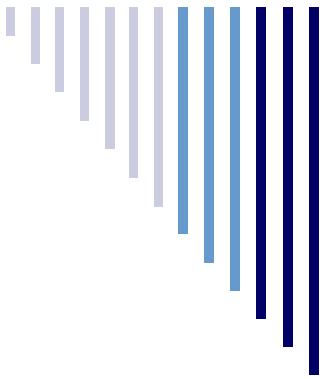


# TECHNICAL ASSISTANCE BRIEF

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## The NIS-4: What It All Means (and *doesn't* mean)

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April 2011

**National Council of Juvenile and Family Court Judges  
Permanency Planning for Children Department**



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## **The NIS-4: What It All Means**

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## **INTRODUCTION**

The National Incidence Study is a long-term research effort to estimate the number of incidents of child abuse and neglect across the country each year. The study relies upon community professionals, referred to in the study as “sentinels,” who typically encounter children and families through the course of their work, to serve as lookouts for victims of child abuse and neglect. In response to a federal mandate under the Child Abuse Prevention and Treatment Act, the first National Incidence Study was conducted during 1979-1980 to determine the frequency and severity of child abuse and neglect occurrences, and to provide a baseline for comparison of findings from subsequent studies.

This Technical Assistance Brief summarizes the findings from the most recent iteration of the National Incidence Study (NIS-4):

- ❖ Examines some of the differences from previous iterations
- ❖ Considers the implications of the study and these differences
- ❖ Offers some practical conclusions for courts and judges

The overall purpose of this Brief is to offer guidance on understanding the meaning of the NIS-4 findings in both a broader context, and in terms of the National Council of Juvenile and Family Court Judges’ (NCJFCJ) *Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care* initiative priorities, goals, and opportunities.

**FINDINGS**

The first National Incidence Study (NIS-1), conducted during 1979-1980, randomly sampled information from agencies, schools, hospitals and law enforcement agencies in 26 counties. In comparison, the Second National Incidence Study (NIS-2), which took place in 1986, surveyed sentinels from 798 agencies in 29 counties and found a significant increase (51%) in occurrences since the NIS-1 (Westat, Inc., 1987). Similarly, the following study in 1993 (NIS-3), which increased its sample to 5,600 sentinels in 42 counties, determined the number of abused and neglected children to be two-thirds higher than rates from the NIS-2 (Sedlak & Broadhurst, 2006). For the NIS-4, over 2005–2006, the study again increased its sample to include 10,971 sentinels across 122 different counties (Sedlak, et al., 2010), and found an overall decrease in the incidence of child abuse and neglect.

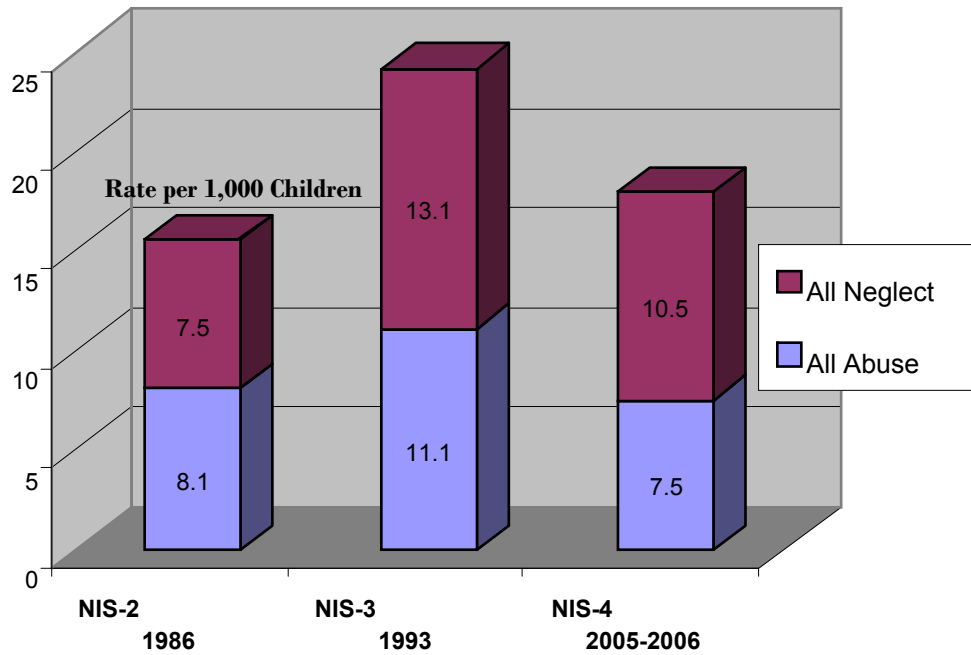
Contrary to the substantial *increase* in maltreatment rates reported in previous cycles of the study, the NIS-4 reports an overall *decrease* in the per capita incidence of child maltreatment (a 19% drop from NIS-3 levels) within the “Harm Standard” as defined by the study. In contrast, *no change* in child abuse and neglect rates was found using the more inclusive “Endangerment Standard” (see text box below).

