



# Are Child Welfare Practices Black and White? Permanency Professionals' Perceptions of the Role of Race in Permanency for Black Children and Families

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## Abstract

Tensions in prevailing beliefs about permanency among judges, attorneys, and child welfare workers have broad implications for addressing racial inequities in the child welfare system. This mixed-methods study examined the permanency process for children in substitute care in a statewide system in the United States. The study emphasizes reducing disparities in permanency outcomes for Black youth. The study included in-depth interviews with 40 permanency professionals, including child welfare caseworkers and supervisors, child welfare system attorneys, guardians ad litem, and juvenile court judges. These interviews were followed by a statewide survey that drew on the information learned through the interviews. Via survey, 267 permanency professionals provided their perspectives on racial disparities in the permanency process and the impact of these disparities on Black children and families. Drawing from both datasets, tensions in prevailing beliefs and practices surrounding permanency among judges, attorneys, child welfare workers, and casework supervisors were identified. In the survey, Black permanency staff differed significantly from their non-Black peers in their perceptions of racial inequities in foster care and permanency work. It will take concerted efforts and cultural changes among child welfare professionals, service providers, and the court system to address disparities affecting Black children and improve outcomes for all children in foster care.

**Keywords** Guardianship · Child welfare · Permanency · Racial disparities · Racial equity

## Introduction

When children are removed from their homes because of maltreatment, the goal is to return them to a loving, safe, stable, and permanent home as soon as possible. Ideally, children are reunified with their parents. In most cases, when this

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Extended author information available on the last page of the article

cannot be done safely, child welfare agencies seek either adoption or guardianship as permanency options. Most guardians are members of the child's extended family (grandparents, aunts/uncles, cousins, and adult siblings) who step into the role of permanent caregiver. In Illinois, where the current study took place, fictive kin can also become guardians. The state defines "fictive kin" for these purposes as "any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties to the child or the child's family" (The Fictive Care and Fictive Kin Reform Act, 2017). Unlike adoption, guardianship does not require the termination of parental rights; typically, one or both parents retain some parental rights, including the right to visitation. With guardianship, unlike adoption, parents have the right to petition the court to regain custody of their children. This allows for reunification in cases where the parents can demonstrate that the child will be safe in their care. Many kin and fictive kin caregivers are committed and able to provide children with permanent homes and see guardianship as a means of preserving relationships within the family, including children's relationships with parents, and avoiding the trauma associated with the termination of parental rights (Fox et al., 2023; Landa et al., 2023). One way many kin or fictive kin caregivers describe their choice is that they want to remain grandma, grandpa, aunt, uncle, sibling, or family friend; they do not want to become Mom or Dad, a role reserved for the parents.

In the United States, the Fostering Connection to Success and Increasing Adoptions Act of 2008 (FCSIAA) provided states with the option of integrating Title IV-E guardianship assistance programs (GAPs) to support the use of guardianship as a permanency option (Office of the Assistant Secretary for Planning & Evaluation, 2018). In this context, "permanency" refers to an outcome of substitute care in which the care of a child or adolescent is transferred from the temporary guardianship of the state to their parents, adoptive parents, or a permanent private guardian. The act outlines five criteria for children to be eligible for federal GAP subsidies: (1) that return home or adoption are determined to be "not appropriate permanency options," (2) the child has lived in a licensed foster home receiving foster care maintenance payments for at least 6 months, (3) there is a demonstrated attachment between the child and the potential relative guardian, (4) the guardian is committed to providing permanency for the child, and (5) children 14 and older have been consulted about the potential guardianship (Children's Bureau, 2023).

In the United States, a preference for adoption over guardianship persists. In addition to the FCSIAA preference for adoption, the guidelines of the National Council of Juvenile and Family Court Judges (NJFCJ) describe adoption by a relative or foster family as the preferred permanency option when reunification is not possible (NJFCJ, 2000). In reference to guardianship, the NJFCJ states, "Permanent guardianship or permanent custody is the final preferred option for permanency when adoption is not possible or exceptional circumstances exist..." (p. 14). In 2021, guardianships were reported in all fifty states and the territory of Puerto Rico, varying from 1 (Kentucky) to 26% (Connecticut) of states' foster care exits (Children's Bureau, 2022). However, guardianships are a small fraction of overall exits from foster care compared to adoptions. In 2021, Montana was the only state with more foster care exits to guardianships than adoptions (Children's Bureau, 2022). The ratio of adoptions to guardianships across the remaining 49 states and Puerto Rico

ranged from nearly equal (Wisconsin, Missouri, Connecticut, and Texas) to 76 times more adoptions than guardianships (Kentucky), with a national average of more than five times more adoptions than guardianships (Children's Bureau, 2022).

A common rationale for favoring adoption over guardianship is the belief that adoption is more stable and permanent for the child, specifically the belief that guardianships, as opposed to adoption, are more likely to result in re-engagement with the foster care system. In Illinois, where the current study took place, the vast majority of both adoptions (97.8%, 2012–2018) and guardianships (94.5%, 2012–2018) were stable (children had not returned to foster care) at the end of 5 years (Children and Family Research Center [CFRC], 2024a). Recent research that controlled for child and case factors- and accounted for the fact that adoption is not a viable alternative to guardianship for all cases- demonstrated no difference in stability (Rolock & White, 2017).<sup>1</sup> Moreover, some experts argue that the preference for adoption can obstruct stable guardianships with kin caregivers who can provide children with permanent homes with their extended family (Creamer & Lee, 2022; Gupta-Kagan, 2015; Milner & Kelly, 2022; Sankaran, 2022).

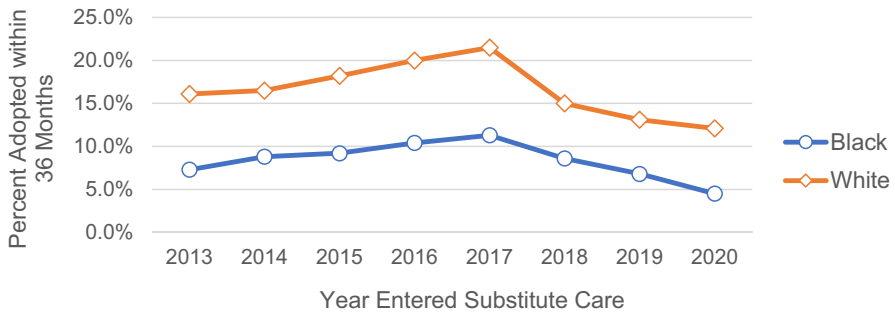
The Illinois Department of Children and Family Services (DCFS) is a state-administered child welfare system. Illinois DCFS manages some cases and statewide services. The majority of client-facing services are provided through Illinois DCFS contracts with private agencies. Illinois has 114 courts across 102 counties, divided into 25 circuit court districts. Nine of these courts are in Cook County (population 1,205,824 people, 22.9% of whom are Black), which includes Chicago, the third largest city in the United States (US Census Bureau, 2021). The courts across the state are responsive to the local county and circuit court district, including court logistics (caseload, case dockets, judicial rotations, and staffing), child welfare staffing, services available locally and regionally, and political climate. The population in Illinois is predominantly White (69.7%), followed by Hispanic/Latine (18.2%), and Black (14.1%; US Census Bureau, 2021). The diversity of the population varies greatly across the state, with the Black population ranging from 0.5 to 32.6% of the total population by county (US Census Bureau, 2021).

