

# Practical First Steps to Address Disproportionality and Implicit Bias

## Tips to Improve Decision-Making in Child Welfare Hearings

- Make sure parties and key witnesses are present.
- Review petition to ensure it includes allegations specific to each parent.
- Engage the parents.
- Inquire if reasonable efforts were made to prevent removal.
- Ask what is preventing the child from returning home TODAY?
- Consider the appropriateness of current placement.
- Ask yourself if the family's cultural background, customs and traditions have been taken into account with the events and circumstances that led to the removal.
- Close the hearing with a specific question to ensure that the parties understand what happened.

## Reflections to Protect Against Implicit Bias

Ask yourself, as a judge...

- ? What assumptions have I made about people based on their cultural identity, profession or background?
- ? How might my assumptions influence my decision-making?
- ? How have I challenged any assumptions I might have made based on cultural identity, profession or background?

**Talking about race is a Courageous Conversation.**

1. Speak your truth.
2. Expect and accept non-closure.
3. Experience discomfort.
4. Stay engaged.

**What is a practical first step you can take to bring about change in your community, profession, organization, or agency?**

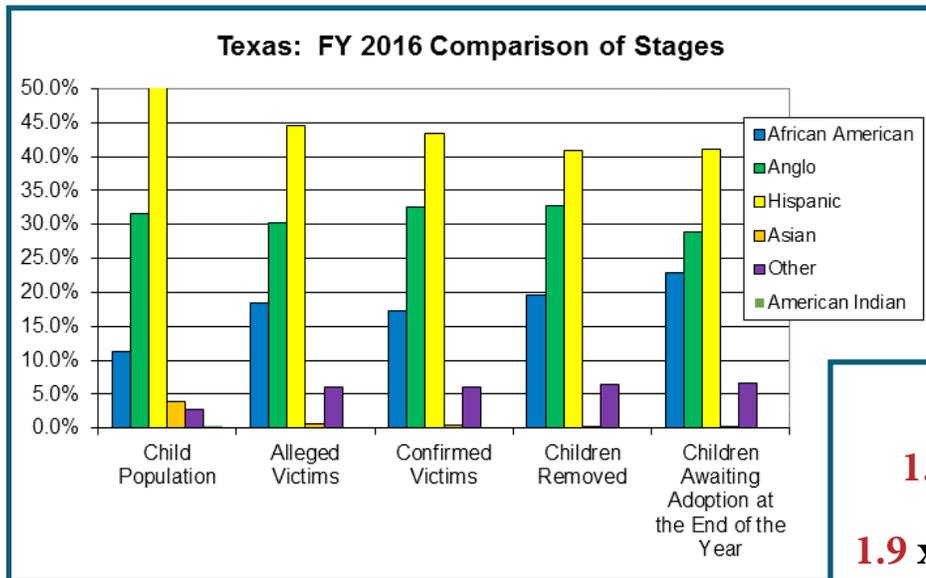
### Big Ideas from the Beyond the Bench: Law, Justice, and Communities Summit

-  Have Courageous Conversations with friends or family members.
-  Charter judicially-led community meetings (or Courageous Conversations) across Texas to discuss planning, data, and desired outcomes in the context of the administration of justice.
-  Ask an independent party or organization, outside of the court, to track demographics including race. Evaluate and check assumptions.
-  Mandate training regarding implicit bias for all stakeholders.
-  Add drug, mental health, and veteran courts in every Texas district court.
-  Educate all members of the court system about the various roles others have, to create a more unified system that can help with all aspects of the needs of the individuals.



## What is Disproportionality?

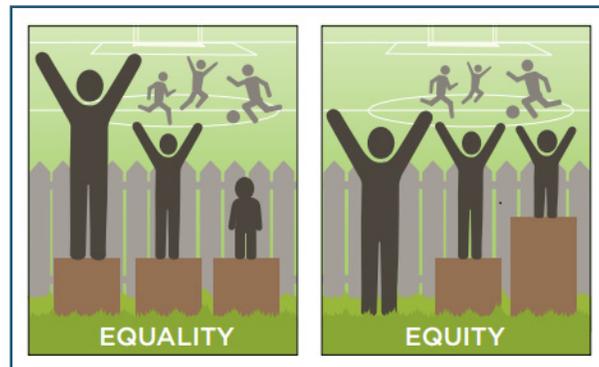
**Disproportionality = when a particular racial or ethnic group is represented within a social system at a rate or percentage that is not proportionate to their representation in the general population.**



**African American children are**

- 1.7 x more likely** to be **reported** to CPS
- 1.9 x more likely** to be **investigated** by CPS
- 1.6 x more likely** to be **removed** by CPS than Anglo children.

## What is the Difference Between Equality and Equity?



## What is Implicit Bias?

- Research shows that individuals naturally develop unconscious attitudes and stereotypes as a routine process of sorting and categorizing the vast amounts of sensory information they encounter on an ongoing basis.
- “Implicit” (as opposed to explicit) attitudes and stereotypes operate automatically, without awareness, intent, or conscious control, which is common to the human experience.
- Implicit Association Tests have shown that 80% of white adults more closely associate white faces with regular household items and black faces with weapons.
- These unconscious associations can influence judgment.
- Relying on data by counting outcomes, using tools to engage deliberate thinking, training, and judicial leadership can all counterbalance the bias which is frequently inherent in our intuition.

