

What is a
well-functioning
child protection
agency?

The first in a series of papers to inform
the discussion of child protection policy

SAFE STRONG SUPPORTIVE

SAFECHILDRENSTRONGFAMILIESSUPPORTIVE
COMMUNITIES SAFECHILDRENSTRONGFAMILIES
SUPPORTIVECOMMUNITIES SAFECHILDREN
STRONGFAMILIESSUPPORTIVECOMMUNITIES
SAFECHILDRENSTRONGFAMILIESSUPPORTIVE
COMMUNITIES SAFECHILDRENSTRONG
FAMILIESSUPPORTIVECOMMUNITIES
SAFECHILDRENSTRONGFAMILIESSUPPORTIVE

JANUARY 2023







ONE OF THE
FUNDAMENTAL
RESPONSIBILITIES
OF GOVERNMENT
IS **ENSURING THE
SAFETY OF ITS
CITIZENS.**

Introduction

Families play the most important role in raising their children to be healthy adults. Research and data show that children have better outcomes in life when their own families nurture and care for them. Familial bonds and feelings of safety and security impact a child's physical, social, emotional and intellectual needs well into adulthood. Public government agencies, businesses, nonprofit and faith-based organizations, philanthropic organizations and community members themselves are other sectors of the community that are essential in supporting families so they can raise their children safely and successfully. When caring people work together, communities can create an environment that gives families the hope and opportunities they need to thrive.

One of the fundamental responsibilities of government is ensuring the safety of its citizens. As a society, we value the safety of children as some of our most vulnerable citizens. Government sets expectations for child rearing through laws that require parents to safeguard their children from abuse or neglect, and to protect children from being harmed by their parents or adult relatives. Federal laws lay the foundation for states on child maltreatment by identifying a minimum set of behaviors that define child abuse and neglect.¹ However, because each state is responsible for defining child maltreatment in state law, as well as discrepancies/variations in investigative practice and services availability, there is significant variation and inconsistency among states that has led to undesirable consequences, including an overutilization of foster care in some jurisdictions.

Federal, state, local and tribal governments have entrusted state child protection agencies with the authority to uphold safety through identification, assessment and the provision of appropriate services to ensure the child's safety while being cared for by their families, including the authority to remove children from their homes only when it is necessary to ensure their safety. A child protection agency is an essential component in a larger, more robust family well-being system that prevents child harm by working in partnership with children, families, communities and agencies to assure all families have the capacity to care for their children, and all children thrive in safe, stable, nurturing families and community environments. This white paper outlines the purpose and responsibilities of a well-functioning child protection agency and is the first in a series to further inform a broad audience about child protection and the limited, appropriate role of child protection agencies within the context of a family well-being system.

WHAT IS A WELL-FUNCTIONING CHILD PROTECTION AGENCY?

How child protection agencies function today

In 2020, child protection agencies received an estimated 3.9 million total referrals of maltreatment, involving approximately 7.1 million children.² Teachers, police officers, lawyers, social services staff and other mandated reporters make referrals for maltreatment. It is the responsibility of the child protection agency to evaluate all maltreatment referrals and determine whether there is a safety risk to the child that requires further investigation or differential response (where lower risk cases are not investigated by child protection but often served by a community-based resource agency). Of the total maltreatment referrals to agencies, 54.2% were screened in, meaning they become reports of maltreatment and thus likely to receive an investigation from the jurisdiction.³ Nearly half (45.8%) of all the referrals were screened out, meaning they are determined to not warrant a child protective services (CPS) engagement for reasons that may include a lack of information on which to base an investigation, or the maltreatment report does not concern child abuse or neglect.

Policymakers should hold the child protection agency accountable for **ensuring that children are never removed from their families in response to non-safety related concerns.**

A well-functioning child protection agency would exercise its authority to investigate these maltreatment referrals and intervene with families where an assessment identified a significant threat to the child's safety. The agency would utilize evidence-based safety assessments and interventions to ensure child safety to make this determination. The agency also would recognize and value parents as the primary relationship for a child's well-being; therefore, they would focus on the parents' strengths, knowing that the separation of a child from their family should be avoided if possible. Child placement in out-of-home care is one of the most intrusive actions that government can take. Policymakers should hold the child protection agency accountable for ensuring that children are never removed from their families in response to non-safety related concerns, or when safety concerns can be addressed through community-centered supports or services or other less intrusive interventions.

