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Juvenile Dependency Mediation Program: Exploring Race Equity

July 2020 – March 2022

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Juvenile Dependency Mediation Program

Exploring Race Equity

Executive Summary

The Nevada Court Improvement Program (NVCIP) is dedicated to better understanding race equity within the state. As part of their ongoing efforts in this regard, NVCIP contracted with Data Savvy Consulting to provide data about race equity in the delivery of Nevada’s Juvenile Dependency Mediation Program (JDMP). This report presents findings from this study which was conducted in two phases.

The first study phase involved a secondary analysis of mediation data to determine if there are race differences in the JDMP case process and outcomes. Existing JDMP datasets (from previous evaluations) were analyzed by the race/ethnicity of the families involved in the mediation. This analysis found that although African American/Black families were the least likely to have a mediation result in an agreement, no significant differences in agreement rates by race were found. The study did find, however, that African American/Black children were under-represented in mediations compared to their in-care rates.

The second study phase involved a qualitative and exploratory study of whether any biasing language appears in mediation reports for families of different races/ethnicities. Race equity experts have hypothesized that the language use by professionals in child welfare cases may include stigmatizing terms and indicate bias. The Capacity Building Center for States (CBCS), for example, recently reported results of a study identifying “buzzwords” used by child welfare professionals that may perpetuate negative characterizations of individuals and families and adversely affect their engagement in child welfare cases and in the decision-making process about them.¹ In this phase of the study, a data collection tool (informed by the CBSC (2021) list of “buzzwords”), was designed to test whether it can be used in future race equity studies in Nevada to determine if there is biasing language in reports to the court. Our exploratory study of a small sample of mediation reports found that more biasing buzzwords were used for Caucasian families, including more negative comments generally about Caucasian parents’ attitudes and behaviors in the mediation. More strength-based comments were also made for Caucasian parents. These findings are merely preliminary and based on a small sample. However, they provide some initial data about the validity of this measurement approach for assessing racial bias in report language that can be used to inform future studies.

¹ Capacity Building Center for States (2021). Buzzwords: Moving to Behavioral Descriptors. Children’s Bureau, Administration for Children and Families. U.S. Department of Health and Human Services.
<https://capacity.childwelfare.gov/states/resources/buzzwords-moving-to-behavioral-descriptors-tip-sheet>

Methods

[Secondary Analysis of Mediation Outcomes](#): Using datasets from past evaluations of the JDMP, a secondary analysis of data for mediations conducted between July 2020 to March 2022 was conducted. JDMP datasets were examined for any potential differences in mediation process and outcomes by the race/ethnicity of the family. Variables included the format of the mediation (i.e., in-person, video or mixed formats), the focus of the mediation (i.e., petition, visitation, reunification plan, etc.), and whether agreement rates differed by the focus of the mediation. In addition, the race/ethnicity of children whose case received a mediation was compared to the race of children in care generally, as well as differences in mediation agreements by the race/ethnicity of the family.

Sample

- **476 mediations** held between July of 2020 and March of 2022 were analyzed.
 - 42% were from the 2nd JD, 42% from the 8th JD, and 7% from the 1st JD.
 - All JDs had at least one mediation in the sample.

[Exploratory Analysis of Mediation Reports for Potential Language Bias](#): To further explore race equity in mediation practice, a preliminary and qualitative examination of language bias in JDMP reports was conducted. Using the list of biasing buzzword terms originally identified by the CBCS (2021), we drew a sample of 5 JDMP mediation reports and read them as a coding team (i.e., two researchers read the same report), counting the presence of buzzwords on the list. From this initial review, we developed an Excel data collection instrument for measuring the presence of biasing buzzwords in mediation report narratives. Specifically, the data collection tool allows us to count the presence of biasing terms in the text and documents who those terms are referring to (e.g., mother or father). This includes when the mediator uses the word, or when they reference someone else using the word. The following list of buzzword terms (that parents involved in child welfare proceedings said were used by child welfare professionals) from the original CBCS, 2021 report were used to code our preliminary examination of JDMP reports:²

Aggressive	Filthy/Dirty	Not engaged	
Angry	Nasty	Overwhelmed	Addict
Belligerent	Unkempt	Shut Down	Drug User
Explosive	Mental Health	Resistant	Alcoholic
Hostile	Crazy	Defensive	Substance Abuse
Out of Control	Dysfunctional	Defiant	
Threatening	Hysterical	Nonresponsive	
Violent	Weird	Noncompliant	
Troublemaker	Unfit	Uncooperative	

² This is not a comprehensive list of all of the buzzwords from the original CBCS, 2021 study.

