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# DISPROPORTIONALITY

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*Please see the Checklist Section for the Disproportionality checklist.*

## Background

Disproportionality is the over or underrepresentation of a racial or cultural group within a social system at a rate or percentage that is not proportionate to their representation in the general population. Disparity refers to the differences in outcomes and conditions for some groups of people compared to other groups because of unequal treatment or services. By most measures of child well-being, African American and Indigenous children are disproportionately represented in the nation's child welfare system and have worse experiences and outcomes than White children.

This phenomenon has most significantly affected African American children, with national data indicating that African American children represent 33% of children in foster care, although they represent only 15% of children in the general population.<sup>76</sup> This overrepresentation of African American children has been observed in the child welfare system for more than thirty years,<sup>77</sup> yet persists as a national concern.<sup>78</sup>

## A. In Texas

In Texas, the issue of disproportionality and disparities is complex. DFPS data from FY 2018 shows:

- African American children are 1.7 times more likely to be reported than Anglo children;
- African American children are 1.9 times more likely to be investigated;
- African American children are 1.9 times more likely to be removed;
- Hispanic children are slightly less likely than Anglo children to be reported, investigated or removed;
- Children of other ethnicities are 2.3 times are likely to be reported, equally likely to be investigated, slightly less likely to be removed compared to Anglo children.<sup>79</sup>

After removal, African American children are less likely to reunify and, if reunification is ruled out, wait longer for adoption. African American children are overrepresented in foster care, Anglo children are proportionately represented, and Hispanic children are underrepresented. However, most Hispanic children wait longer than White children to be adopted.<sup>80</sup>

## B. Addressing Disproportionality

DFPS collects data at critical decision points in the CPS system by race and ethnicity to measure and understand the extent of the issue in the child welfare system. DFPS also employs a CPS Disproportionality Manager to help improve the response to disproportionality and disparate outcomes in CPS.

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## C. What You Can Do About Disproportionality

Many Texas judges want to know what they can do to combat disproportionality from the bench.

There are many trainings on equity and implicit bias available, in-person and online, that can educate court staff. Local equity work leaders might be good partners to inform and further efforts to address these issues in child welfare.

The National Council of Juvenile and Family Court Judges (NCJFCJ) developed the [Courts Catalyzing Change Preliminary Protective Hearing Benchcard](#), a practical and concrete judicial tool for use at the first hearing. This Benchcard reflects best practices for one of the most critical stages in a child abuse and neglect case.<sup>81</sup> Additionally, the Children's Commission has created a benchcard for quick reference included at the back of the Bench Book.