



Disproportionality in Child Welfare



NICWA

National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture

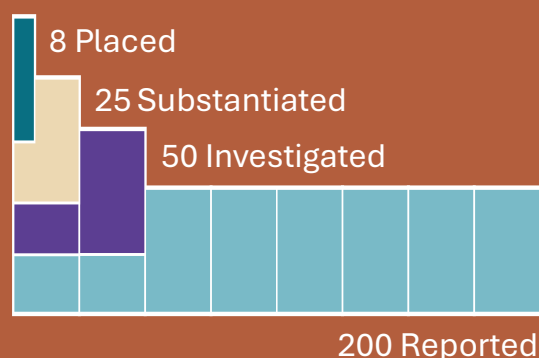
What is Disproportionality in Child Welfare?

Research and data from states tell us that American Indian/Alaska Native (Native) children are disproportionately represented, or overrepresented, in state foster care systems nationwide. This means that higher percentages of Native children are found in state foster care systems than in the United States (U.S.) population.

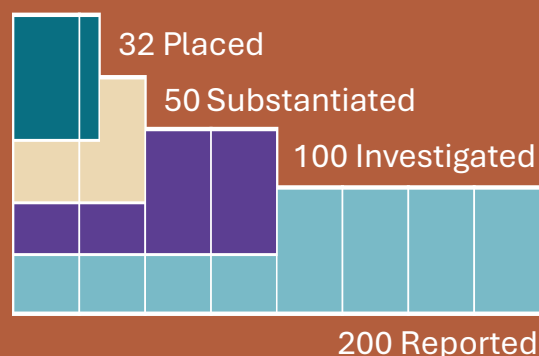
The overrepresentation of Native children often starts with reports of abuse and neglect at rates proportionate to their population but grows higher at each major decision point in child welfare:

1. Whether to order an investigation regarding child abuse or neglect allegations,
2. Whether to substantiate abuse or neglect allegations during or after an investigation, and
3. Whether to remove a child from their home and place in foster care.

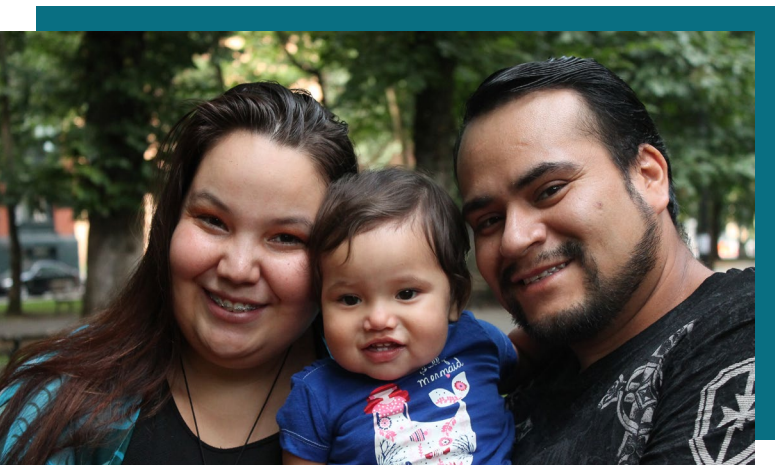
White/Caucasian Children



American Indian/Alaskan Native Children



One national study found that, where abuse has been reported, Native children are **two times** more likely to be investigated, **two times** more likely to have allegations of abuse or neglect substantiated, and **four times** more likely to be placed in foster care than White/Caucasian children (Hill, 2007).



Disproportionality in Child Welfare Nationally



Nationwide, Native children are overrepresented in state foster care at a rate 3.75 times greater than their proportion in the general population.

(U.S. Department of Health and Human Services [HHS], 2025; Puzanchera et al., 2023).

This means that while Native children make up 0.8% of all children in the U.S. (Puzanchera et al., 2023)¹, Native children represent 3% of all children placed outside their homes in foster care (HHS, 2025)². By comparison, White children made up 49.4% of the child population ages 0–17 in 2021 (Puzanchera et al., 2023), but only 40% of all children placed outside their homes in September 2024 (HHS, 2025). This shows that White children are underrepresented nationwide in the foster care system at a rate of 0.80 when compared to their proportion of the general child population in the U.S.

Note: A disproportionality value of 1.0 reflects no disproportionality, a value greater than 1.0 reflects overrepresentation, while a value less than 1.0 reflects underrepresentation.