**DEFINING STANDARDS OF ABUSE AND NEGLECT**

***Harm Standard*** - Generally requires that an act or omission result in demonstrable harm. Was the child harmed?

***Endangerment Standard*** - Includes incidences that fall within the Harm Standard and those where the sentinel thought the child was endangered, even if the child had not yet been demonstrably harmed. Was the child harmed, or was the child in danger of being harmed?

Graph 1: NIS Child Abuse and Neglect Incidence Estimates



Source: Fourth National Incidence Study

Unlike previous NIS cycles, the NIS-4 found “strong and pervasive” race differences in child maltreatment, with higher rates of maltreatment for Black children than for White and Hispanic children (Sedlak, et al., 2010, p. 9).

### What the Findings Mean

The overall findings of the NIS-4 indicate that child maltreatment rates across the country shift over time. These shifts mean that the incidence of child maltreatment is associated with the national economy, child welfare system policy reform, and changes in child welfare system practice, among other things.

In contrast to the previous decade, the past few years have seen a decrease in child maltreatment. In addition, improvements in NIS-4 measurement techniques and increases in economic disparities have led to a new finding of differences in maltreatment rates among racial groups.

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## **The NIS-4: What It All Means**

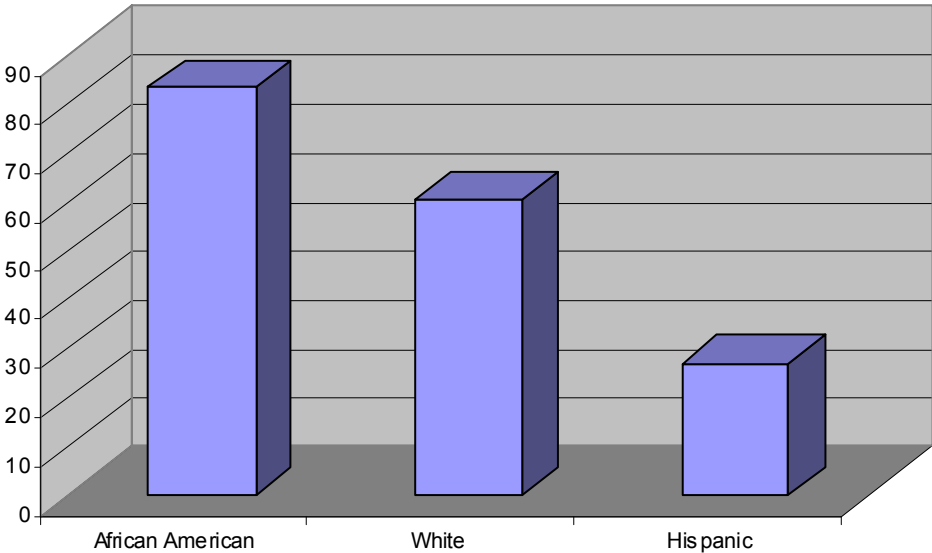
### ***What the Findings Do Not Mean***

The findings do not mean that Black families maltreat their children more than families of other races maltreat their children. The NIS-4 does observe race differences in maltreatment rates, but it does not observe that these differences are *due* to race. Rather, the study finds that the differences in maltreatment rates are likely attributable to other factors, especially risk factors associated with economic social conditions. There are no race differences in maltreatment rates that stand apart from differences in economic conditions among racial groups.

Juvenile dependency decisions (child abuse or neglect reports, substantiations, petition filings) are not considered within the NIS studies. Findings are based only on estimates of the numbers of maltreatment incidents, providing a picture of how much maltreatment there may be across the country, without examination of the judicial decisions surrounding those maltreated children.

