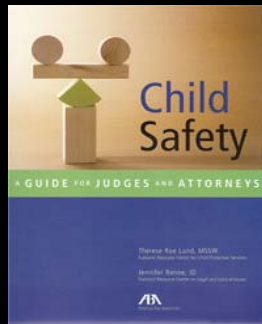


# Child Safety Decision-making: An Introduction to Key Concepts and Tools

Theresa Costello  
National Resource Center  
for  
Child Protective Services

Timothy Travis  
National Resource Center  
on Legal and Judicial  
Issues



April 2011

## Objective of this Presentation

Introduce basic principles of child safety decision making

Review current decision-making tools and apply case example

Further the collaboration between child welfare and the courts



Why Safety?

## CFSR

### ■ Safety Outcome 2

- Item 3: Services to family to protect child(ren) in the home and prevent removal or re-entry into foster care
- Item 4: Risk assessment and safety management (assess and address safety concerns relating to child(ren) in their own homes or in foster care)

## PIP II

- Goal A: Safety
- Improve completion and application of assessments of children at home and in foster care, through the life of the case
  - Assure completion of risk and safety assessments through the life of the case
  - Keep children at home safely

## Practice Model

### Value: Child Centered

**Principle: Children are entitled to live in a safe and permanent home and need families to be successful.**

- Children deserve:
  - provides support and services to maintain children safely in the family home whenever possible
  - initiates family finding and search for relatives
  - supports safe and appropriate visits and contacts with parents and siblings while in foster care

### Value: Family Focused

**Principle: Families have the right and responsibility to raise their children.**

- Families deserve:
  - to be engaged in a respectful, non-judgmental and fair manner
  - to understand why the agency is involved
  - provides support and services to maintain children safely in the family home whenever possible
  -

### Value: Trustworthy and Accountable

**Principle: We shall be fair and compassionate, act with respect and integrity, perform reliably and demonstrate competence in all interactions.**

- Our practice:
  - strives for fairness in all case work decisions

# Practice Model

## **Value: Culturally Competent**

**Principle: We have a responsibility to understand and provide services to children and families within the context of their beliefs, values, race, socio-economic class, ethnicity, history, culture, religion and language.**

### **■ Our practice:**

- incorporates cultural strength and values into our work
- enlists support from within the family's culture and community

## **Value: Family Engagement**

**Principle: We believe that the child, the family, and individuals in the child's life bring invaluable perspectives to the planning and decision-making process. The foundation of family engagement is the belief that families are capable of change and it is our responsibility to engage families to be active participants in case planning.**

### **■ Our practice:**

- engage families to be active participants in their case plan
- uses positive, culturally appropriate engagement practices such as Ohana Conferences and frequent contact by CWS workers with families.
- establishes respectful relationships with families to accomplish goals and outcomes

# 587 A

## **■ Make reasonable efforts to:**

- Prevent or eliminate the need to remove child from the home prior to placing the child in foster care
- To reunify child and family, if no aggravated circumstances are present.

## **■ “Imminent harm”:**

- means that without intervention within the next ninety days, there is reasonable cause to believe that harm to the child will occur or reoccur.

## **■ “Threatened harm”:**

- means any reasonably foreseeable substantial risk of harm to a child.

## Two Ways to Get the Guide

### ABA Website

[www.abanet.org/child/rclji/](http://www.abanet.org/child/rclji/)

Purchase by Order (\$21.99)

Wire bound, hard copy

Includes bench cards

No addenda

### NRCCPS Website

[www.nrccps.org](http://www.nrccps.org)

Free down load

print out, bind as you please

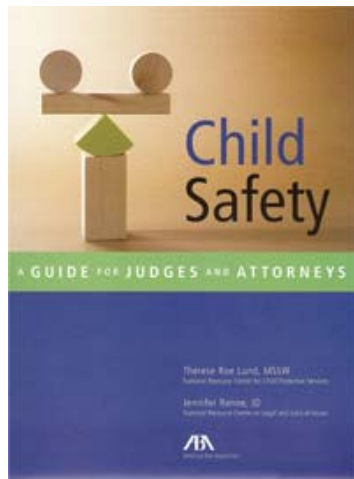
No bench cards

Addenda

Purpose of the Guide:  
support joint agency-court decision making  
to

- Keep children who do not need to be in substitute care from going there.
- Ensure that those who need to go will go
- Ensure those who go stay no longer than necessary