Multiple studies in the United States have shown lower rates of permanency, including adoptions, for Black children (Barth, 1997; Cho, et al., 2023; Courtney & Wong, 1996). Further, for those Black children who do reach permanency, the process is substantially longer on average than it is for White children (Barth et al., 1994; Kapp et al., 2001). The inequities are further compounded as adoptions, and guardianships are more likely to be dissolved for Black children and youth than White children (Parolini et al., 2018; Rolock & White, 2016; Sattler & Font, 2021; Smith et al., 2006).

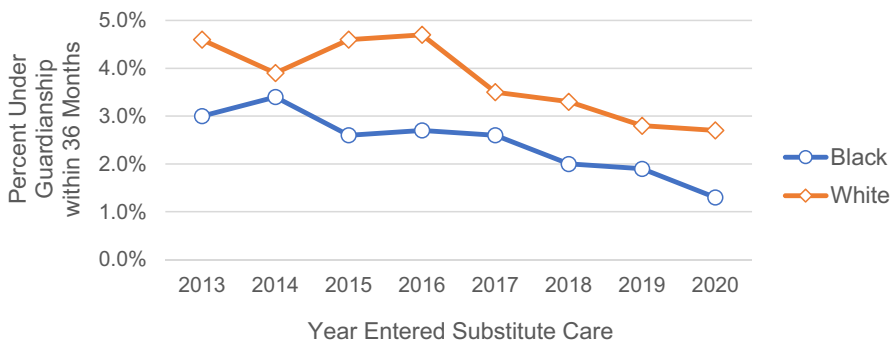
In Illinois, notable racial disparities in permanency outcomes for Black children in foster care exist. In November 2023, 42.1% of all youth in the state's care were Black (Illinois Department of Children and Family Services, 2023). Less than half of

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<sup>1</sup> Rolock and White measured discontinuity, which they defined as “when children reenter foster care, or when their adoption or guardianship subsidy payment is terminated prior to the child reaching the age of majority” (p. 34–35).

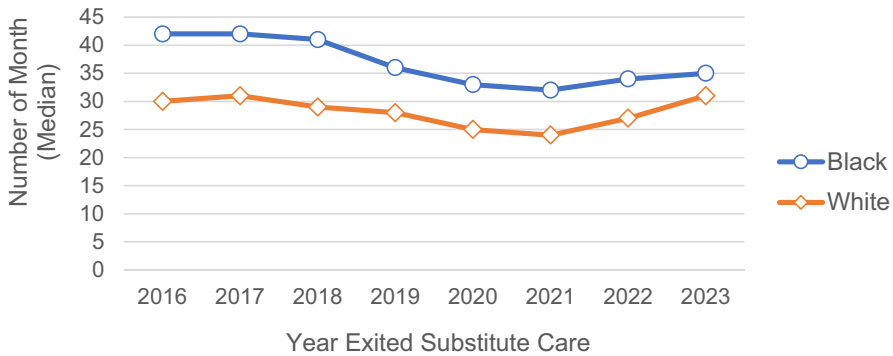


**Fig. 1** Rates of adoption within 36 months of placement of Illinois children in DCFS substitute care by race



**Fig. 2** Rates of guardianship within 36 months of placement of Illinois children in DCFS substitute care by race

Black children (47.1%) who entered substitute care in 2020 had a permanent home within 3 years, compared to White children, for whom the majority (59.0%) had permanent homes within 3 years (CFRC, 2024b). Consistently, smaller proportions of Black children than White children achieve permanence through adoptions and guardianships within 3 years (Figs. 1 and 2; CFRC, 2024b). Over 8 years (2013–2020), the median length of time in care for Black children in substitute care in Illinois was consistently 4 to 12 months longer than for White children (Figs. 1 and 2; CFRC, 2024c). Wildeman et al. (2020) found that 2.8% of Black children in Illinois experienced the termination of both parents' rights from 2000 to 2016, compared to 0.5% of White children. The fact that the federal Adoption and Safe Families Act requires termination of parental rights after 15 months while adoption may be delayed or never happen at all after parents' rights are terminated helps explain the seemingly paradoxical finding that Black children are more likely than White children to have their parents' rights terminated but less likely to be adopted. Given these racial inequities in permanency outcomes, wherever possible, improving equity for Black children and their families should be a central component of any effort to improve permanency outcomes (Fig. 3).



**Fig. 3** Median length of stay (in months) of Illinois children in DCFS substitute care by race

Guardianship may be better aligned with the needs of many Black families in the United States than adoption. Guardianship is aligned with the deeply rooted traditions of Black Americans, in which extended family plays a central role in raising children, including employing informal kinship care arrangements (Roberts, 2001; Simmons-Horton et al., 2022). Guardianship is also aligned with the growing movement towards a kin-first culture in child welfare, valued for preserving the child’s culture and family (LaBrenz et al., 2023; Miller, 2017).

Kinship care in African American communities is not a new phenomenon. The value placed on extended family and “taking care of one’s own” draws on deeply rooted traditions of kinship networks in African cultures and African American communities. (Cross et al., 2004, p. 51)

While some Black families value adoption by kin or fictive kin, others view adoption as a last resort as it conflicts with their commitment to family preservation (Simmons-Horton et al., 2022). Some of the aversion to adoption is historical and cultural. Roberts (2001) describes adoption as an extension of the commodification of family separation rooted in slavery. Some scholars have called for refinement and reform of the Adoption and Safe Families Act of 1997, arguing that the impact of this legislation is mixed, especially for older and minoritized youth (The Center for the Study of Social Policy, 2009). Other scholars have called for the repeal of the Act, arguing that adoption “destroys familiar and community bonds” and subjects families to “extreme trauma” (Copeland, 2022; Roberts, 2001). This view of adoption highlights that a focus on the expansion of adoption may not be the best strategy to improve permanency for Black youth.