Among substantiated child abuse cases, Black children are 36% more likely to be placed in out-of home care (Children's Bureau of the Administration on Children, Youth and Families National Survey of Child and Adolescent Well-Being) which is much higher than the rate of maltreatment related to race found in the NIS 4. Despite the incidence levels, the particular NIS cycle, or differences in maltreatment incidence among racial groups, disparities related to race remain.

Graph 2: Probability of foster care placement given substantiation



Source: National Survey of Child and Adolescent Well-Being

**DIFFERENCE FROM PREVIOUS CYCLES**

The findings of the NIS-4 suggest that the emergence of differences within racial groups is due to: a) improvements in estimation techniques, and b) changes in the national economy.

*Estimation Techniques*

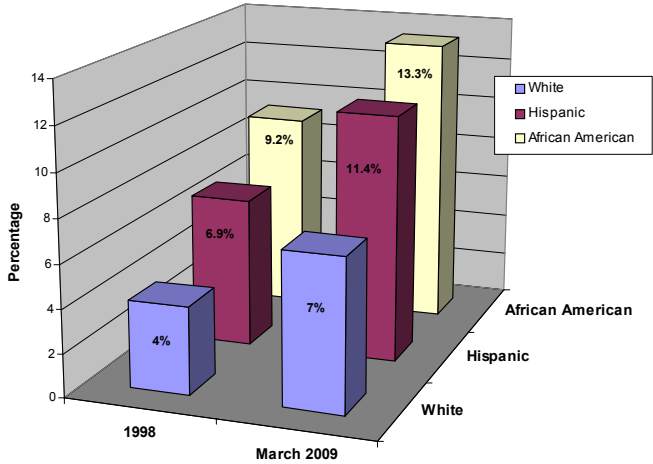
Samples in the NIS-4 were considerably larger than in previous cycles, resulting in more precise estimates. To build a database of maltreatment that closely resembles the country at large, the NIS-4 utilized a set of complex statistical methods. This included matching information about child characteristics with census data to create estimates that are more precise than those developed in previous NIS findings. Ultimately, this allows researchers to see more clearly the differences that exist among racial groups.

*Inequitable Economic Changes*

The NIS-4 concluded that socioeconomic status is the single strongest predictor of maltreatment (with the exception of incidents involving sexual abuse). Differences in maltreatment rates among racial groups may be heavily due to economic differences rather than dependent upon race itself. Recent economic downturns have had a disproportionate impact on families of color, who then interact more frequently with mandated reporters to meet their socioeconomic needs, which may substantially account for why maltreatment rates for Black children are higher in the NIS-4 than in previous cycles.



Graph 3: National Unemployment Rates



Source: Applied Research Center

Research has demonstrated that people of color experience low wages and unemployment at disproportionate rates (c.f. Applied Research Center and the Center for the Study of Social Policy 2009; Sherman, 2007; Reed & Cheng, 2003; and Jones & Weinberg, 2000). During the recession, Black families have been particularly more likely to experience higher poverty rates and unemployment. In fact, studies show that more than half of all Black and Hispanic families fall below the median income level estimated to be necessary to support a two-adult, two-child family, compared to 20% of White families (Applied Research Center, 2009).