## Touring the Guide



Removal  
(and return)  
is  
about  
**SAFETY**

Child Safety Guide is

**Not**  
a new “practice model”

Child Safety Guide Helps the Legal  
Community

Focus on the underlying principles of good  
safety decision-making in any practice model  
and on complete relevant information about  
the family

Use these principles to rationally and rigorously  
analyze situations and make decisions about  
child safety

**Safety Guide: Sets Out a Rational Decision Making Process, that Provides...**

- Common understanding of “child safety”
- Commonly understood vocabulary to talk about it
- Commonly accepted body of information to draw upon in decision making

**All involved need to know how good decisions are made about child safety**

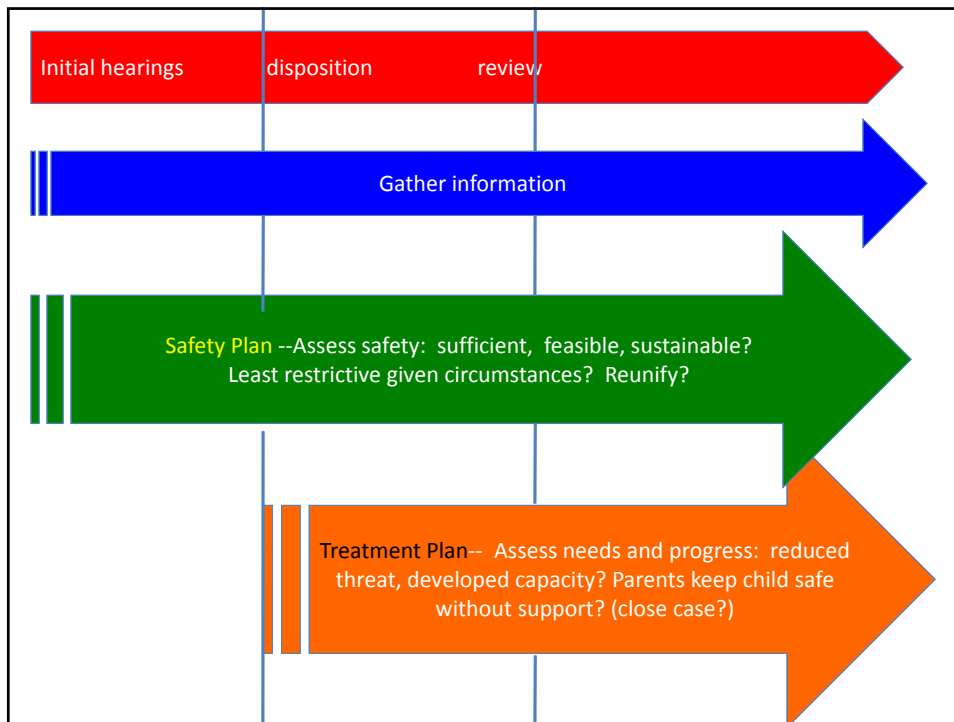


## Can people in your court explain...

- Your judges' definition of "safety" for a child?
- How your judges determine whether a child is safe?

