permanency, Black children are less likely than White children to be reunified with their families. By examining these cases and recording why each child was or was not reunified, the court may gain insight into the patterns of barriers to reunification and decision-making that led to disparate outcomes. This level of data collection may require altering existing case management systems, doing manual case record review, or providing a tool for court staff to use. For additional information on this and other data collection and governance considerations, see the [NCSC Court Statistics Project Data Governance Policy Guide](#).

## **Step 4: Develop a Plan and Repeat**

1. Identify strategies to address disparities or disproportionalities where they are detected.
2. Repeat the equity analysis after implementing a new policy and periodically.

When the data analysis uncovers inequities at any decision point, the next step is determining how to address them. Identify which subpopulations are experiencing inequitable outcomes and explore the associated reasons. For example, the analysis may show disparities at adjudication, indicating that families of color experience barriers to accessing voluntary services. The court can then work with its partners to address the obstacles to accessing voluntary services. The Children's Bureau provides examples of court efforts to address disparities and disproportionalities, including: investing in interventions for services targeting issues that disproportionately impact families of

diverse racial backgrounds, prioritizing relationships and collaboration with child welfare agencies and other public systems, promoting ranges of permanency options, prioritizing quality legal representation, or improving the diversity and cultural responsiveness of court staff.<sup>4</sup> Creating a formalized process for addressing these disproportionalities or disparities will benefit the court.

A Data Walk can assist in identifying strategies for addressing disproportionalities or disparities. A Data Walk is an interactive way to present data and engage stakeholders in conversations and problem-solving. During a Data Walk, courts may show population data disaggregated by race and compare data disaggregated by race at each decision point. Making data accessible to partners and inviting their insights can provide a more in-depth understanding of root causes and possible solutions.

After implementing new policies, repeat the equity analysis to identify any impacts of the new policy on equity. Even if no disproportionalities or disparities are detected in the court process, periodically repeating the equity analysis ensures that it continues to be equitable.



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<sup>4</sup> [https://www.childwelfare.gov/pubpdfs/racial\\_disproportionality.pdf](https://www.childwelfare.gov/pubpdfs/racial_disproportionality.pdf)