Given the alignment of guardianship with the cultural values of Black families and kin-first culture, the question is, “Would the judicious increased use of guardianship improve permanency outcomes and reduce racial disparities for Black children

in achieving permanency?” To effectively answer this, it is essential to learn (a) why guardianship is so underutilized, (b) what barriers exist to the use of guardianship as a permanency option for Black children, and (c) what would be needed to successfully and safely support an increase in the use of guardianship as a permanency option for Black children?

This exploratory, sequential, mixed-methods study examined the permanency process for youth in substitute care with active juvenile abuse and neglect cases in Illinois, a state in the Midwest region of the United States. The purpose of the study was to inform efforts to use guardianship wisely to increase the number of children in loving, stable, and permanent homes, especially Black children. One of the study’s goals was to explore permanency professionals’ and caregivers’ perceptions of racial differences in permanency planning, goals, and outcomes. This topic was of particular interest to leaders within the Illinois DCFS who are exploring multiple strategies to reduce racial disparities impacting Black children in substitute care throughout the state. The complete study sought to do this by collecting data from permanency professionals (judges, attorneys, and permanency staff) and caregivers of Black children in foster care. This article presents only the data we collected from permanency professionals.

## Methods

The study was sequential. First, semi-structured interviews with permanency professionals were conducted. Then, the information from those interviews, in conjunction with literature on permanency and racial disparities, was used to design a survey instrument. The survey instrument was then administered to the population of permanency caseworkers and supervisors across the state. The interview protocols and survey instruments are available by request to the corresponding author.

### Interviews of Permanency Professionals

Efforts were made to recruit and interview members of different professional groups that work on permanency. Illinois DCFS administrators from the study’s advisory board assisted with recruitment, which included distributing study recruitment materials by email and internal listserv. Members of the advisory board worked with internal contacts to assist in identifying judges, Illinois DCFS attorneys, and guardians ad litem to interview. Ultimately, the sample of permanency professionals included five Illinois DCFS attorneys, five judges, five guardians ad litem, 10 permanency caseworkers, and 10 permanency supervisors. Defense attorneys (public defenders) and prosecutors (state attorneys) were excluded from the study because of logistical challenges and limited timing, resources, and staff. Recruitment efforts aimed to make the interviewee sample diverse, with interviewees from each professional group from each of the state’s four administrative regions and different racial groups. The caseworkers and supervisors interviewed included a balance of those who work for the state child welfare agency and those who work for private agencies (Table 1).

**Table 1** Characteristics of permanency professionals interviewed

Type of profession	Number of interviews	Length of interview, <i>M</i> (range)	Race/ethnicity	Gender	Years in current job, <i>M</i> (range)	Years in child welfare, <i>M</i> (range)
Permanency supervisors • 4 state child welfare agency • 9 private agencies	13	<i>M</i> = 52 min (27–70)	7 Black 3 White, not Latinx 1 White, Latinx 1 Native American 1 Biracial	12 females 1 male	<i>M</i> = 7.1 (1–16)	<i>M</i> = 22.5 (7–32)
Permanency caseworkers • 3 state child welfare agency • 8 private agencies	11	<i>M</i> = 42 min (30–70)	3 Black 8 White	11 females	<i>M</i> = 3.8 (0.3–12)	<i>M</i> = 11.3 (2–30)
State child welfare agency attorneys	6	<i>M</i> = 58 min (53–68)	1 Black 4 White 1 Latinx	4 females 2 males	<i>M</i> = 7.8 (0.6–16)	<i>M</i> = 12.8 (3.5–20)
Guardians ad litem	5	<i>M</i> = 40 min (28–60)	2 Black 3 White	3 females 2 males	<i>M</i> = 14.9 (3.5–21)	–
Judges	5	<i>M</i> = 56 min (42–98)	2 Black 3 White	4 females 1 male	<i>M</i> = 5.9 (1–17)	<i>M</i> = 21 (15–30)

Years in child welfare are not reported for guardians ad litem. This is because three of the five guardians ad litem did not see the question of the length of time working in child welfare as applicable to them

Protocols were developed based on extant literature and relative to the research questions and questions posed by Illinois DCFS administrators on the advisory board. A subset of questions in the interviews were focused on understanding racial disparities in permanency outcomes. Protocols were customized for each professional group. Examples of questions asked in this subset were as follows:

- Do you feel that race is a factor that affects the use of guardianship? Can you give examples?
- How do you feel that race affects your practice?
- What support have you received around issues of racial bias, disparities, and disproportionality?
- Do you feel you would benefit from different or additional support for dealing with issues of race in your work?

Semi-structured interviews were conducted virtually or by phone and lasted between 27 and 98 min. All but two of the interviews were recorded; a senior researcher took detailed notes for the unrecorded interviews. Each interview was conducted by two to three researchers working collaboratively. All transcripts were initially coded deductively in ATLAS.ti by a team of 11 researchers, with each transcript being coded by at least two researchers, at least one of whom was a senior researcher. Code reports were then used to perform a second level of inductive coding to identify themes. These codes included the (a) perception of no effect of race, (b) perception of racial disparities within CPS affecting Black children and families, (c) perception of environmental racial disparities affecting Black children's and families' CPS experience, (d) perception of Black families' preferences regarding foster care and permanency, and (e) obstacles to licensing. Disagreements were discussed and resolved by the research team.

### **Survey of Permanency Staff**

The survey of permanency caseworkers and supervisors gathered information on the values, principles, and practices they apply to permanency planning and decision-making for children in substitute care. It also explored whether permanency staff, specifically caseworkers and supervisors, perceive differences in permanency practices for Black and White families with children in care. The research team developed the survey collaboratively based on the findings from the interviews with permanency professionals. Ten topics were identified and incorporated into 25 survey questions. Two of these were focused on permanency staff's perceptions of racial inequities.

- What factors do permanency staff perceive as contributing to racial disparities in permanency outcomes, particularly for Black families compared to White families?
- What differences do permanency staff perceive in permanency planning and support for Black and White families?



Four survey questions focused on perceived differences between Black and White families. The questions concerned permanency planning, the use of adoption and guardianship, and support provided by the child welfare system.

The survey was administered using Qualtrics, an online survey platform, throughout June 2022. The survey was promoted by Illinois DCFS leadership through weekly emails to permanency staff and through posts on the agency's internal website. Permanency staff completed the survey anonymously. No incentives were provided for the completion of the survey. The data were analyzed in SPSS. The analysis included descriptive statistics and null hypothesis significance testing, which included  $\chi^2$  goodness of fit tests, the Pearson  $\chi^2$  tests of independence, and Fisher's exact tests.