In addition to buzzwords, we designed the data collection tool to also measure the presence of the following items in report narratives about the mediation:

- Mediation access issues (i.e., challenges to participation in the mediation);
- Discussions of case allegations and case history;
- Comments about negative attitudes of parents or professional stakeholders;
- Comments about negative behaviors of the parents or professional stakeholders; and
- Strength-based comments about the parents.

The presence of buzzwords in mediation reports was examined by the race/ethnicity of the family participating in the mediation to explore whether biasing terms are applied more frequently to families of different races/ethnicities. The frequency with which reports referenced negative attitudes and behaviors of parents or stakeholders, addressed access issues, or pointed out strengths of the parents, was also explored by the race/ethnicity of the families who were involved in the mediation.

Sample

A random sample of mediation reports from mediations completed in a two-month time (April and May of 2020) were coded. This resulted in a total of **45 mediation reports** reviewed from four Judicial Districts (JDs): 1st JD (n=4); 2nd JD (n=17), 8th JD (n=20); and 9th JD (n=4).

Findings

Secondary Analysis of Mediation Outcomes

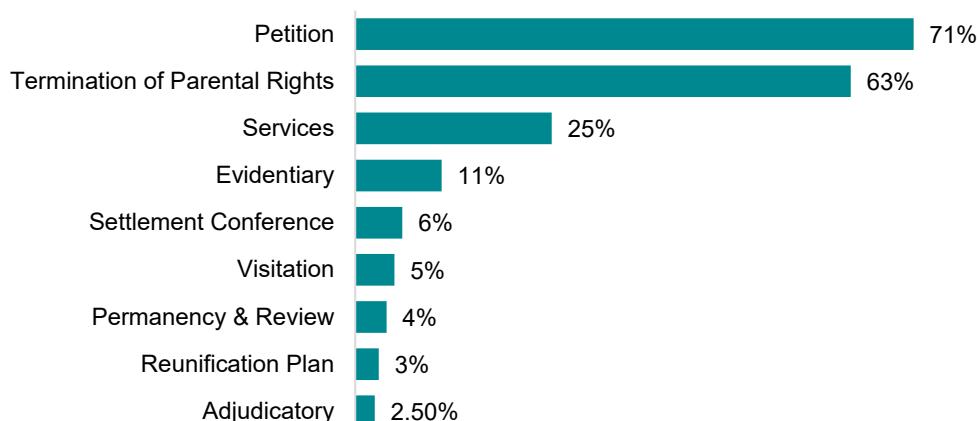
A total of 476 mediations were held between July of 2020 and March of 2022.

- 51% (n=243) Video
- 22% (n=105) Mixed format
- 7% (n=33) In person

Focus of the Mediation

Mediations could focus on multiple topics. Figure 1 below illustrates the percentage of mediations that focused on a given topic. Most of the mediations focused on either the original petition (71%) or the termination of parental rights (TPR) petition (63%). Note, “petition” in the dataset could refer to the child abuse and neglect petition or the TPR petition.