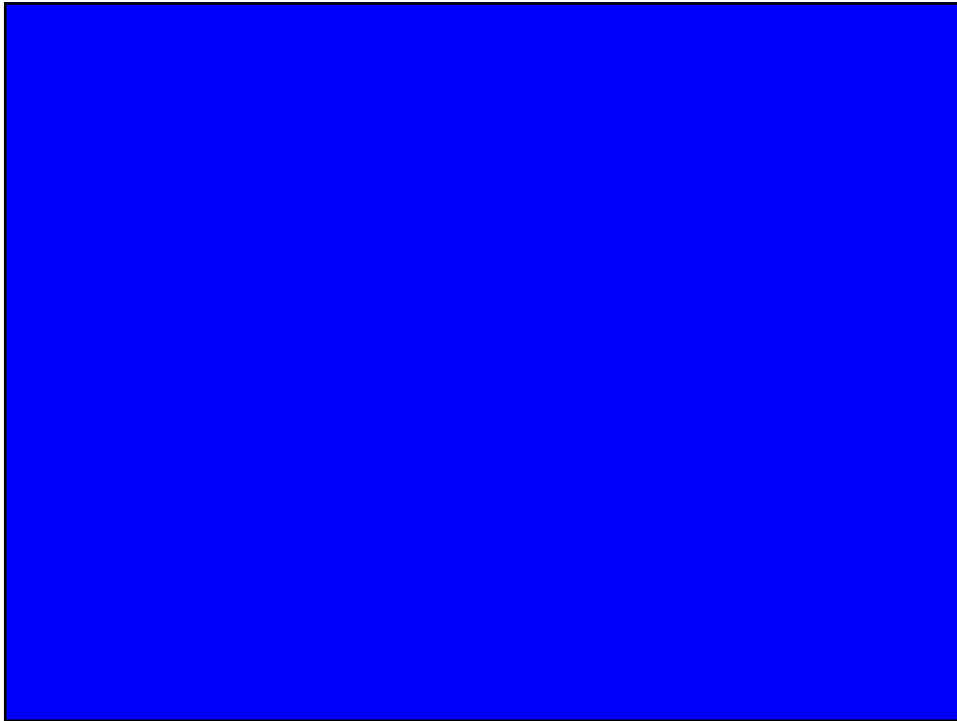
## Key Concept

Threat of Danger?  
+  
Vulnerable child?  
-  
Protective Capacity?  
=  
"unsafe child"



**Information Drives  
 Decisions About Safety**

Chapter 2 p. 3



## Information/evidence drives decisions

- Court and advocates need to be able to assess whether there is sufficient showing of *evidence* upon which to base the agency's recommendations.
- Answers to six questions is the bare minimum a judge needs to know to make safety decisions.

## Six Questions/Six Categories

1. Nature of maltreatment
2. Circumstances of maltreatment
3. Child's day-to-day functioning
4. Parental discipline
5. Overall parenting practices
6. Parental life management skills

Chapter 2 p. 3 - 5

## Time, time, time...

- Initial contrary to welfare determination *may well* be made mostly on the basis of the nature and circumstances of the maltreatment
- Reasonable efforts findings and the case plan—due 60 days from removal—must be made on complete information

Chapter 2 p 7

**Make a rational decision  
based on complete  
information**

**Factors Included in Complete Answers**

PP 3 - 5

## Sufficient Information

Open To  
p. 5

INSUFFICIENT INFORMATION

=

POOR DECISIONS

=

POOR OUTCOMES

## Assessing Safety

- Vocabulary of assessment
  - Threat of Danger
  - Vulnerable Child
  - Protective Capacities
  - “safe child”

## Vocabulary: Safe and Unsafe Child

- Safe child
  - “**vulnerable**” children are safe when there are no “**threats of danger**” within the family or home **OR** when the caregivers possess sufficient “**protective capacity**” to manage or control any threats.
- Unsafe child
  - Children are unsafe when they are “**vulnerable**,” there are “**threats of danger**” within the family or home **AND** the caregivers have insufficient “**protective capacities**” to manage or control the threats, making outside intervention necessary..

## Safety (Danger) Versus Risk

Statutory Language Varies among states

- Imminent risk
- Risk of harm
- Imminent risk of severe harm
- Threat of harm
- Threat of imminent harm

Chapter 1, p. 2

## Safety (Danger) versus Risk

**Safety** → concerned about **imminence** and **severe** consequences due to things being **out of control**

**Risk** → broad concept regarding whether something **might** occur if there is not intervention; risk may be low, moderate, high.

- **the critical question is whether or not the child is safe.**

Chapter 1, p. 2



## Key Concept

Threat of Danger?  
+  
Vulnerable child?  
-  
Protective Capacity?  
=  
“unsafe child”

Chapter 1 p. 2

# Threat of Danger

OPEN TO

Chapter 3, p. 10 Appendix A

## Key Concept

$$\begin{array}{c} \text{Threat of Danger} \\ + \\ \text{Vulnerable child} \\ - \\ \text{Protective Capacity} \\ = \\ \text{"unsafe child"} \end{array}$$

Chapter 1 p. 2

## Vocabulary: Threats of Danger

A specific family situation or behavior, emotion, motive, perception or capacity of a family member

observable

out of control

immediate

severe consequences

Chapter 3, p. 10 Appendix A

## Threats of Danger

- Where does the threat of danger perceived by the agency fit on this list?
- Require specificity