The population for the survey was 1876 caseworkers and supervisors working across the state in both the state child welfare agency and private agencies. A total of 378 staff from across Illinois participated in the survey. The research team excluded 111 surveys; 80 had not been substantially completed, and 31 were completed by individuals who were not permanency staff. This resulted in a sample of 267 caseworkers and supervisors, which was 14.2% of the population of permanency caseworkers and supervisors across the state. Staff working directly for the Illinois DCFS made up 52.3% of the sample, with staff from private agencies underrepresented in the sample. Private agency staff comprised 72.5% of the survey population but only 47.7% of the sample. The majority of the sample consisted of White respondents (77.5%). Less than one-fifth (17.5%) were Black respondents. The majority were women (87.0% women; 11.5% men). Just under two-thirds (65.8%) of the sample had worked in child welfare for over 5 years, but most (70.7%) had been in their current position for less than 5 years.

## Interview Results

Most of the professionals interviewed, including both Black and White professionals, said they did not perceive that race affected permanency practices or the use of guardianship. While the majority of permanency professionals interviewed did not perceive racial disparities or structural barriers related to the race of children and families, some legal and permanency staff reported barriers experienced by Black children and families. These professionals shared that unequal access to private attorneys, structural inequities in criminal justice that create barriers to licensing, and myriad other racial disparities in housing, employment, health insurance, and mental health support disproportionately affect the chances for permanency for Black children and youth. Finally, a few professionals shared their observations of Black families' preferences regarding caregiving and permanency.

Among those who did not perceive racial disparities in permanency processes for children in foster care, some cited their own efforts to treat families of all races the same and to be sensitive to cultural differences. Some said they felt limited in their ability to make judgments about the impact of race on permanency practices, explaining that the geographic area in which they practiced was not diverse and their agency did not work much with families of different races.

Others who did not identify differences by race acknowledged the possibility that they or others they worked with had race-based biases that they were not aware of, as the following quotation from a White attorney illustrates:

I think it [racial biases] could be an issue, but I have not personally seen it... In terms of the overall practice... it's always possible. Honestly, if you'd asked me this a couple of years ago, I probably would have said no... Things have changed in our country these past few years, and the things that have come out, I think it's obviously possible that race can factor into things.

Some professionals highlighted systemic and societal biases outside of the child welfare system that contribute to the disproportionate representation of Black children in substitute care and their reduced access to services. In this vein, professionals spoke of racial inequities in employment, housing, and transportation for Black families, along with a lack of services in predominantly Black communities and neighborhoods. Some professionals spoke of the disproportionate percentage of Black children in foster care. One Native American supervisor shared, "Racism plays a factor into, I think, how the kids get to me." One Black judge described how differences between Black and White people in their interactions with systems make it more likely that Black families will be reported for child maltreatment:

One of the reasons we have so many drug-exposed infants in the system who are Black is because they're [Black mothers] going to public hospitals... where it is required to test for [parental substance abuse]. Whereas the mother that lives in the suburbs and going to [a private hospital], where there's no requirement... The system and the way you have contact with the system brings more people into the system.

A Black supervisor described how not being able to afford to hire private attorneys disadvantages Black and Latine families in permanency processes.

I've overall seen Caucasians treated very differently than Hispanics and Blacks... Caucasian families get their children home more often and quicker than Blacks and Hispanics... Caucasians are able to afford a private attorney... if you have a private attorney, you're looked at differently and you're treated differently.

A different Black supervisor shared their observation of the "hoops that Black families have to jump through because people have biases."

Three interviewees provided examples of systemic inequities in services and support for Black families and children involved in child welfare. The first, a Native American supervisor, highlighted how she needed to advocate for the Black boys on her caseload in the school system.

I have to fight for my African American boys more than I have to fight for any of my other kids [on my caseload]... I just had to go to a hearing for [school] expulsion for disobedience, and I felt like my kid got unfairly targeted.

The second, a Black supervisor, highlighted her perception of inequitable mental health treatment for children of color, I will say that our kids of color are often misdiagnosed and mislabeled. They are on medication at higher percentages than their White counterparts.

A White attorney observed that racial biases play a cumulative role in permanency cases, as the following quotation illustrates:

Some minority families... they're not necessarily getting the support, the services, or the consideration that White families in a similar situation might get...It's never giant things that are blatantly obvious. It's the adding up of little things, or it's the way a worker says things or shapes their presentation of facts to the court. It's kind of like the devil is in the details.

While many professionals emphasized overall barriers to permanency among children and youth, given system and caseload constraints, some professionals were attuned to the role of inequitable policies and practices that disproportionately and adversely affect Black children and families. Some professionals highlighted the need to address implicit racial bias and reduce barriers stemming from structural racism in areas such as licensing, requirements for testing for drugs that disproportionately affect low-income families, and assessment of the behavioral and mental health service needs of children, youth, and family members. Several professionals reported barriers specific to licensing that they felt inequitably impacted Black families seeking guardianship. In order to qualify for federal subsidies for guardianships through GAP, the home of the guardian must have had a foster care license for six consecutive months prior to establishing the guardianship. Illinois will provide state-funded subsidies for guardianships in previously unlicensed homes, but only if the child is at least 12 years old. A Black guardian ad litem described how the criminal background checks on all household members that are part of the screening process for licensing inequitably impact Black households because Black men are disproportionately likely to have a criminal history.

I was talking about those days gone by and legal errors that people may have made in their lives. Many of them are indeed African Americans that have that blemish on their record... That is an impediment to licensure. Which, then again, is an impediment to achieving guardianship. [There is] disparate representation in the criminal justice system for African Americans... It is a fact that an inquiry is a deterrent. That disproportionately impacts African Americans, in my opinion.

A few professionals shared their observations of preferences among the Black families that they serve regarding caregiving and permanency. Several professionals talked about Black families' preferences in providing care to children who could not be cared for by their parents. One observation by a Black supervisor was that Black family members preferred to maintain the relational identities they had with the child (uncle, sibling, and grandmother) rather than change them,

even if they had raised the child. One Black supervisor highlighted that for Black families, kin caregiving does not imply a deficit in parenting.

People of color... like to keep the roles... You know, even though grandma raised you, that's still grandma. And everybody knows that, and that is okay. That's not a taboo in our culture.... It could be that your parents are perfectly fine [at parenting], but you just happen to be over there all the time. That wouldn't be so unusual for them.

Another Black supervisor described how history and culture may impact Black caregivers' preferences. She shared,

I think that comes from when we migrated from the South. You migrated from the South to the North, and you stayed with a friend of the family... I think a lot of it really comes out of our Black history... as far back as slavery. If your whole family was sold off and there's another person there and they start to care for you, then that became your family. There was no piece of paper to make that connection. We just loved each other and did the best we could until they could be independent.

Additionally, among the Black professionals interviewed, perceptions about the reception of adoption in the Black community differed. One Black supervisor indicated, "Adoption is not frowned upon in Black communities." Another Black caseworker indicated, "It's almost taboo for the African American culture to adopt or even to adopt outside their family."