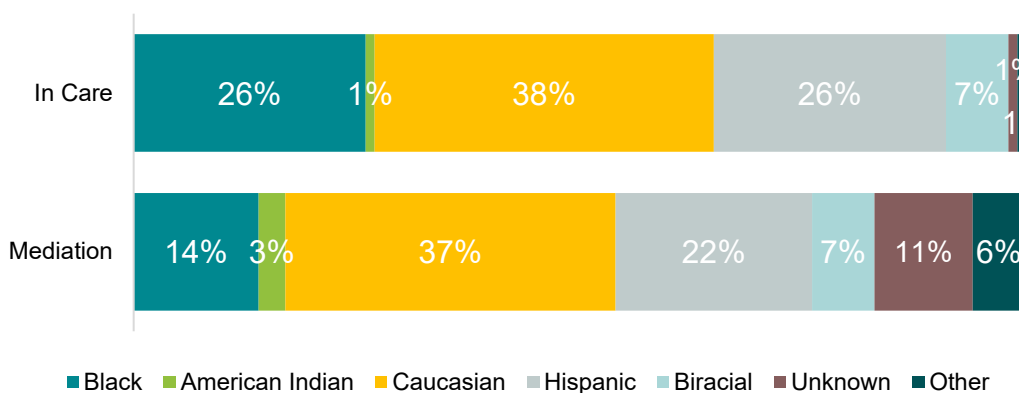
Figure 1: Focus of the Mediation



Children/Families Served by Mediation

Mediation is done at the case level, and each mediated case may represent multiple children. It is important to note that some cases include bifurcated mediations (one for the mother and one for the father), so children may be represented twice within the dataset. Mediation forms indicate 806 children served. Most of the mediations involved Caucasian children (37%), followed by Hispanic children (22%), and African American/Black children (14%) (See Figure 2). When these mediation rates are compared to the race of children in care generally, African American/Black children are underrepresented in mediations compared to their in-care rates (14% African American/Black children in mediations compared to 26% African American/Black children in care).

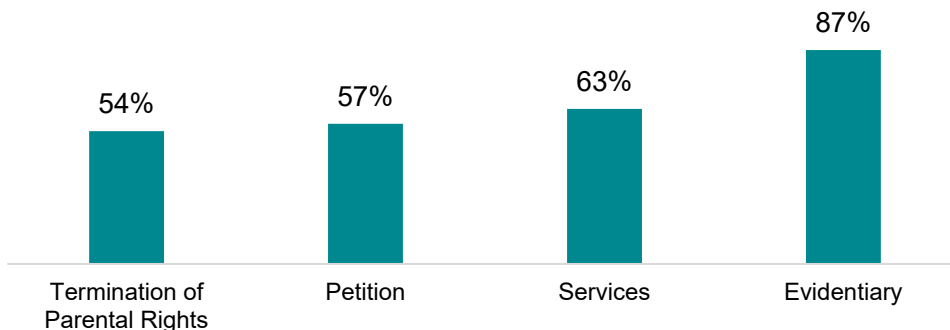
Figure 2: Race of Children in Care Compared to Children Whose Families With a Mediation



Agreement Rates by Focus

Differences in agreement by mediation focus were explored (see Figure 3). This is a percentage of all mediations, including those where the parents did not show. Evidentiary mediations were most likely to result in agreement (87%), while TPR mediations (54%) were the least likely to result in an agreement. Forty-nine percent of the mediations resulted in a hearing being vacated.

Figure 3: Percent of Mediations that Resulted in Agreement by Focus



Agreement Rates by Race

We explored differences in agreement in mediations by race (see Figure 4). Hispanic and Caucasian families had similar rates of agreement – 60% agreement for Hispanic families and 57% agreement for Caucasian families. While there was a trend for less agreement for African American/Black families (48%), there were no statistically significant differences that emerged for mediation agreement outcome based on race. Nevertheless, the trend for less agreement for African American/Black families should be further examined to consider what might be accounting for less agreement for those families.

Figure 4: Mediation Agreement by Race/Ethnicity

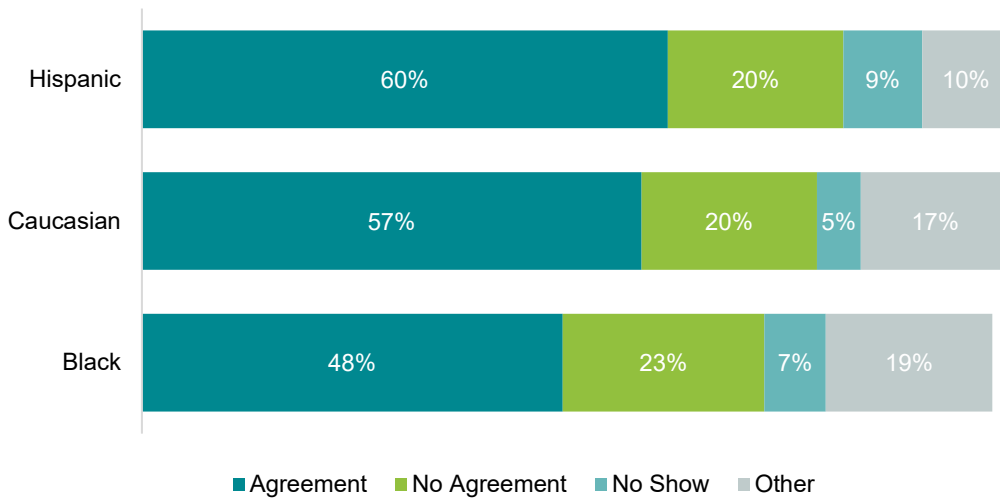


FIGURE 4: BECAUSE OF MISSING DATA IN MEDIATION FORMS NOT ALL PERCENTAGES EQUAL 100%.

