

## Knowledge Brief

# Is There a Link between Child Welfare and Disproportionate Minority Contact in Juvenile Justice?

African-American children are represented in foster care and other child welfare placements at a rate more than twice their representation in the U.S. child population. Like others in the child welfare system they tend to be victims of physical abuse and neglect—the very children who are at increased risk of juvenile delinquency. What implications does this have for disproportionate minority contact (DMC) in juvenile justice? **This study looked at whether the population of youth moving between child welfare and juvenile justice contributes to DMC in juvenile justice.** The researchers also looked at whether a child’s status as a “foster care youth” influences judicial dispositions, thereby increasing the overrepresentation of African Americans at deeper ends of the juvenile justice system. The findings suggest that the child welfare system is a significant pathway for African-American youths involved with the juvenile justice system.

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### **Background**

African-American youths comprise a far greater percentage of youths in the juvenile justice system than their numbers in the general population would suggest. The same is true for their representation in the child welfare system. Both phenomena have long been matters of concern to practitioners, policymakers, and researchers. Acting on that concern, this study analyzed ten years of data from Illinois to explore possible connections between the two. Does one contribute to the

other? Could similar processes account for the disparities in both realms? Do differences in how minority children are processed in child welfare become amplified in those youths’ experiences with the juvenile justice system? And what can we learn about how to reduce the disparities?

### **The study**

African Americans comprise approximately 15 percent of the U.S. population, yet they account for 25 percent of child protection investigations, 30 percent of

substantiated investigations, and 36 percent of children placed into out-of-home care. A 2007 report from the United States General Accountability Office found that, on average, the disproportionality index for African-American children in child welfare is 2.26; that is, African-American children are represented in foster care and other placements at a rate more than twice their representation in the U.S. child population.

Youths in the child welfare system are, by and large, victims of physical abuse and neglect—the very children who are at increased risk of juvenile delinquency. Thus the overrepresentation of African Americans in child welfare likely has important implications for disproportionate minority contact (DMC) in juvenile justice. However, very little is known about the extent to which child welfare systems contribute to DMC in juvenile justice.<sup>1</sup> This study looked at arrest data from Illinois to assess the contribution. The researchers also looked at records beyond the initial point of arrest, to see if a child’s status as a “foster care youth” influences judicial dispositions (for example, the decision to file a formal delinquency petition) and consequently increases the overrepresentation of African Americans at deeper ends of the juvenile justice system.

**Does the child welfare system contribute to disproportionate minority contact in juvenile justice?**

To answer this question the researchers looked at official data from Illinois on arrests occurring between January 1, 2001, and June 30, 2009. Using Peoria County as an illustration, figure 1 shows the percentage of youths who are African-American at the county level (based on census data), in detention, on probation, and in child welfare placements. If there were no disproportionality, the bars would be the same height: African Americans would represent 25 percent of the county, detention, probation, and child welfare populations. However, in Peoria, African-American youths comprise 25 percent of the general population, 66 percent of juveniles in detention, 61 percent of

juveniles on probation, and 72 percent of the child welfare population. Similar patterns are seen, though at different levels, in other states.

**Percent of Youth Who Are African American (Peoria)**

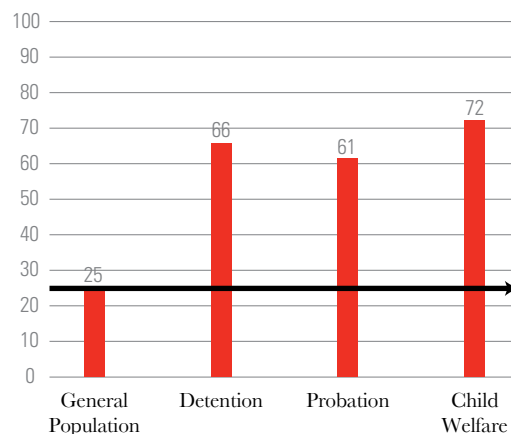


figure 1

It is important to note that DMC estimates will likely vary depending on where in the system one measures youth demographics—as it does here between detention and probation. The same issue pertains to child welfare estimates: percentages vary between referrals to the child abuse hotline, investigations, open cases, and placement cases. Looking at the child welfare system as a whole, however, it is clear that minority children are represented at nearly three times their appearance in the general population. So even if African-American and white youths in child welfare were at equal risk of arrest, the child welfare system would still account for a disproportionate number of African-American youths in the juvenile justice system. The fact that the two middle bars (the juvenile justice system) are lower than the child welfare bar shows that child welfare involvement is an even higher risk for African-American youths than is juvenile justice involvement; thus, any additional risks for delinquency associated with the child welfare system will contribute to overrepresentation of these youths in the juvenile justice system.