## Survey Results

A substantial percentage of survey respondents indicated there was "no difference" between Black and White families in the permanency process, use of adoption and guardianship, and child welfare system support. However, there was a statistically significant difference in the responses of survey respondents by their race. Over half of the non-Black<sup>2</sup> permanency staff (55.6%), as compared to 22.9% of the Black permanency staff, indicated that there was "no difference" in permanency planning for Black and White families (Table 2). Similarly, 38.4% of non-Black permanency staff, as compared to 2.9% of Black permanency staff, indicated that there was "no difference" in the use of adoption and guardianship between White and Black families (Table 3). Half (49.6%) of non-Black permanency staff, as compared to 14.3% of Black permanency staff, indicated that there was no difference in child welfare system support for Black and White families (Table 4).

Permanency staff were provided with ten items related to potential differences in permanency planning for Black and White families and asked to select all that apply (Table 2). The responses of Black and non-Black respondents were compared using

<sup>2</sup> Most of the respondents grouped as non-Black were White. The category also includes a few individuals who identified as Asian, multi-racial, other race, and race unknown.

**Table 2** Perceived differences in permanency planning with Black children and families compared to White children and families (check all that apply)

	Count (percentage)		Fisher's exact test between Black and non-Black responses (two-tailed)
	All responses ( <i>n</i> = 188)	All non-Black permanency staff ( <i>n</i> = 153)	
No difference	93 (49.5%)	85 (55.6%)	<i>p</i> < 0.001
Children are more likely to be reunified in White families than in comparable Black families	44 (23.4%)	27 (17.6%)	<i>p</i> < 0.001
Children are reunified more quickly in White families than in comparable Black families	27 (14.4%)	13 (8.5%)	<i>p</i> < 0.001
The courts give Black birth families less time than White families before moving to terminate parental rights	24 (12.8%)	13 (8.5%)	<i>p</i> < 0.001
Do not know, not enough experience to answer (write-in response)	19 (10.1%)	16 (10.5%)	NS
Adoption is pushed more for White than for Black caregiving families	16 (8.5%)	11 (7.2%)	NS
Guardianship is pushed more for Black than White caregiving families	16 (8.5%)	13 (8.5%)	NS
Adoption is pushed more for Black than for White caregiving families	9 (4.8%)	4 (2.6%)	<i>p</i> < 0.05
The courts give Black birth families more time than White families before moving to terminate parental rights	4 (2.1%)	3 (2.0%)	NS
Guardianship is pushed more for White than Black caregiving families	7 (3.7%)	3 (2.0%)	<i>p</i> < 0.05
Other	6 (3.2%)	5 (3.3%)	NS

“Other” includes (a) “African American families have higher poverty levels, making it more difficult to afford to raise a child and adopt/become a guardian.” (b) “It is harder to reunify Black families because more fathers are incarcerated. Mothers have difficulty with consistent stability because often, everyone they want to move in with has a background we disapprove of, so they cannot get stabilized.” (c) “Within Cook County, I have observed a higher percentage of Black families/children in the child welfare system in comparison to White and other races.” (d) “I have noticed that more Black families choose guardianship over adoption but have not seen the length of the court case adversely affected due to race.” (e) “I see the extended family and fictive kin of Black families being more willing to take in their family members, even if the relationship is not as intimate.” (f) “I also find Black families do not like to sever family roles (i.e., avoid adoption as someone else is legally mom)”

**Table 3** Perceived differences in the use of guardianship and adoption for Black children and their families compared to White children and their families (check all that apply)

	Count (percentage)		Fisher's exact test between Black and non-Black responses (two-tailed)
	All responses ( <i>n</i> = 199) ( <i>n</i> = 35)	Non-Black permanency staff ( <i>n</i> = 164)	
No difference	64 (32.2%)	63 (38.4%)	<i>p</i> < 0.001
Black families are more likely to experience challenges advocating for their child(ren) and family	61 (30.7%)	39 (23.8%)	<i>p</i> < 0.001
Many Black families have more difficulty meeting the requirements for guardianship subsidies	51 (25.6%)	33 (20.1%)	<i>p</i> < 0.001
Black child(ren) are more likely to have extended family members who are open to providing permanency for them	49 (24.6%)	39 (23.8%)	NS
Black families are more likely to favor guardianship over adoption	48 (24.1%)	31 (18.9%)	<i>p</i> < 0.001
A lack of trust in Black families impacts professionals' decision-making around permanency	30 (15.1%)	18 (11.0%)	<i>p</i> < 0.001
There are fewer people who want to adopt Black children	30 (15.1%)	21 (12.8%)	NS
Black families are more likely to receive lower subsidy rates	17 (8.5%)	10 (6.1%)	<i>p</i> < 0.05
Do not know, not enough experience to answer (write-in response)	16 (8.0%)	16 (9.8%)	NS
Other	6 (3.0%)	5 (3.0%)	NS

"Other" includes (a) "Black families often want to keep their relatives but have many barriers to licensure, in my experience; White families have the same issues; it is just that they did not go to jail or get caught up as easily, so there is no record on LEADS (Law Enforcement Agencies Data Systems—criminal background check)."; (b) "Black families get arrested for breathing in the wrong direction."; (c) "There are fewer people who want to adopt black children, but only marginally. I have only known a few families in my 9-year career that refused placement of black children." (d) "They have a bad perception of DCFS; we need to rebrand"; (e) "I do not think there is a difference except for guardianship, if the child is over 12, they must be licensed, which is why I selected the one choice I did"

**Table 4** Perceived differences in child welfare system support for Black children and their families compared to White children and their families (check all that apply)

	Count (percentage)		Fisher's exact test between Black and non-Black responses (two-tailed)	
	All responses ( <i>n</i> = 167)	Black permanency staff ( <i>n</i> =34)	Black permanency staff ( <i>n</i> = 133)	Non-Black permanency staff ( <i>n</i> = 133)
Not enough services are available in communities or neighborhoods with large proportions of Black families	79 (47.3%)	21 (60.0%)	58 (43.6%)	NS
No difference	71 (42.5%)	5 (14.3%)	66 (49.6%)	<i>p</i> < 0.001
Black professionals are underrepresented in some professional roles dealing with child permanency <sup>1</sup>	52 (31.1%)	14 (41.2%)	38 (28.5%)	NS
Not enough resources are provided to support Black caregiving families	43 (25.7%)	13(37.1%)	30 (22.6%)	NS
Not enough resources are provided for Black birthparents	41 (24.6%)	12 (34.3%)	29 (21.8%)	NS
Some professionals are less likely to respect the views of Black families about adoption and guardianship	37 (22.2%)	12 (34.3%)	25 (18.8%)	NS
Some professionals are biased against Black families seeking guardianship of a child	30 (18.0%)	7 (20.0%)	23 (17.3%)	NS
Other ways the system impacts Black families differently <sup>2</sup>	22 (13.2%)	6 (17.1%)	16 (12.0%)	NS
DCFS requirements around the suitability of potential permanent placement place more burden on Black families <sup>3</sup>	17 (10.2%)	7 (20.0%)	10 (7.5%)	<i>p</i> < 0.05
Caseworkers are less likely to search for kin caregivers for Black children	8 (4.8%)	3 (8.6%)	5 (3.8%)	NS

Respondents had the option of providing text specifying their responses to three of the items in this question.