Exploratory Analysis of Mediation Reports for Potential Language Bias

The mediation reports (N=45) reviewed for language bias involved 20 (44%) Caucasian families, 8 Hispanic families (18%), 6 African American/Black families (13%), 4 multi-racial families (9%) and 2 Native American families (4%). There was one Asian family represented in the reports reviewed, and four reports where the race/ethnicity of the family was not noted. Half of the reports were from mediations of TPR/post-adoption contact (51%). This was followed in frequency by mediations of the petition (20%), the TPR (16%), visitation (7%), and permanency plan (6%). Six reports indicated some sort of access to the mediation issue (e.g., not being able to connect, not having video and only able to participate telephonically, bad connection making it difficult to hear). Of the families with mediation access issues, 2 were Caucasian, 2 were Native American, 1 was African American/Black, and 1 was an Asian family.

Each of the reports was examined for presence of language biasing buzzwords. Of the 45 reports reviewed, 15 (33%) contained a buzzword on our list. Half of all the buzzwords found were used in mediations involving Caucasian families (53%; n=8 of 15). (See Figure 5). The most frequently appearing of all the buzzwords were “addict” (n=2), “mental health” (n=2), “not engaged” (n=2), “resistant” (n=2), and “uncooperative” (n=2) (See Table 1).

Figure 5: Percent of Buzzwords Found by Race/Ethnicity of Parents (N=15)

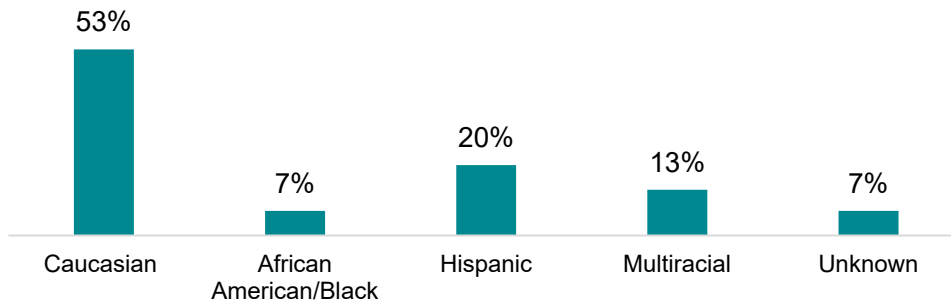
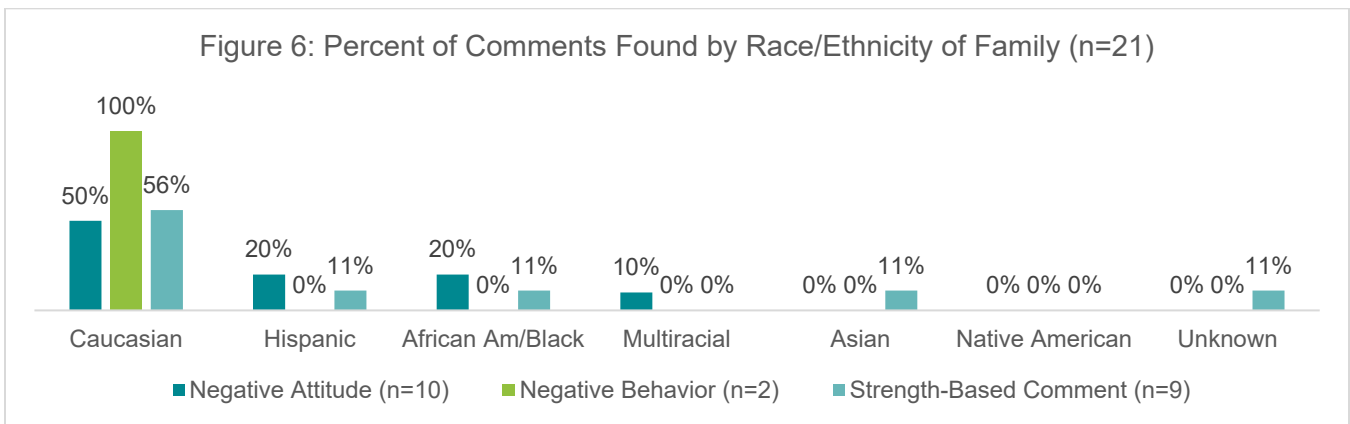