<sup>1</sup> “Contribute” here does not mean a causal relationship, but rather viewing child welfare as a referral source or pathway to involvement with the juvenile justice system.

## Open Child Welfare Cases and DuPage County Arrests

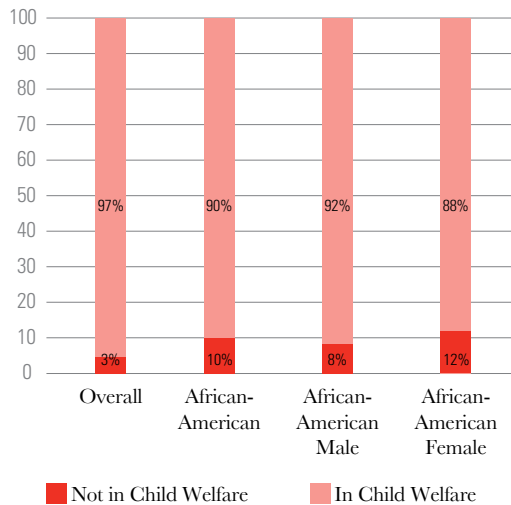


figure 2

## Open Child Welfare Cases and DuPage County Detentions

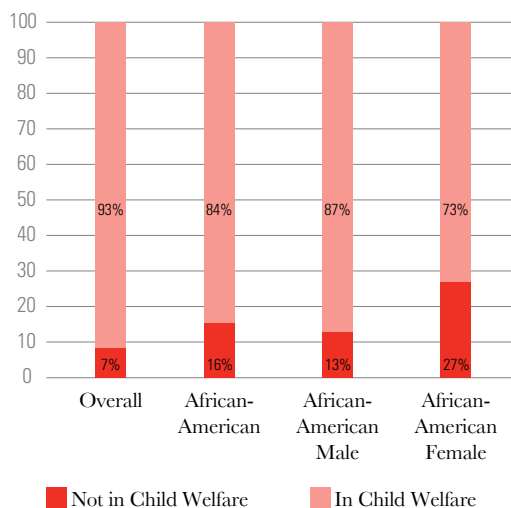


figure 3

Figures 2 and 3 address the size of child welfare’s contribution to DMC at different stages of the juvenile justice system. For both arrests and detention, a very small percentage of all cases come from the child welfare system (3 percent and 7 percent respectively). But looking only at African-American youths in the juvenile

justice system—males, females, or both together—a considerably larger proportion of them (from 10 to 27 percent) are also involved with child welfare. This does not imply there is a cause-and-effect relationship between child welfare and juvenile justice contact. It does say, however, that if we can decrease arrests for all youths in the child welfare system, we will disproportionately decrease the arrests and detention of African-American youths, and thus reduce DMC in this system. Moreover, the impact will be even stronger on African-American females than on their male counterparts.

### Does being in child welfare make a youth more likely to experience formal processing?

The arrest statistics speak to disparities at the front end of the juvenile justice system. But what about other stages of the system? Does one’s status as a “foster youth” affect decision-making subsequent to arrest, and thus contribute to DMC at deeper ends of the juvenile justice system as well? For example, when a delinquent youth comes before the court for a particular offense, are foster youths less likely than others to have their charges dropped? There are many studies that point to a wide range of legal and non-legal factors—race, gender, poverty, legal representation, family structure—that influence judicial decision-making. Very few have looked at how child welfare status factors in.