<sup>1</sup>Black professionals in child welfare positions (*n* = 9), Black providers (*n* = 8), Black professionals across the professions impacting child permanency (*n* = 5), and Black legal professionals (*n* = 4)

<sup>2</sup>Systemic racism in systems related to child welfare (*n* = 8) and biases within the child welfare system (*n* = 6)

<sup>3</sup>Over 10% of respondents indicated that DCFS requirements around the suitability of potential permanent placements burden Black families. They shared that (a) Black families are less comfortable with adoption than White families as they consider it disrespectful to the birthparents, (b) Black families are disproportionately impacted by the criminal justice system, resulting in criminal histories that prevent permanency, and (c) space limitations in housing and the presence of multi-generational households impact permanency outcomes for children

two-tailed Fisher's exact tests. For six of the ten statements, the differences between the responses of Black and non-Black permanency respondents were statistically significant.

- Black permanency staff were 5.7 times more likely to indicate that “guardianship is pushed more for White than Black caregiving families” (11.4% vs. 2.0%),
- Black permanency staff were 5.5 times more likely to indicate that “adoption is pushed more for Black than for White caregiving families” (14.3% vs. 2.6%),
- Black permanency staff were 4.71 times more likely to indicate that “children are reunified more quickly in White families than in comparable Black families” (40.0% vs. 8.5%),
- Black permanency staff were 3.69 times more likely to indicate that “the courts give Black birth families less time than White families before moving to terminate parental rights” (31.4% vs. 8.5%),
- Black permanency staff were 2.76 times more likely to indicate that “children are more likely to be reunified in White families than in comparable Black families” (48.6% vs. 17.6%), and
- Non-Black permanency staff were 2.43 times more likely than Black permanency staff to indicate that there was “no difference” in permanency planning between Black and White families (55.6% vs. 22.9%).

Respondents were provided the option to select “other” ( $n=25$ ) and write in their responses. Most of these respondents ( $n=19$ ) indicated they did not have the experience necessary to answer the question. Three indicated that, in their experience, Black families are more receptive to guardianship than adoption. Other topics highlighted in response to this question included higher poverty levels for Black families, challenges with criminal background checks, challenges around stability for mothers, and issues of racial disproportionality.

Permanency caseworkers and supervisors were presented with nine items related to how the use of adoption and guardianship might differ for Black and White families. The survey instructed respondents to “select all that apply” (Table 3). The responses of Black and non-Black respondents were compared using two-tailed Fisher's exact tests. For six of the nine statements, the differences between the responses of Black and non-Black respondents were statistically significant.

- Non-Black permanency staff were more than 13.24 times more likely than Black permanency staff to report that they perceive “no difference” in the use of adoption and guardianship for Black and White families (38.4% vs. 2.9%),
- Black permanency staff were 3.28 times more likely to indicate that “Black families are more likely to receive lower subsidy rates” (20.0 vs. 6.1%),
- Black permanency staff were 3.12 times more likely to indicate that “a lack of trust in Black families impacts professionals’ decision-making around permanency” (34.3% vs. 11.0%),
- Black permanency staff were 2.64 times more likely to indicate that “Black families are more likely to experience challenges advocating for their child(ren) and family” (62.9% vs. 23.8%),



- Black permanency staff were 2.57 times more likely to indicate that “Black families are more likely to favor guardianship over adoption” (48.6% vs. 18.9%), and
- Black permanency staff were 2.56 times more likely to indicate that “Black families have more difficulty meeting the requirements for guardianship subsidies” (51.4% vs. 20.1%).

Twenty-two respondents provided optional comments on their perception of differences in the use of guardianship between Black and White families. The most common comment was that they did not have the experience necessary to answer the question ( $n = 16$ ). Others noted challenges with criminal background checks for Black families and differences in the clients’ perceptions of the agency.

The survey also asked respondents how child welfare system support differs for Black and White families. Respondents were given ten potential differences (including “no difference”) and instructed to select all that apply (Table 4). The responses from Black and non-Black respondents were compared using two-tailed Fisher’s exact tests. The only statistically significant difference in the responses of Black and non-Black respondents was the item “no difference.” Non-Black respondents were 3.47 times more likely to select that there is “no difference” in child welfare system support than were Black respondents (49.6% vs. 14.3%). Nearly half of the entire sample (47.3%) indicated that “not enough services are available in communities or neighborhoods with large proportions of Black families.”

A quarter of respondents indicated that resources are lacking for Black caregiving families (25.7%) and Black birthparents (24.6%). Thirteen percent of respondents indicated that there were other ways that the child welfare system impacts Black families differently. Nine of these respondents provided optional comments on “other” racial differences in child welfare support. Six highlighted biases within the child welfare system that harm Black children and families. Half of these responses were specific to transracial placements, with one respondent sharing,

Black children are placed in White homes more than White children are placed in Black homes. Their culture is not always looked at. They do not look at whether the White caregivers can care for the minors’ hair or skin and ensure that they are involved with their ethnic communities.

The remaining three respondents highlighted the impact of biases, with one respondent sharing,

In my experience, families of color are “expected” to have a case in the system. However, people are shocked when a Caucasian family has a case. I’ve seen this with some of my co-workers who have created excuses for white parents who are not meeting requirements but have an eagle eye on a Black family. This appeared to be an unrecognized bias, but it was disturbing to witness.

Just over ten percent (10.2%) of respondents indicated that DCFS requirements around the suitability of potential permanent placements burden Black families.

Respondents further specified in optional comments that (a) Black families are less comfortable with adoption than White families because they consider it disrespectful to the birthparents, (b) Black families are disproportionately impacted by the criminal justice system, resulting in criminal histories that prevent permanency, (c) housing requirements disadvantage Black families, and (d) biases against multi-generational households impact permanency outcomes for Black children.