“...although American Indian/ Alaska Native children are just 1% of all children in the U.S., they are 2.7% of all children who are placed outside their homes in foster care...”



Calculating disproportionality statistics typically relies on a formula that compares the population rate of Native children in a state, including Native children both on and off Tribal lands, to the rate of Native children in that state foster care system. While these published rates are helpful in understanding where and at what level foster care disproportionality exists, Native children are often undercounted in state child welfare systems for different reasons, such as reporters of child maltreatment assuming a child is non-Native based on their appearance or name, which results in underestimates of the actual number of Native children who are in state foster care (Maher, et al., 2015; Liehr, 2024).

Additionally, the population of Native children in some states include Native children who would never appear in a state child welfare system because they would be under Tribal jurisdiction. This inflates the actual number of Native children who could enter a state child welfare system. By inflating the overall number of Native children in a state that could be served by the state child welfare agency and undercounting the number of Native children who are currently in the state child welfare system, the disproportionality data can be assumed to be greater than the reported rate in many states.

¹ For the purposes of this fact sheet, the child population data comes from U.S. Census data collected in 2020. Specifically, the census data used is derived from the Disproportionality Rates for Children of Color in Foster Care Dashboard published by the National Council of Juvenile and Family Court Judges. While census data is collected for 6 race groups (5 race alone groups and two or more races), the data in this fact sheet is focused on the American Indian alone child population ages 0-17.

² The Adoption and Foster Care Analysis and Reporting System (AFCARS) collects case-level information from state and Tribal Title IV-E agencies on all children in foster care and those who have been adopted with Title IV-E agency involvement. Each year of data represents the Federal Fiscal Year (FFY) October 1st through September 30th. The percentages of Native children in foster care, including national and state data, is derived from AFCARS data. While AFCARS allows children to be classified as “mutually exclusive” or alone or in combination [with other racial groups], this fact sheet includes children who are identified by the state child welfare system as a single race (i.e., American Indian/Alaska Native). Mutually exclusive categories assign each child a single race label which means that children who report only one race are assigned a label for that race.



Mapping Foster Care Disproportionality: 15 States with the Highest Rates for Native Children

Although national data highlights the overrepresentation of Native children in state child welfare systems, a closer look at individual state foster care data in the table to the right illustrates how specific state policies and practices can impact the care and placement of Native children and families in individual state child welfare systems.

Disproportionality By State			
State	Disproportionality Rate	% of children who are Native alone (Puzzanchera et al., 2023)	% of children in foster care who are Native alone (HHS, 2025)
Minnesota	13.5	1.4%	19%
Wisconsin	6.0	1.0%	6%
North Dakota	5.7	7.6%	44%
Oregon	4.5	1.1%	5%
South Dakota	4.4	12.4%	55%
Utah	4.4	0.9%	4%
Montana	4.3	9.3%	40%
Iowa	3.3	0.3%	1%
Alaska	2.7	18.6%	52%
Nebraska	2.7	1.1%	3%
California	2.5	0.4%	1%
Idaho	2.0	1.0%	2%
North Carolina	1.8	1.1%	2%
Kansas	1.4	0.7%	1%
Arizona	1.3	4.6%	6%

Table notes: This table does not include state data from Washington or Wyoming. The AFCARS dashboard indicates that Washington and Wyoming did not submit AFCARS 2020 data—under the new AFCARS 2020 regulations³ for the recent reporting periods (covering fiscal years 2023 and 2024)—at the time HHS released its report⁴. From an analysis in 2021, when calculating the percentage of Native children in foster care to their proportion of the child population in the state, Washington had a disproportionality rate of 2.98 (its lowest rate in the last decade; down from 4.64 in 2013) and Wyoming a rate of 1.64 (Puzzanchera et al., 2023). While Washington was previously included on this list, Wyoming saw its highest disproportionality index for Native children in 2021.

³ After the AFCARS 2020 final rule was published in May 2020 (85 FR 28410), HHS released [AFCARS Technical Bulletin #20](#) in June of 2024 that details reporting instructions and provides examples for the data elements of AFCARS 2020 Out-of-Home Care and Adoption and Guardianship Assistance Files.