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## **The NIS-4: What It All Means**

These research efforts have demonstrated that economic disparities among racial groups are a result of both historic and current institutional inequities (e.g., housing laws, lending practices, disproportionate foreclosure rates). Furthermore, people of color continue to face employment barriers, including discrimination in hiring and promotion practices, unfair background checks, and unequal access to education opportunities.

Even with improved research techniques, some families are more likely to be visible to child protection agencies, more likely to be reported, and more likely to enter the juvenile dependency system. Despite efforts to measure maltreatment rates accurately, implicit bias may exist at many decision-points throughout the child protection process. The NIS-4 report argues that in this particular study, children from low-income families are less visible to social services and public agencies, and are therefore reported less frequently. Community professionals or “sentinels” encounter a substantial number of children from middle and upper socioeconomic groups. The reasoning is that many low-income families visit the doctor less, or drop out of school more often, and thus have less contact with sentinels like doctors and teachers.

The majority of CPS investigations of maltreatment (more than 50% for Harm Standard) were incidents recognized by police and public housing agencies. Additionally, the highest number of investigations for Endangerment Standard maltreatment incidents were those recognized by social services, public housing agencies, police, and juvenile probation. The potential for these differences to connect with race, poverty, and implicit bias at various decision-points in the process is significant.

### STRENGTHS AND WEAKNESSES OF MEASUREMENT

There are ongoing discussions regarding how to best sample people for the National Incidence Study (c.f. Drake, Lee, & Jonson-Reid, 2009). Researchers have found that there are differences in how various racial groups tend to be reported for maltreatment; differences in the types of maltreatment by race; and differences in how different types of maltreatment are reported (Ards, Chung & Meyers, 1998). This makes obtaining similar samples for White and Black children difficult. Additionally, poverty is related to reporting independently from being related to maltreatment. Therefore, since more Black families are poor, it again makes them more likely to be reported, which is a challenge the NIS study must overcome.

Some research has found that similar children from like families experiencing similar maltreatment are equally likely to be reported. However, this research shows that these theoretical “similar” children do not always exist in reality (Ards, Chung & Meyers, 1998). Distinct differences among the backgrounds and experiences of children lend to variations in the likelihood of being reported.

A significant challenge in conducting a study like the NIS-4 is the inability to measure directly what is necessary to learn what we’d like to know about race and maltreatment. It is not possible to knock on the door of every family in the country and directly count the number of maltreated children. This means that the study has to *estimate* the number of maltreated children within a specific methodology. This would be effective if the method applied the same way to all types of children; however, since all children, families, races, and socioeconomic groups are different from each other, there is no one perfect method that applies the same for everyone. This difficulty is not unique to the National Incidence Study, but it is a direct challenge the National Incidence Study faces.

## **IMPLICATIONS**

### *Continue to Strive Toward Best Practice*

The NIS does not account for judicial decision-making, court actions, or differences in policy and practice across jurisdictions. Even within the NIS findings, disparities in decision-making are associated with disproportionate rates of removal, placement in out-of-home care, and permanency outcomes (Hill, 2006). Despite how maltreatment incidents are brought to the attention of the court, implementation of best practices can ensure equitable decision-making and ultimately improve outcomes for all children and families.

### *The Courts Catalyzing Change Initiative*

The *Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care* initiative (CCC) of the National Council of Juvenile and Family Court Judges (NCJFCJ), in partnership with Casey Family Programs and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), is a multidisciplinary effort to set a national agenda for court-based training, research, and reform to reduce disparate outcomes for children of color in dependency court systems (Gatowski, Maze, & Miller, 2008). Transformation of judicial practice is a critical component of the CCC National Agenda and encompasses a number of important strategies identified to ameliorate disparities and prevent further inequity in decision-making and related outcomes. These strategies include, but are not limited to:

- Examining personal biases to understand and moderate their impact on judicial decision-making;
- Practicing and promoting principles of therapeutic jurisprudence through family engagement;
- Conducting thorough hearings and examining all decisions where disparate treatment may disadvantage children and families of color; and
- Ensuring provided services are culturally appropriate.