The researchers analyzed ten years of data from Illinois to see if child welfare status is associated with the decision to file a formal petition in the juvenile court. Figure 4 displays the relative risk of receiving a delinquency petition, controlling for a range of important factors including age, gender, race, and offense type. The figure displays odds ratios: bars to the right indicate an increased risk of petition; bars to the left indicate a decreased risk. The bar associated with child welfare status shows that this factor more than doubles the risk of a formal delinquency petition. Since youths coming to the juvenile justice system from child welfare are disproportionately likely to be African-American, this bias in decision-making contributes to DMC.

## Child Welfare Status and Odds of a Delinquency Petition

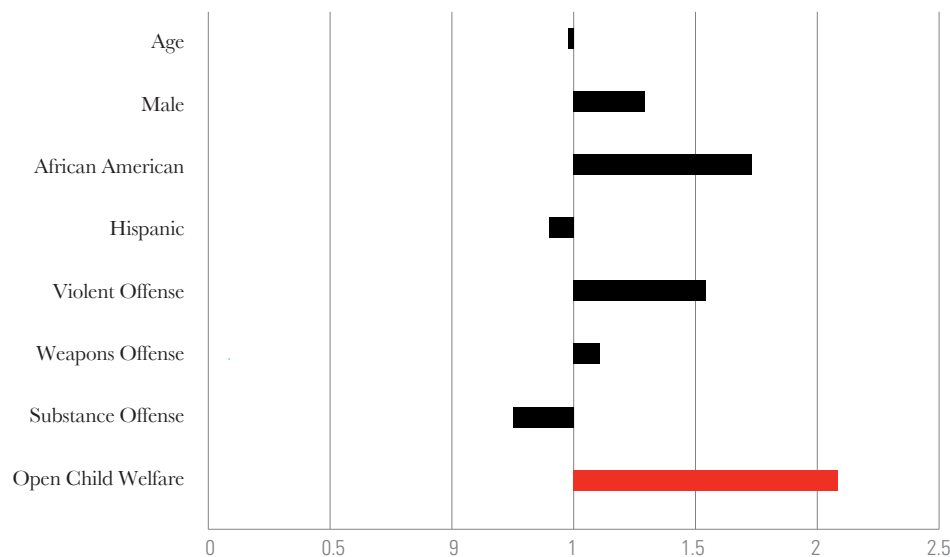


figure 4

### Implications for policy and practice

Child welfare is a significant source for DMC in juvenile justice—a finding that shines light on a neglected subject. Although the overrepresentation of minorities has been a focus of interest for juvenile justice practitioners and researchers for more than twenty years, there is virtually no mention of child welfare or allied service systems as a possible contributing mechanism or pathway that could be targeted for prevention. The findings of this study should not be interpreted as blaming the child welfare system for DMC, but rather as showing that it is a significant pathway for African-American youths who come into contact with the juvenile justice system.

Several implications emerge from these findings. First, we need to better understand what it is about being in the child welfare system that might contribute to the arrest of African-American youths. Many of the factors that have dominated the DMC debate for the last decade, such as poverty and family structure, are less relevant when

the focus is on youths in the child welfare system, since these youths tend to come from similar backgrounds and neighborhoods. In the coming months, the investigators will expand their study to examine how youths move through the child welfare system and will look for specific mechanisms (especially ones that can be modified) that help explain the risk of contact with juvenile justice.

Meanwhile, child welfare and juvenile justice systems can begin collaborating to ensure equal opportunities for youths at the point of judicial disposition. Youths should not be at greater risk of experiencing formal processing (which in turn leads to placement in deeper ends of the juvenile justice system) simply because they have an open case with child protection. Granted, the options for informal processing may be more complicated for youths who are already in out-of-home placement. But considering the consequences associated with formal processing and placement, a focus on eliminating dispositional bias would be well worth the effort.

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This brief is one in a series describing new knowledge and innovations emerging from Models for Change, a multi-state juvenile justice initiative. Models for Change is accelerating movement toward a more effective, fair, and developmentally sound juvenile justice system by creating replicable models that protect community safety, use resources wisely, and improve outcomes for youths. The briefs are intended to inform professionals in juvenile justice and related fields, and to contribute to a new national wave of juvenile justice reform.