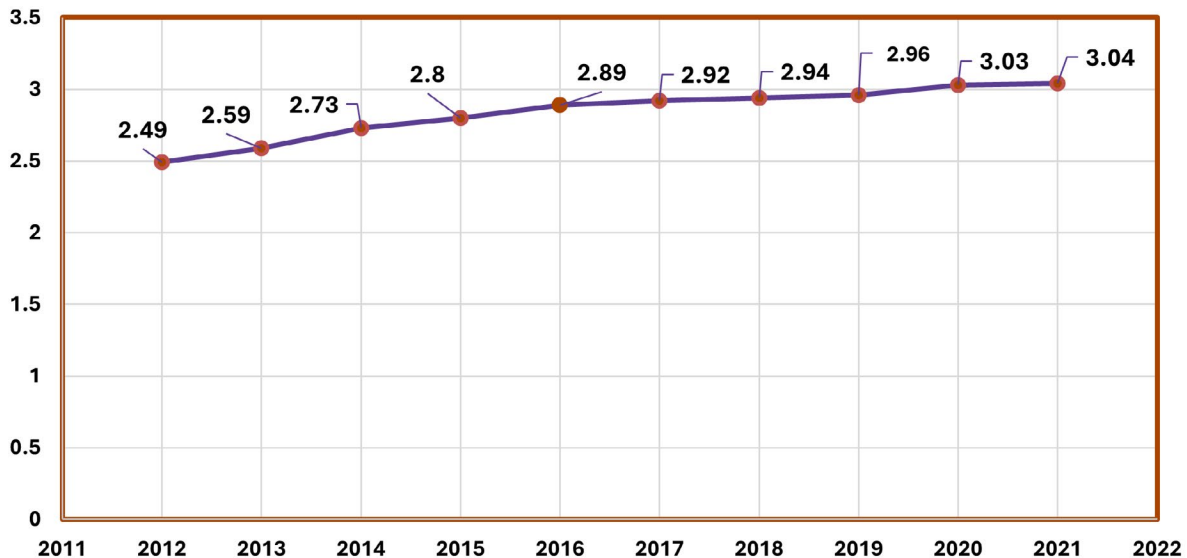
⁴ HHS published a [report](#) detailing FFY 2024 AFCARS Foster Care Data as of September 5, 2025. The report provides some, but not all, of the same information that is available in the AFCARS dashboard.



Trends Over Time: Disproportionate Placement of Native Children in Foster Care

While some states have reduced disproportionality of foster care placements among Native children over time, others have not. As illustrated in the graph below, disproportionality among Native children has steadily increased over the last decade, reaching its highest rates in 2020 and 2021 (Puzzanchera et al., 2023)—meaning **Native children are three times more likely to be placed in foster care compared to all other racial/ethnic groups in the U.S.**

Disproportionality of American Indian and Alaska Native Children and Youth in Foster Care in the U.S.



By comparison, the disproportionately rates of other ethnic minority groups has decreased or held steady: for African Americans rates have decreased (1.92 in 2012 to 1.65 in 2021); for Asian Americans rates have held steady (around 0.13 to 0.14 from 2014-2021, dropping from a high of 0.17 from 2010-2012); and for Hispanic Americans rates have fluctuated slightly (range between 0.82 to 0.90 from 2012-2021, but under 0.90 since 2015) (Puzzanchera et al., 2023).

Confronting Inequities to Address Disproportionality

With clear disproportionalities both at the national and state levels for placement of Native children in foster care, we must ask, **what is behind these disproportional rates? What could be causing them, and how do we address the underlying causes?**

One possible explanation is there is **systemic bias** in the child welfare system. Another possible explanation is that there could be **underlying factors differentially impacting Native communities** which put children at higher risk of experiencing child abuse or neglect and thus higher rates of foster care placement. Below, we examine each of these possible explanations, evidence for those explanations, and the possible implications for reducing disproportionality for Native families in the child welfare system.