Chapter 3 p. 10 Appendix A

## Child Vulnerability

OPEN TO

Chapter 3, p 11

## Key Concept

$$\begin{array}{c} \text{Threat of Danger} \\ + \\ \text{Vulnerable child} \\ - \\ \text{Protective Capacity} \\ = \\ \text{"unsafe child"} \end{array}$$

Chapter 1 p. 2

## Vocabulary: Vulnerability

- Vulnerability: degree of dependence on others for protection and care
  
- Assess vulnerability in light of *specific threats in this family*

Chapter 3, p. 11

## Vocabulary: Vulnerability

AGE is not *the* marker, it's only one marker

Chapter 3, p 11

## Obvious Vulnerabilities

- Age 0-6
- Physical, developmental disabilities or delays
- Poor health, physical capacity
- Inability to articulate danger

Chapter 3, p. 12

## Less Obvious Vulnerabilities

Isolated from community

- Cannot anticipate or judge presence of danger
- Consciously or unknowingly provokes danger
- Emotionally vulnerable
- Impact of prior maltreatment
- Attachment (enmeshment), fear, insecurity re parent
- Unable to articulate problems or danger

Case Example, p 12

Chapter 3, p 12

## Vulnerability Case Example

OPEN TO

Page 12

# Protective Capacities

OPEN TO  
Chapter 3, p 13    Appendix B pp 65 – 71

## Key Concept

$$\begin{array}{c} \text{Threat of Danger} \\ + \\ \text{Vulnerable child} \\ - \\ \text{Protective Capacity} \\ = \\ \text{"unsafe child"} \end{array}$$

Chapter 1 p. 2

# Vocabulary: Protective Capacities

## Personal characteristics

associated with being protective,

That indicate protective vigilance, preparation and power to protect.

Chapter 3, p. 13 - 17    Appendix B pp 65 - 71

## Three Types of Protective Capacity

### Cognitive

- knowledge
- Understanding
- perceptions

Appendix B  
Pp 65 - 66

### Behavioral

- Actions
- Activities
- performance

Appendix B  
Pp 66 -69

### Emotional

- Feelings
- Attitudes
- Identification

Appendix B  
Pp 69 - 71

Chapter 3, pp 13-16    Appendix B



## How do we know sufficient protective capacity exists?

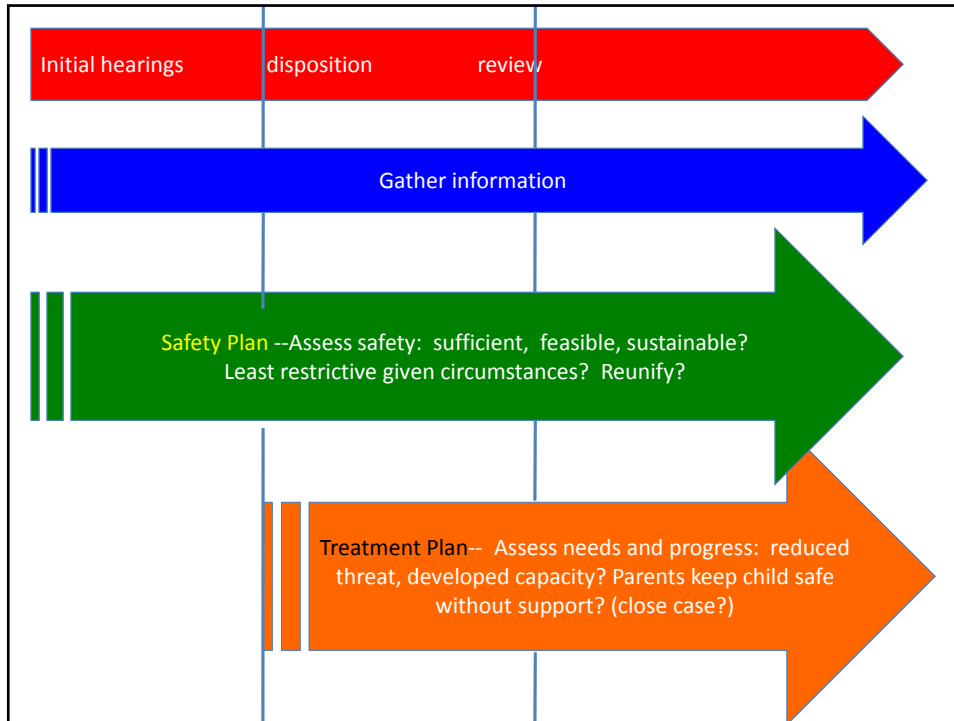
- Not a matter of good intentions or sincerity
- Credible evidence (from answering six questions) shows that the parent can protect against a *threat that exists*.