A key goal of the CCC National Agenda is the development of concrete, practical tools to better equip judges, and provide guidance for transforming judicial practice. NCJFCJ has developed a Preliminary Protective Hearing (PPH) Benchcard, which promotes critical analysis within judicial decision-making with a focus on racial equity (Maze & Miller, 2010). This is an important first step in the creation of tools to support efforts to reduce racial disproportionality and disparate outcomes for children of color.<sup>1</sup>

### *Performance Measures*

The identification of racial disparities within the juvenile dependency system is critical. However, it is equally important to develop measurements to determine the effectiveness of practices and to identify necessary improvements. The CCC National Agenda promotes performance measurement in the areas of safety, permanency, timeliness and well-being as essential to improving court practices aimed at effectively reducing disproportionality and disparities.<sup>2</sup> In conjunction with performance measurement, on-going data collection and analysis of racial and ethnic demographics of children and families in the juvenile dependency system is fundamental to the measurement of progress and effective identification of barriers, opportunities, and successes related to achieving equitable outcomes.

### *Research Implications*

The Courts Catalyzing Change initiative includes a major focus on research as a way to understand disproportionality and disparities and to leverage empirical findings to improve practice and policy. As part of this initiative, the NCJFCJ is currently analyzing data from a study of the implementation of the Preliminary Protective Hearing Benchcard. Preliminary results suggest that use of the Benchcard leads to improved outcomes for children. Further analyses of these data are forthcoming.

<sup>1</sup>For more on the CCC Benchcard and its implementation, see National Council of Juvenile and Family Court Judges (2010), *Right from the Start: The CCC Preliminary Protective Hearing Benchcard: A Tool for Judicial Decision-Making*.

<sup>2</sup>For more information about performance measurement, see Hardin & Koenig, *Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide*, which describes the Toolkit for Court Performance Measures in Child Abuse and Neglect Cases as developed by the Office of Juvenile Justice and Delinquency Prevention. The purpose of the Toolkit is to help courts establish a baseline; identify what can be improved; and use that information to track efforts and results.

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## **The NIS-4: What It All Means**

The NCJFCJ Permanency Planning for Children Department also works with a group of juvenile and family courts identified as the Victims Act Model Courts. Through utilization of the acclaimed best practices bench books *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases*, and the *ADOPTION AND PERMANENCY GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases*, the Model Courts identify impediments to the timeliness of court events and delivery of services for families with children in care, and then design and implement court- and agency-based changes to address these barriers.

## **CONCLUSIONS**

NCJFCJ is interested in listening to all voices in this discussion, and iterations of the National Incidence Study have offered an important perspective through the years. The Courts Catalyzing Change national agenda began with courageous conversations around race in order to engender an environment where the dialogue around disproportionality and disparities can be moved forward.

The Courts Catalyzing Change initiative acknowledges that disparities may occur at many decision-points prior to a family coming to court. Many factors may be involved in disproportionality and disparities, including particular personal and broader structural factors. In this broad discussion, the Courts Catalyzing Change initiative does not pose race versus poverty as competing explanations for disproportionality. In a broad sense, poverty is not unrelated to race. The initiative recognizes that there is no one cause of disproportionality and disparities, but rather causes may be multiple, additive, and vary across locations and over time.

Ultimately, judges – as the final arbiters of justice – must be leaders in their communities on the issue of reducing disproportionality and disparities in the child welfare system. The findings from all of the iterations of the National Incidence Study help to inform judicial leadership to reduce racial disproportionality and disparate outcomes for children of color.

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### For more information, please see:

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