## Discussion

The purpose of the study was to inform efforts to use guardianship wisely to increase the number of children in loving, stable, and permanent homes, especially Black children. The findings in this study provide insight into permanency professionals' perspectives on the racial differences in permanency planning, goals, and outcomes. In many cases, understanding these differences helps to illuminate barriers to guardianship faced by Black families. In both interviews and the survey, racial differences in (a) permanency practices, (b) utilization of guardianship and adoption, and (c) the degree of support provided by the child welfare system were perceived by both Black and White permanency professionals. Still, one of the most notable survey findings was the statistically significant differences in who indicated that they perceived "no difference" for each topic area. Specifically, a smaller proportion of Black permanency staff as compared to other permanency staff indicated "no difference" for Black and White families in permanency practices, utilization of guardianship and adoption, and support provided by child welfare systems. Most notably, 13.2 times more non-Black than Black permanency staff indicated that there were no racial differences in the use of guardianship and adoption.

While some permanency professionals did not perceive racial differences in permanency practices, other permanency professionals felt that Black families in the child welfare system were seen and treated differently from White families. Black permanency professionals more often recognized and articulated these differences in the survey and interviews. For example, in the survey, nearly half (48.6%) of Black permanency staff indicated that "children are more likely to be reunified in White families than in comparable Black families," and 40.0% indicated that "children are reunified more quickly in White families than in comparable Black families." These two statements were also the most common differences selected by non-Black permanency staff but at significantly lower proportions (17.6% and 8.5%).

Researchers have made substantial efforts to identify factors that contribute to racial disparities in child welfare (Anyon, 2011; Cénat et al., 2021; Dettlaff & Rycraft, 2010). Racially different outcomes for comparable families would suggest that at least some portion of the disparities are a result of racial bias within the child welfare system, including the courts (Harris, 2021). The interviewees' observations and experiences with racial inequities in the courtroom and with transracial placements provide illustrative examples of how "the adding up of little things" (as mentioned by an interview participant) results in inequitable outcomes for Black children and their families. Other studies have also highlighted child welfare professionals'

perceptions that their colleagues lack experience with other cultures and bring their biases to their work (Chibnall et al., 2003; Dettlaff & Rycraft, 2010). These researchers found that there is a need to increase workers' cultural competence, the diversity of the workforce, and resources to support families, providing permanency.

Interviews also highlighted biases against Black children and families in their interactions with other systems, such as mental health and education, further contributing to racial disparities in permanency outcomes. This is consistent with the call to action raised by West and their colleagues (2023) that stipulates that changes in structural racism in child and adolescent psychology will require a multi-systems approach that includes healthcare, education, child welfare, and psychology. The intersectional biases of systems serving Black families might be a major factor in why almost two-thirds of the Black professionals in this study's survey indicated that Black families are more likely than White families to experience challenges advocating for their child(ren) and family.

The findings from this study are consistent with previous scholarship that indicated that Black families, as compared to White families, often prefer guardianship over adoption as a means of preserving family and cultural identity (Cross et al., 2004; LaBrenz et al., 2023). Almost half of Black survey respondents indicated that Black families are more likely to favor guardianship over adoption, and 28.6% indicated that "Black children are more likely to have extended family members who are open to providing permanency for them." In interviews, permanency professionals shared their perceptions of the historical context supporting kinship care and the importance of preserving family roles in these contexts. A couple of the Black permanency professionals interviewed in this study differed in their perceptions of Black families' views of adoption. One professional explained that "adoption is not frowned upon," and another indicated that "it's almost taboo for the African American culture to adopt." However, over a third of Black survey respondents indicated that "some professionals are less likely to respect the views of Black families about adoption and guardianship." Further, a third of Black survey respondents indicated that some professionals were biased against Black families seeking guardianship of a child. The preferences some professionals expressed for adoption in both the survey and interviews raise the concern that Black families who are eligible and interested in guardianship may feel coerced into agreeing to adoption to preserve their family.

Feely and Bosk (2021) discuss how both ecological structural racism within society and biased decision-making within child protective services (CPS) contribute to racial disparities within CPS systems. They define structural racism as "the intersecting effects of residential discrimination, White political power, inequality in educational [and economic] opportunities... and policies and practices designed to restrict access based on race (p. 50)." The findings of this study are consistent with that view. Study participants who perceived racial disparity in services to families with children in Illinois DCFS custody and permanency planning spoke of both biased decision-making and the impacts of structural racism. The impacts of structural racism they identified included Black families being less likely to be able to afford private attorneys, differential treatment of Black children in schools, inequitable mental health services for Black individuals, and racial disparities in housing.

Merkel-Holguin and colleagues (2022) attribute racial disparities in CPS to structures of oppression within CPS systems “that target communities of color, marginalize family systems, and strengthen the domination of regulating family life.” In this study, both interview and survey participants indicated that criminal background checks pose a structural barrier to Black families achieving permanency. Criminal background checks are part of the licensing process. Black permanency professionals shared that licensing poses a barrier for many Black families who are seeking to adopt or provide guardianship. Licensing is necessary to receive federally funded subsidies from the federal GAPs. In Illinois, state-funded guardianship subsidies also require licensing if the guardianship is established when the child is under 12. Over half of the Black respondents (51.4%) indicated that Black families have more difficulty meeting the requirement for guardianship subsidies. In both the interviews and the survey, several Black permanency professionals shared that requiring criminal background checks on every member of the household is a challenge for many Black families in obtaining a foster parent license. This is, in no small part, because of the disparate representation of Black people in the criminal justice system throughout the United States. While the criminal history requirement can sometimes be waived, depending on the nature of the crime, requiring a criminal history check can deter families from pursuing a license.

Nearly half of the survey respondents felt that not enough services were available in communities or neighborhoods with large proportions of Black families. On questions about Black caregiving families and Black birthparents, about one-quarter of the respondents felt that the resources provided to Black families were insufficient. Our results are consistent with the findings of previous studies of other states. In one study that interviewed administrators, supervisors, and caseworkers in nine child welfare agencies across eight states in the United States, including Illinois, participants felt that poor communities in which many Black clients lived lacked resources and were geographically disconnected from other communities that might provide more support and services (Chibnall et al., 2003).

Perhaps the most striking finding is the substantial difference between Black and other permanency caseworkers and supervisors in their perceptions regarding racial inequities in permanency processes. Studies have demonstrated that overall, Black people perceive more racism than White people (Carter & Murphy, 2015; Chaney & Wedell, 2021; Peacock & Biernat, 2023). One possible explanation for this is that caseworkers and supervisors in predominantly White geographic areas have limited experience with Black clients. Black professionals’ own experience of racism and investment in fellow Black people are likely to make them more aware of subtle signs of racism, where White people may be consciously or unconsciously motivated to use a higher threshold and be less sensitive to behaviors that Black people might experience as racist (Carter & Murphy, 2015; Greenland et al., 2022; Peacock & Biernat, 2023; Sommers & Norton, 2006). Additionally, White people are more likely to limit their observations of racism to that which occurs in interpersonal interactions (Carter & Murphy, 2015) and are less aware of historical and structural racism than their Black peers (Carter & Murphy, 2015; Nelson et al., 2012; Zell & Lesick, 2022). Research has shown that White Americans, as

compared to Black Americans, perceive a more substantial reduction in anti-Black sentiment and actions over the last 50 years (Horowitz et al., 2019; Peacock & Biernat, 2023).