When children need to be removed for their safety and placed in foster care, research illustrates that **children do best when they can be placed with their families, relatives or chosen kin.**

In 2021, 391,098 children were in foster care, with 206,812 entering foster care that year. When children need to be removed for their safety and placed in foster care, research illustrates that children do best when they can be placed with their families, relatives or chosen kin. The average time a child spent in foster care in 2021 was 21.7 months.⁴ Timely permanency is critical for the well-being of every child. For those children in foster care, a well-functioning child protection agency would work with urgency to ensure no child is in foster care for longer than 24 months. When reunification is the goal, the agency would provide or facilitate all the services and supports needed to address the safety issues that led to a child's placement in foster care. Steps toward permanent separation of children should never occur without every effort to engage parents and address any barriers to safely reunify the child with their parents.

Who are child protection agencies currently serving?

Child protection agencies currently intervene and investigate some families for which there is no evidence the child is likely to be abused or neglected. Nationally, 69% of children are reported to child protection for physical neglect, medical neglect and other forms of neglect only, and 10.3% are reported for physical abuse only.⁵ In some instances involving child neglect there is a determination of imminent risk of future harm to the child. In other cases, the situation involves a child's absence from school, or inadequate family housing, health care and/or childcare. Data also show a disproportionate number of removals for Black and American Indian/Alaska Native children and families, in relation to their proportions in the population.⁶ The research and practice community are actively exploring how much of that disproportionality is due to family need versus system or worker bias. Data, information and an equity lens are key to ensure that cultural, racial, religious, economic and other biases are not harming children and separating them unnecessarily from their families by overutilizing foster care.

WHAT IS A **WELL-FUNCTIONING** CHILD PROTECTION AGENCY?

IN 2021

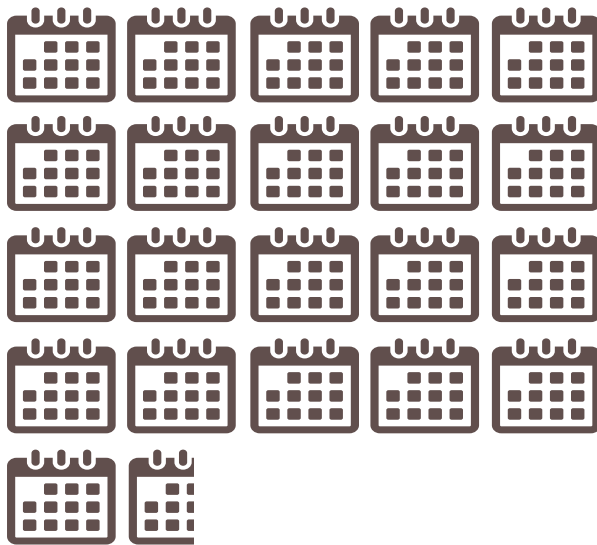
391,098

Children were
in **foster care**



206,812

children entered foster care
that year



**ALMOST
2 YEARS**

21.7 months was the
average time a child spent
in foster care

A well-functioning child protection agency must value and **embrace parents as essential partners and engage them in a supportive manner** to ensure a child's safety.

The poverty-related and other challenges experienced by some families who are reported to child protection could be more appropriately addressed through financial assistance or support. Not only would supporting these families in this way help to avoid unnecessary trauma to the child, but also the resources of the child protection agency could be more effectively targeted toward family situations where parents are unable or unwilling to care for their children — even when they have the resources to ensure their safety and care for them. It is critical to support child protection agencies working to address all safety threats to children so they intervene to protect the children for whom government intervention and involuntary removal may be necessary to ensure their safety.

Who should child protection agencies be serving?

To ensure the agency is responsive to the needs of youth and their families, they must partner with youth who currently are in foster care, or young adults who spent time in foster care as youth, as well as partnering with birth parents and relative caregivers. A well-functioning child protection agency must value and embrace parents as essential partners and engage them in a supportive manner to ensure a child's safety. For children who have been removed from their homes, the agency should work to identify and support a safe placement with other family members and work toward timely permanency for the child. An agency must structure resources and training to effectively engage with families and protect children from further harm. Research illustrates that for many children, including children currently placed in foster care, there are other services and supports that are far more effective in ensuring a child's safety than foster care.⁷

WHAT IS A WELL-FUNCTIONING CHILD PROTECTION AGENCY?

What are the outcomes to be achieved by a child protection agency?

These are five key outcomes for child protection agencies to track:

1. Decrease in child abuse and neglect fatalities
2. Decrease in the recurrence of child maltreatment
3. Increase in the exits-entries ratio, which means the agency is finding permanent connections and families for more children in foster care (who “exit” from foster care) than the number of children the agency is removing from their families (who “enter” foster care)
4. Decrease in the rate of children reentering foster care
5. Increase in timely permanency, especially among children who have been in foster care for longer than 24 months

What interventions should a well-functioning child protection agency use?

