



## **An Act to Eliminate Disproportionality and Inequities for At-Risk Children**

[S.120](#) (Sen. Moran) & [H.153](#) (Rep. Donato)

### **THE PROBLEM**

#### **The Child Welfare System is Deeply Inequitable**

Decades of [research](#) has proven that disparities occur at every decision-making point in the child welfare process. Yet, Massachusetts state agencies lack consistency and cohesion when tracking data on disproportionality. Many child-serving agencies don't have vital data reporting mechanisms in place, which makes it impossible to collect, compare, and analyze data across systems. Furthermore, it is not enough to have identified and quantified these problems – we must hold ourselves accountable to correct these inequities. With the well-being and healthy development of the Commonwealth's children and youth at risk, the stakes could not be higher.

#### **Data-Driven Research**

##### **Persistent Racial Disproportionality is Evident Across the Sector**

Per the Department of Children and Families (DCF)'s [FY '22 Annual Report](#), Black, Indigenous, and children of color are significantly overrepresented within Massachusetts' child welfare sector.

#### **Quick Facts:**

##### **Open DCF Cases**

Rates compared to white children:

- Hispanic/Latinx: 2.9x
- Black: 2.4x



##### **Protective Intakes (51A) Screening**

Rates compared to white children:

- Hispanic/Latinx: 2.3x



##### **Out-of-Home Placements**

Rates compared to white children:

- Hispanic/Latinx: 2.5x
- Black: 2.4x
- Native American: 2.1x



##### **Aging Out of Foster Care**

Rates compared to white children:

- Hispanic/Latinx: 1.2x
- Asian: 1.5x
- Black: 1.5x
- Pacific Islander: 1.2x
- Native American: 2x



#### **LGBTQIA+ Youth Impacted by Disproportionality and Insufficient Reporting**

The Massachusetts Commission on LGBTQ Youth [reported](#) that DCF insufficiently tracked LGBTQIA+ children and youth, for only 12% of children in DCF placement had a field completed for sexual orientation on their profile and 26% had a field completed for gender identity. DCF published Sexual Orientation and Gender Identity (SOGI) [data](#) in 2020, reporting that 7% of children within the child welfare system identified as LGBTQ. However, [data](#) from other jurisdictions suggests that approximately one-third of youth in foster care are LGBTQ. Meanwhile, 17% of all students in Massachusetts identify as LGBTQ.

## **Students with Disabilities Lack Representation**

48.1% of students in DCF custody were identified by the Department of Elementary and Secondary Education (DESE) as having a disability, while 19.1% of all students in Massachusetts were identified as having a disability ([DCF FY '22 Annual Report](#)). In addition, [DCF](#) currently groups High Needs Students together, with the four High Needs Factors consisting of economically disadvantaged, English learner, former English learner, or student with a disability. This grouping of unrelated factors within a single High Needs umbrella highlights the dearth of attention given to students with a disability and overgeneralizes valuable data points.

## **THE SOLUTION**

### **An Act to Eliminate Disproportionality and Inequities for At-Risk Children Will Improve Outcomes**

Turning this bill to law ensures two necessary and missing factors come into play here in the Commonwealth:

#### **1. Better Data Across State Agencies Will Illuminate Critical Facets of Disproportionality**

Passing this bill will ensure that child-serving state agencies are doing their due diligence to collect and report on the disproportionate treatment of children and families based on race, ethnicity, sexual orientation, gender identity, and disability status. Only by consistently collecting and analyzing comparable data can we better understand the scale and nature of disproportionality within our state's child welfare system, the causes and contributors to inequity in these systems, and the corrective actions needed.

#### **2. Accountability with Oversight and Corrective Action Plans Will Make Progress in Equity**

This legislation tasks the Office of the Child Advocate (OCA) with gathering and reporting on data from all the agencies that interact with children and families at risk of DCF involvement. The OCA's charge includes creating recommendations and supporting child-serving entities to develop and implement corrective action plans to ensure accountability and address inequities. In doing so, the OCA will ensure that the best courses of action are taken to promote healthy, happy, and successful children and families across the Commonwealth.

### **ABOUT THE CHILDREN'S LEAGUE OF MASSACHUSETTS**

The Children's League of Massachusetts ([CLM](#)) is a statewide non-profit association of providers and advocates of services that collectively advocate for public policies and quality services that are in the best interest of the Commonwealth's children, youth and families. CLM is a member of the Department of Children and Families [Child Welfare Data Work Group](#), the [Juvenile Justice and Data Policy Board](#) at the Office of the Child Advocate, and the [Childhood Trauma Task Force](#).

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