

To: The Honorable Chairman Clippinger and members of the Judiciary Committee
From: Rachel White, JD, Child Welfare Policy Director
Re: **HB 413- Judges – Implicit Bias – Testing, Training, and Evaluation**
Date: January 27, 2021
Position: **SUPPORT**

Thank you for the opportunity to provide written testimony on **HB 413- Judges – Implicit Bias – Testing, Training, and Evaluation**. Advocates for Children and Youth **supports this bill**.

HB 413 requires that all judges undergo an implicit bias screening after presuming office, receive training to address implicit bias, and undergo an evaluation to measure the effectiveness of the training. This is imperative to achieving racial equity with a systemically racist structure within our society, the judicial system.

National studies by the U.S. Department of Health and Human Services reported “minority children, and in particular African American children, are more likely to be in foster care placement than receive in-home services, even when they have the same problems and characteristics as white children.ⁱ In Maryland, African-American Children are almost twice as likely to enter foster care than their white counterparts which is disproportionate based on the total population of Black youth in the state of Maryland.ⁱⁱ

These statistics and similar reports from around the country indicate race and poverty-related disparities and disproportionality in the child welfare system. Race and socioeconomic status often impact decisions in every stage of the child welfare system from reporting, to foster care placements, to termination of parental rights decisions.

Child welfare professionals must address their own biases when working with families. Many biases develop from the schema in our brain that lets us quickly analyze people, places, and situations.^[3] Schema may be gathered through learned stereotypes and stored in the recesses of our brains. Our schema operates as the lens through which we interpret and predict the world. Schema often results in a fixed oversimplification of groups. Because schema assists our brains with processing, it can create preferences for particular groups, negative or positive.

Addressing the overrepresentation of children and families of color in our juvenile courts requires careful consideration and reform of the policies and practices that drive bias and structural racism. Judges are an integral component of reducing or eliminating bias in child welfare cases by assessing their biases about families of color or poor families. Judges should also acknowledge and properly assess cases when biases from other practitioners lead to improper case determinations. Requiring an implicit bias assessment, training, and evaluation such as HB 413 is just striking the tip of the iceberg but is an important step in the right direction to creating equitable child welfare outcomes for youth and families of color.

For the reasons stated above, we urge this committee to issue a favorable report on HB 413 to mitigate racial bias amongst judges resulting in a more equitable court process for families of color impacted by the child welfare system.

ⁱ Dorothy Roberts. *PBS Frontline Essay: Race and Class in the Child Welfare System*.

ⁱⁱ 2020 Maryland Department of Human Services Child Welfare Indicator Report