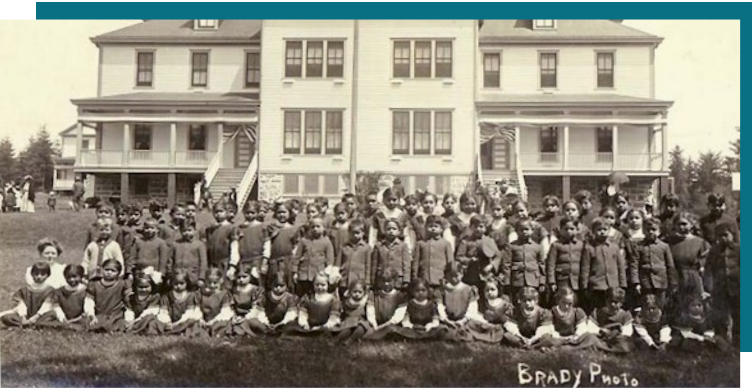
Systemic bias refers to a differential response to Native families on the part of the child welfare system compared to non-Native families. In other words, child welfare workers may hold unconscious or implicit biases against Native families and therefore be more likely to substantiate reports of child welfare and more likely to recommend removal of children from Native homes. Implicit bias is defined as having beliefs or attitudes that are unconscious (i.e., out of an individual’s control) regarding characteristics of different groups of people (Project Implicit, n.d.). Such implicit biases could result in reporters and child welfare workers treating Native families differently than non-Native families during the process of addressing potential reports of child abuse and neglect. The evidence that points to systemic bias against Native families is that disproportionality rates increase at different points in the child welfare process.

A national study by Robert Hill (2007) analyzed the data from the National Child Abuse and Neglect Data System (NCANDS) and AFCARS databases. Three stages of involvement with child welfare were examined: investigation of families, substantiation of reports of child abuse or neglect, and placement of children into foster care. The report found that Native families were disproportionately represented at all three stages. Strikingly, the degree of overrepresentation of Native families rises as families move through the three stages of

investigation, substantiation, and placement. As Hill (2007, p. 10) writes,

“*In sum, at the national level, Blacks and American Indians are twice as likely to be investigated or substantiated than they are in the general child population, but they are two or three times more likely to be placed in foster care than they are in the general child population. On the other hand, White and Asians and Pacific Islanders are less likely to be investigated, substantiated, or placed in foster care than they are in the national child population. Regarding disparity ratios, Blacks and American Indians are twice as likely as Whites to be investigated or substantiated, but three or four times more likely than White children to be placed in foster care.*”

Hill observes, “At the national level, the disproportionality rates among Black children and American Indian children rise as the child goes deeper into the child welfare system—from investigation through substantiation to foster care placement” (Hill, 2007, p. 49). This growing disproportionality through the three phases of child welfare system involvement suggests that there is systemic bias affecting key child welfare decisions. If that were not the case, we would expect the disproportionality rate to remain the same across all three decision points (investigation, substantiation, and removal).



In addition to systemic bias, the overrepresentation of Native children and children of color in the child welfare system may also be influenced by explicit (rather than implicit) racial and cultural biases held by child welfare workers, lack of training in cross-cultural practice, and policy-related barriers.

While some assert that there are truly higher rates of child abuse and neglect in Black and Native communities, and that is why those communities are overrepresented in the child welfare system

(Drake et al., 2009), this explanation is likely incomplete. The National Incidence Studies of Child Abuse and Neglect-4 (the last wave of this long-standing study) concluded that both “how reporters to CPS respond to the maltreated children they encounter” (i.e., unconscious or systemic bias) and “the incidence of child abuse and neglect itself” are both likely reasons for disproportionality (Sedlak et al., 2010). The report states that “the current information suggests that both of these dynamics contributed” to disproportionality (Sedlak et al., 2010).

There are also structural inequities that can place Native children at higher risk of experiencing abuse or neglect (Putnam-Hornstein et al., 2013; Pelton, 2015). Such factors include higher rates of poverty and unemployment for Native Americans compared to White Americans, a disparity exacerbated by the COVID-19 pandemic according to U.S. Census data (Feir & Golding, 2020). Historical trauma among Native communities, including the forced removal of Native children from their homes through federal assimilationist policies (The National Native American Boarding School Healing Coalition, n.d.; Haaland v. Brackeen, 2023, Gorsuch, J., concurring, p. 43), is at the root of these inequities.

✦

The Indian Child Welfare Act (ICWA) of 1978 (25 U.S.C. 1901 et seq.) offers a way forward for addressing both systemic bias and historical trauma through Tribal sovereignty and self-determination over child welfare.

ICWA’s requirements to provide active efforts⁵ and use placement preferences provide a pathway for keeping Native children connected to their families, Tribal communities, and culture, and ensure appropriate services are provided to heal families from trauma. Improving state compliance with ICWA is an important strategy for addressing systemic bias against Native families in the child welfare system, including placement preferences required by ICWA for Native children to be placed preferentially with extended family and that placement decisions be made in collaboration with the child’s Tribe and parents.