A well-functioning child protection agency would recognize that the removal of a child from their family should be avoided when safe and possible. The agency would target its resources to:

- Utilize the best evidence-based assessment tools, safety approaches, worker caseload levels and multidisciplinary teaming to assess the family situation.
- Identify those children at imminent risk of being abused or harmed through serious neglect.
- Make timely determinations as to whether and how to intervene with families based on data and other information.
- Apply trauma-informed expertise to ensure that services to keep a family together are provided whenever that can be done safely. This includes providing economic and concrete supports to families at risk of child maltreatment.
- Develop and maintain collaborative relationships with service provider agencies, actively pursuing the best and appropriate service delivery for families that is culturally appropriate.

A well-functioning child protection agency would recognize that **timely permanency is critical for the well-being of every child.**

The agency would expect workers to utilize data and information to ensure that cultural, racial, religious, economic and other bias is not undermining equitable decision making. A well-functioning child protection agency would recognize that timely permanency is critical for the well-being of every child. For those children in foster care, a well-functioning child protection agency would work with urgency to ensure no child is in foster care for longer than 24 months. When reunification is the goal, the agency would provide or facilitate all the services and supports needed to address the safety issues that led to a child's placement in foster care. Steps toward permanent separation of children should never occur without every effort to engage parents and address any barriers to safely reunify the child with their parents.

Conclusion

A well-functioning child protection agency is essential for the safety of children and can be achieved with courage, determination and leadership. A child protection agency is an essential component in a larger, more robust family well-being system that prevents child harm by working in partnership with all five sectors — government, business, philanthropy, nonprofit and faith-based, and community members themselves — to ensure that all families have the capacity to care for their children and that all children thrive in safe, stable, nurturing families and community environments.

WHAT IS A WELL-FUNCTIONING CHILD PROTECTION AGENCY?

Endnotes

1. The Child Abuse Prevention and Treatment Act (P.L. 100-294 as amended by the CAPTA Reauthorization Act of 2010 (P.L. 11-320) retained the existing definition of child abuse and neglect at a minimum: Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation []; or an act or failure to act, which presents an imminent risk of serious harm. The Justice for Victims of Trafficking Act (P.L. 114-22) added the requirement to include sex trafficking victims in the definition of child abuse and neglect.
2. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2022). Child Maltreatment 2020. Available at <https://www.acf.hhs.gov/cb/report/child-maltreatment-2020>
3. Ibid
4. The median amount of time in care for those youth in out of home care in 2021 was 14.9 months. For those youth leaving care the average length of stay was 8.2 months. See U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau (2022). *The AFCARS report preliminary FY 2021 estimates as of June 28, 2022. (No. 29)*. Washington DC: US Department of Health and Human Services. Retrieved from <https://www.acf.hhs.gov/cb/report/afcars-report-29>
5. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2022). Child Maltreatment 2020. Available at <https://www.acf.hhs.gov/cb/report/child-maltreatment-2020>
6. Child Welfare Information Gateway. (2021). Child Welfare Practice to Address Racial Disproportionality and Disparity (Bulletins for Professionals). Retrieved from https://www.childwelfare.gov/pubpdfs/racial_disproportionality.pdf
7. While limited, there are voluntary and involuntary services that have evidence that they prevent child maltreatment and/or unnecessary foster care placement across a diverse set of families. See for example:
 - o Chaffin, M., Bard, D, Bigfoot, D. S., & Maher, E. J. (2012). Is a structured, manualized, evidence-based treatment protocol culturally competent and equivalently effective among American Indian parents in child welfare? *Child Maltreatment*, 17, 242-252.
 - o DuMont, K., Mitchell-Herzfeld, S., Greene, R., Lee, E., Lowenfels, A., Rodriguez, M., & Dorabawila, V. (2008). Healthy Families New York (HFNY) randomized trial: Effects on early child abuse and neglect. *Child Abuse & Neglect*, 32(3), 295–315. <https://doi.org/10.1016/j.chiabu.2007.07.007>

Casey Family Programs is the nation's largest operating foundation focused on safely reducing the need for foster care in the United States. By working together, we can create a nation where Communities of Hope provide the support and opportunities that children and families need to thrive. Founded in 1966, Casey Family Programs works in all 50 states, Washington, D.C., Puerto Rico, the U.S. Virgin Islands and with tribal nations across North America to influence long-lasting improvements to the well-being of children, families and the communities where they live.

P 800.228.3559

P 206.282.7300

F 206.282.3555

casey.org | contactus@casey.org

BR.WPPA | 03.2023

CONNECT WITH US