Table 1: Number of Buzzwords Found in Mediation Reports by Race/Ethnicity of the Family (N=45)

Buzzword and Number of Times Found in Reports	Race/Ethnicity Family	Who Word Refers To	Example
Addict (2)	Caucasian	Mother	Used by mediator: “Mother is an addict ”
	Caucasian	Father	Used by mediator: “Father is a heroin addict ”
Mental Health (2)	African American/Black	Mother	Used by mediator: “Mother has significant mental health issues.”
	Caucasian	Mother	Used by DDA: “DDA noted that the mother has severe mental health history.”
Not Engaged (2)	Caucasian	Mother	Used by mediator: “Mother has not engaged with the department”
	Hispanic	Both parents	Used by mediator: “the parents have a history of not engaging with the department”
Resistant (2)	Hispanic	Mother	Used by mediator: “Mother was resistant to the process”
	Unknown	Mother	Used by mediator: “Mother was resistant to the mediation”
Uncooperative (2)	Caucasian	Mother	Used by mediator: “Mother has a history of being uncooperative ”
	Multiracial	Both parents	Used by caseworker: “parents have been uncooperative throughout the case”
Aggressive (1)	Caucasian	Father	Used by mediator: “Father was aggressive and started screaming at everyone for going back on their word.”
Defensive (1)	Caucasian	Mother	Used by mediator: “Mother was defensive throughout the discussion”

Nonresponsive (1)	Multiracial	Both parents	Used by caseworker: “Caseworker noted that that both parents have been nonresponsive to her attempts at contact”
Substance Abuse (1)	Hispanic	Mother	Used by mediator: “Mother has significant history of substance abuse ”
Violent (1)	Caucasian	Mother	Used by DDA: “DDA noted that the mother has violent tendencies ”
Total Number of Buzzwords Found =15			

Twenty-one of the 45 reports reviewed included some comment about parents’ attitudes or behavior generally: 22% (10) of the reports included a negative comment by a professional stakeholder about the parents’ attitude (e.g., distrustful, unwilling), while 4% (n=2) included a negative comment by a professional stakeholder about the parents’ behavior (e.g., yelling, interrupting). Twenty percent of the reports reviewed (20%; n=9) included a strength-based comment about the parents (e.g., that the parents had made a lot of progress, were open and willing to share, were supportive of the process or the foster/adoptive parents). When broken down by race and ethnicity of the family, half of the comments about a negative attitude (50%; n=5 of 10) and all the comments about negative behavior (100%; n=2) were directed towards Caucasian families. More than half of the strength-based comments (56%; n=5) were also directed towards Caucasian families. (See Figure 6).



Conclusion

Black and American Indian youth experience the child welfare system differently from other youth. Both groups are overrepresented in foster care in comparison to their rates in the general population. Children of color also have poorer outcomes in the system, including longer times in care, decreased adoption rates, and poorer social, health, and mental health outcomes if they age out of the system. The Children's Bureau is focused on improving race equity within the child welfare system and encourages states to put efforts into place to meaningfully address racial disparities and enhance equity for all families. The Nevada Court Improvement Program (NVCIP) is dedicated to better understanding race equity within the state.

As part of their ongoing efforts in this regard, NVCIP contracted with Data Savvy Consulting to provide data about race equity in the delivery of Nevada's Juvenile Dependency Mediation Program (JDMP). Findings from the secondary of analysis of JDMP evaluation datasets indicate that mediation is offered to a diverse population of families, but African American/Black children were underrepresented in mediations compared to their in-care rates. African American/Black families were the least likely to have a mediation result in an agreement, but no significant differences in agreement rates by race were found.

Our exploratory analyses of mediation reports for any language bias and negative descriptions of families found more biasing buzzwords and negative comments about the attitudes and behaviors of Caucasian families in the reports reviewed. More strength-based comments were also made for the Caucasian families. It is important to note that these findings come from a preliminary test of using the list of buzzwords in a data collection approach to examine race equity. The small, and qualitative findings generated are intended to provide initial data to examine if this is a valid measure, and approach, and if it can be built upon to provide valuable information in future race equity studies for the NVCIP.