ICWA requires that active efforts be made to prevent child removal and support family reunification whenever possible—providing services and support for families to help keep children safely at home. The active efforts requirement is intended to counteract potential bias that may lead to unnecessary child removal and ultimately result in termination of parental rights. The child’s parents and Tribe also have the right to notice prior to the initiation of state child custody proceedings and the right to petition to have state child custody proceedings transferred to Tribal court—both provisions functioning as explicit exercises of Tribal sovereignty. Adherence to ICWA’s statutory and regulatory requirements, including placement preferences and active efforts, offers a critical mechanism for preventing systemic bias from impacting child welfare system decisions and improving outcomes for Native children and families.

⁵ Active efforts in state child custody proceedings involving an “Indian child” are defined as affirmative, active, thorough, and timely efforts to prevent the breakup of the Indian family, required under 25 U.S.C. § 1912(d). The federal regulations define active efforts and outlines 11 examples of active efforts at [25 CFR § 23.2](#) and these efforts must be documented in detail per [25 CFR § 23.120](#).



References

Drake, B., Lee, S. M., & Jonson-Reid, M. (2009). Race and child maltreatment reporting: Are blacks overrepresented? *Child & Youth Services Review*, 31(3), 309–316.

Feir, D., & Golding, C. (2020, August 5). Native employment during COVID-19: Hit hard in April but starting to rebound? Federal Reserve Bank of Minneapolis. <https://www.minneapolisfed.org/article/2020/native-employment-during-covid-19-hit-hard-in-april-but-starting-to-rebound>

Haaland v. Brackeen, 599 U.S. 255 (2023). https://www.supremecourt.gov/opinions/22pdf/21-376_7148.pdf (Gorsuch, J., concurring, p. 43)

Hill, R. B. (2007). An analysis of racial/ethnic disproportionality and disparity at the national, state, and county levels. Casey-CSSP Alliance for Racial Equity in Child Welfare. <https://www.aecf.org/resources/an-analysis-of-racial-ethnic-disproportionality-and-disparity-at-the-nation>

Liehr, A. (2024). Use of multiracial category underestimates disproportionate representation of Black and Indigenous children in foster care. *Child Trends*. DOI: 10.56417/3506a2250a

Maher, E., Clyde, M., Darnell, A., Landsverk, J., & Zhang, J. (2015). Placement patterns of American Indian children involved with child welfare: Findings from the second National Survey of Child and Adolescent Well-Being. Retrieved from <http://www.casey.org/media/NSCAW-Placement-Patterns-Brief.pdf>

Pelton, L. (2015). The continuing role of material factors in child maltreatment and placement. *Child Abuse & Neglect*, 41, 30-39. <https://doi.org/10.1016/j.chiabu.2014.08.001>

Project Implicit. (n.d.). What is implicit bias? In ProjectImplicit.net. Retrieved January 29, 2026, from <https://www.projectimplicit.net/#:~:text=What%20is%20implicit%20bias%3F>


Putnam-Hornstein, E., Needell, B., King, B., & Johnson-Motoyama, M. (2013). Racial and ethnic disparities: A population-based examination of risk factors for involvement with child protective services. *Child Abuse & Neglect*, 37(1), 33–46. <https://doi.org/10.1016/j.chiabu.2012.08.005>

Puzzanchera, C., Zeigler, M., Taylor, M., Kang, W. and Smith, J. (2023). Disproportionality Rates for Children of Color in Foster Care Dashboard. National Council of Juvenile and Family Court Judges.

Sedlak, A. J., Mettenburg, J., Basena, M., Petta, I., McPherson, K., Greene, A., & Li, S. (2010). Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress. U.S. Department of Health and Human Services, Administration for Children and Families. <https://acf.gov/opre/report/fourth-national-incidence-study-child-abuse-and-neglect-nis-4-report-congress>

The National Native American Boarding School Healing Coalition. (n.d.). The National Indian Boarding School Digital Archive. University of Minnesota. <https://nibsda.elevator.umn.edu/>

U.S. Department of Health and Human Services. (2025). AFCARS Dashboard 2024: Adoption and Foster Care Analysis and Reporting System. <https://acf.gov/cb/research-data-technology/statistics-research/afcars>



The National Indian Child Welfare Association (NICWA) protects the safety, health, and cultural identity of all Native children and families—today and for future generations—by upholding culturally based services, community strength, and Tribal sovereignty.

5100 S Macadam Avenue, Suite 300 • Portland, Oregon 97239

(503) 222-4044 | www.nicwa.org