Chapter 3, p. 13-18    Appendix B

## Prompting Questions

- Demonstrated ability to protect
- Intellectually, emotionally and physically able
- Display concern re child's experience
- Articulates feasible, realistic plan to protect
- Understand threat
- Emotionally able to carry out plan
- Believe problems are not child's fault

Chapter 3, p. 15-16



## This Process is **Both** a Sword and a Shield

- Children who are not safe can be protected
- Children who are safe will not be taken into care
- What is the cause of unnecessary removals and tardy returns?
  - Uncertainty caused by lack of evidence and a consensus about how it should be applied.
  - “better safe than sorry”

# Unsafe Child?

What now?

## Safety Plans

In home safety plan

combination

Out of home safety plan

OPEN TO  
Chapter 5, p 21 – 23

## Safety Plan

actions and services  
that will  
temporarily  
substitute for  
lacking parental  
protective  
capacity to  
control the  
threat of danger

Chapter 5, p 21

A safety plan **controls** threats of danger

It does not completely remove of them

**Safety plans (in or out of the home) do not require parental change if it makes child safe**

OPEN TO  
Chapter 7, p. 71 Appendix D pp. 77 – 81

## Key Concept

Threat of Danger **controlled by Safety Plan**  
+  
Vulnerable child  
+  
**Safety Plan substituting for compromised** Protective  
Capacity  
=  
"safe child"

Chapter 1 p. 36

### "CASE PLAN"

§475 [42 USC 675] ("The ASFA")

"A plan assuring that the child receives safe and proper care..."

Safety Plan

"and that the services are provided to the parents, child and foster parents in order to improve conditions in the parent's home, to facilitate return of the child to his own home."

Treatment Plan

Keeping track of two plans

Chapter 8, p. 39

## Safety Plan ≠ Case/Treatment Plan

- Does not include:
  1. how parent needs to change, or
  2. Services to be employed to support parental change

## Safety Plan Must

- Immediately control or manage threat of danger
- Be made up of components (people and services) accessible when threat will be present
- Describe concrete, action oriented activities and tasks assigned to identified people
- NEVER rely on parental promises to control what has been assessed as out of control

## What Type of Safety Plan?

- How and when do threats emerge?
- Home environment conducive to controlling the pattern of emerging danger?
- What outside actions or services required to do that?

Chapter 6, p. 26 Benchcard G

## In-home safety plan?

With threats of danger clearly identified by defined criteria it becomes easier to assess whether agency could control them within the child's home

- Managing Crises
- Providing Social Support
- Separating Parent and Child when necessary for safety
- Providing Resources (Practical Benefits the Family Might Otherwise Be Unable to Afford)

Chapter 5, p 22

## Is a plan...

- Sufficient?
- Feasible?
- Sustainable?
- How often and for how long would services be necessary?
- Providers available as often and for duration needed?
- Aware, committed and reliable people involved?
- Able to sustain the intense effort until parents are able to protect without support?

Chapter 6, p. 26

## An in-home safety plan in **this** case?

- Can **this** vulnerable child, notwithstanding lack of **these** parent's capacity to protect from **these** threats of danger, be made safe in **this** home?

Chapter 5, p. 22



## Out of home placement/out of home safety plan only when

- it can be shown
- that **insufficient protective capacities** by adult caregivers exist;
- And
- that an **in-home safety** plan managed by CPS is **not sufficient, feasible and sustainable** to control for safety.

Chapter 6, page 26

## Reasonable Efforts?

If an in-home safety plan would be sufficient,  
and the agency fails to consider or implement one,  
then the agency **has failed** to provide reasonable efforts to prevent removal (or to return child home).