A recent Pew Research Center Survey (Horowitz et al., 2019) suggests that Black Americans are substantially more aware of the impact of racism in America than White Americans. Specifically, 52% of Black respondents to the Pew survey indicated that being Black hurts one's ability to get ahead, and 84% of these respondents indicated that discrimination is why Black Americans struggle to get ahead, as compared to 55% and 54% of White respondents, respectively (Horowitz et al., 2019). Collectively, our findings reinforce the impact of what Feagin (2013) termed the "white racial frame". He describes the white racial frame as an overarching white worldview that operates as the "dominant and foundational frame from which a substantial majority of white Americans—as well as many others accepting or seeking to conform to white norms or perspectives—view our still highly racialized society" (p.3). Feagin describes that in an unconscious effort to preserve this dominant paradigm, White Americans will "exhibit a serious collective denial in believing what is demonstrably untrue" with regard to the racism experienced by Black Americans (p.3). The overall conclusion is that—at large, and in child welfare settings—Black people are, in general, better positioned than White people at identifying anti-Black racist behaviors and structural racism.

## Limitations

Each component of the study has methodological limitations. First, the permanency professionals interviewed did not include defense attorneys (public defenders) and prosecutors (state attorneys). Both groups have essential roles in permanency planning, and the absence of their perspectives in this study is a notable limitation. Second, the number of interviews conducted with the subgroups of legal professionals was relatively small, given the population of these groups in the state. As such, their perspectives may not reflect the full diversity of perspectives held by each group across the state. Third, the survey sample disproportionately included state welfare staff as opposed to permanency staff at private agencies under contract with the state. In Illinois, private agency permanency staff make up 72.5% of the survey population, but they were only 47.7% of the survey sample. This limitation is likely due to a failure to reach a substantial portion of the private child welfare staff because these staff likely favor communications through their local agency emails and not the state-issued emails that were used to recruit participants for this study. There was also no incentive provided for the completion of this survey. These factors likely impacted the overall response rate for the survey, which is another limitation of the study. The survey response rate was relatively low, 14.2% (267 out of 1876). Further, the number of Black respondents in the study, while proportionally representative of state demographics, was relatively small ( $n=35$ ). This limited the statistical power for analyses that compared respondents by race. While these analyses are accurate, larger subgroups would have allowed for a more nuanced analysis.

## Recommendations

Meaningful changes in child welfare policies, procedures, and practices at the country, state, and local levels are necessary to reduce persistent racial disparities. However, the complexities and sensitivities involved in addressing racial inequities can create a form of action paralysis. Three recommendations, based on this study's findings and existing scholarship, are provided for CPS systems wanting to reduce racial disparities in permanency for children at the state and local levels.

(1) Develop cultural competency and cultural humility among child welfare professionals.

Two strategies that could be fully implemented to support child welfare professionals in engaging with families in culturally competent and culturally humble ways are reflective supervision and critical reflective practice in casework. Reflective supervision is “conceptualized as supervision that expands on clinical content (learning of new information) and administrative (documentation, policies, procedures) supervision and allows the supervisor and supervisee to step back from the work to reflect on their own experience both with and of the child and/or family” (Lingras, 2022, p. 640). Diversity-Informed Reflective Supervision (DIRS) expands upon reflective supervisor practice to anchor work with families while understanding the impact of race, culture, and social inequities. As described by Wilson and Barron (2022), DIRS involves the creation of intentional space to examine the impact of race, culture, and social inequities [which] act as a charging station to fuel providers as they strive to engage in relationship-based work with caregivers and families. (p. 16).

Further, DIRS can be used to encourage value-driven decision-making that reduces the impact of implicit biases while promoting a learning and growth-centered environment (Wilson & Barron, 2022). It also promotes healthy work environments that build cultural competence among colleagues while avoiding the tokenization of professionals of color (Godoy et al., 2022; Lingras, 2022). As part of this strategy, we recommended that professional development be provided to caseworkers and supervisors on the historical racial context of modern child welfare policies and practices (Montgomery, 2022; Nelson et al., 2012).

(2) Elevate the voices of Black permanency staff, who, in this study, were more aware of racial inequities impacting the permanency process.

Key to this recommendation is ensuring that a psychologically safe environment is created to support the authentic engagement of Black professionals in policy and program development and management. Supervisors must be equipped to respond productively to observations of racial inequities raised by Black professionals. Supervisors need to be able to respond to racial inequities identified in child welfare policies, procedures, and practices, the workplace, and the communities they serve.

(3) Conduct needs assessments to identify communities underserved by essential services and identify ways to address inadequate access to critical services.

One of the barriers highlighted by Black professionals is inadequate access to services in predominantly Black communities. A comprehensive needs assessment should explore inequitable access to services. To support this effort, child welfare workers can be trained to identify and document the challenges families in underserved communities face in accessing services. It is essential to engage with Black families and community leaders in this assessment process, both to ensure that the most pressing challenges are addressed and to support the identification of solutions that have the intended impact.

## Conclusion

Our research suggests that guardianship is a viable option for providing permanent homes for many children in substitute care in Illinois and that the judicious increase in the use of guardianship may be particularly beneficial for Black children and their families. The full study examines many of the challenges, including racial inequities, that need to be dealt with for guardianship to reach its full potential. In our study, both Black and White permanency professionals shared experiences in which they perceived racial bias. Their observations are not surprising, given structural racism, the pervasiveness of racial bias in society, and the disproportionate number of Black children in substitute care (Morgan et al., 2022; Ratliff et al., 2020). This study reinforces the importance of engaging the perspectives of Black staff in identifying and addressing racial inequities in child welfare settings. It will take concerted efforts and cultural change among child welfare professionals, other service providers, and the court system to address disparities for Black children and improve outcomes for all children with child abuse and neglect cases. Our team is grateful for the enthusiasm we observe among our Illinois DCFS partners to engage in change and support improved permanency outcomes for Black children, youth, and families.

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**Data Availability** The datasets generated and analyzed in this study, both interview and survey, are not publicly available, as participants did not give written consent for their data to be shared publicly.

## Declarations

**Ethics Approval** This work was approved by the Institutional Review Boards of the University of Illinois at Urbana-Champaign (#22428, #23064, and #23182) and the Illinois Department of Children and Family Services. Participation in the study was voluntary and with informed consent. All data collected were deidentified to protect the privacy and confidentiality of those who participated in the study.

**Competing Interests** The authors declare no competing interests.

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