Chapter 6, p. 25

## Reasonable Efforts to Prevent Placement

Was the safety plan implemented the least intrusive possible?

- Were actions and services necessary for safety identified accurately?
- Was sufficiency, feasibility and sustainability of in-home plan assessed?

Chapter 6, p. 25

## The **Out-of-home Safety Plan**: Tasks and Responsibilities

An out-of-home safety plan raises two issues the court must decide:

- 1) Contact “visitation”/parenting time
- 2) conditions for return  
(establishing clear objectives)

Chapter 7, p. 33

# Visitation

## Supervision of Visits?

- Violence toward child?
- Child's fears of parents?
- Premeditated harm?
- Negative perceptions or unrealistic expectations of child?
- Abduction risk?
- Volatility?

## Minimum Visitation Plan

- Face to face weekly and more frequently
- Sibling visits at least once per month
- Augment with other contact
- Written into an order distributed to everyone
- CPS oversight as appropriate to the case
- **Other steps to maintain attachment and develop protective capacity**
- Dates to review
- Most natural, visitation friendly settings

Chapter 7, p 33

## Conditions for Return

HOW DO WE KNOW  
WHEN TO REUNIFY?

Chapter 7, p 34 Appendix D

## Conditions for Return

These conditions are behaviors and circumstances that must exist in the home that would allow for an **in-home safety plan** managed by CPS that is **sufficient feasible and sustainable**.

Chapter 7, p 35 Appendix D pp 77 - 81

## Developing Conditions for Return

- List Specific Danger
- Why in home plan would not work
- Conditions for Return

## remember

An in safety plan **controls** threats of danger

It does not completely remove of them

**Control** of threats and **substituting** for capacities drives conditions of return

Chapter 7, p. 36 Appendix D pp. 77 – 81

## Reunification is a Safety Decision

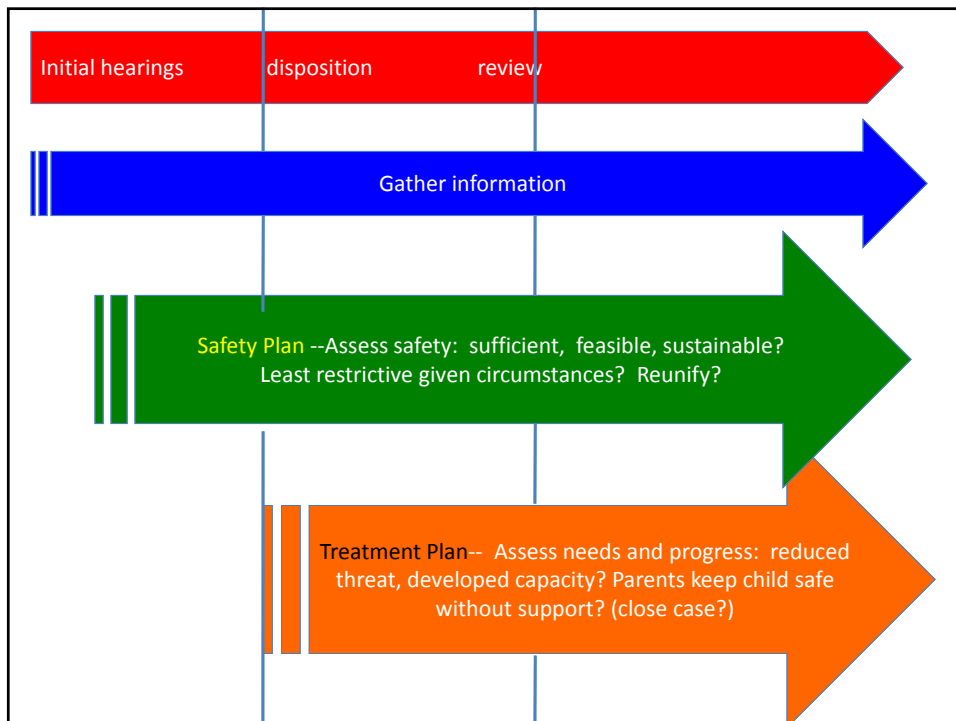
- What circumstances made you decide an in home safety plan would not be sufficient, feasible and sustainable?
- Do those same circumstances still exist?

Chapter 7, p. 36 Appendix D pp. 77 – 81

# Key Concept

Threat of Danger **controlled by Safety Plan**  
+  
Vulnerable child  
+  
**Safety Plan substituting for compromised** Protective  
Capacity  
=  
"safe child"

Chapter 1 p. 36



“CASE PLAN”  
§475 [42 USC 675] (“The ASFA”)

“A plan assuring that the child receives safe and proper care...”

Safety Plan

“and that the services are provided to the parents, child and foster parents in order to improve conditions in the parent’s home, to facilitate return of the child to his own home.”

Treatment Plan

Keeping track of two plans

Chapter 8, p. 39

Point of treatment plan

**INCREASING PROTECTIVE  
CAPACITIES**

**ELIMINATING THREATS**

Chapter 8, p 39



## Treatment Plan is

- An effective and expedient strategy to prepare parents to protect child
- Revised over time
- *States what change is expected, what evidence will show change and how will it be generated*

Chapter 8, p 39

## Evaluating the Treatment Plan

- Concrete goals and tasks?
- Follow logically from threats and capacities?
- Same as safety plan?
- Target issues where threats arise? Where capacities compromised?
- What is parental reaction to plan?
- Both threat reduction and capacity increase?

Chapter 8, p 40

Example:

## evaluation of parental progress

Change needed/protective capacity to be developed:

- parent sets aside her/his needs in favor of a child

Example:

## evaluation of parental progress

- Have parents demonstrated the ability to put the child's needs above their own?
  - Does parent give time to child rather than to own gratification?
  - Does parent spend money on child's needs?
  - Are meal and bedtimes appropriate for child's needs rather than convenient for parents?

## Review Hearing Includes

- Are safety plan *and* case plan up to date and appropriate?
- Are services being provided and is meaningful evidence being gathered to evaluate progress?

Do facts indicate that change is happening? (p 43)

Chapter 9, p 43

## Evaluating Progress

- NOT-- have parents completed services?  
can we identify parental change that has taken place in terms of lessened threat and/or increased capacity?

Chapter 9, p. 43

## Lack of Progress?

Right strategies to enhance this protective capacity?

Services appropriate?

Parents understand change required and accept the need?

Time frame realistic to make this change?

Chapter 9, p 44

## Review Hearing Includes

Will an in home safety plan now keep the child safe?

Does progress suggest that conditions for return have been met?

Does some other change in the situation suggest that conditions for return have been met?

Chapter 10, pp 47-48, Benchcard L

## return home

Can in-home safety plan replace the out-of-home safety plan?

Can we step down intensity of our intervention?

Chapter 10, pp 47-48, Benchcard L

## Closing the Case — Safe Child

- Eliminated threats
- Improved capacity
- Combination of the two
- Ongoing parental improvement over time
- Parental insight
- Parental engagement in steps to sustain change
- Supports from social service agencies, family and others in place

Chapter 11 p 51

# Child Welfare Services Assessment Tools

## CWS Assessment Tools

- **There are 4 assessment tools which are used in the CWS case process:**
  - 1. Intake Assessment Tool**
  - 2. Safety Assessment Tool**
  - 3. Comprehensive Strengths and Risk Assessment Tool**
  - 4. Safety of Placement Tool**

## Child Safety Assessment:

This tool is a list of behaviors or conditions that may be associated with a child being in danger of serious harm.

This tool will further determine the need to develop an in-home safety plan to ensure the safety of the child.

There are 3 parts to this tool:

- The Child Safety Factors Guidelines
- Child Safety Assessment
  - In-home Safety Plan

## Comprehensive Strengths and Risk Assessment

This tool is used to assist workers to apply the information gathered during the family centered interviews:

- Make a determination of overall risk to children in the family.
- Make appropriate decisions about type of intervention.
- Documents that the decisions are based on a research-based process, using factual and observable indicators.

## Comprehensive Strengths and Risk Assessment

- This assessment approach is recognized as a best practice guide by child welfare professionals because it is family-centered and engages the family to nurture trust, self-assess, self-motivate and experience positive change benefiting the children, families, workers, and other team members:



## Safety of Placement Assessment

- The purpose of this tool is to assure that children are safe while in placement.
- This tool should be completed 30 days from the date of placement and quarterly thereafter until placement ends

## Wrap up

- Questions and Answers

