

CHILD ABUSE AND NEGLECT 101

Susan Harrison MSW, MPA, LGSW
Executive Director CASA for Children

304-233-0333

executivedirector@wvcasaforchildren.com



GOALS FOR TODAY'S TRAINING

Help you understand the 'system' from referral to investigations to removal to reunification. Understanding what is happening will help you support families through the process.

Understand why parent's abuse or neglect their children.

Discuss CASA's role and how reaching out to the CASA on the case will help you support families.



PRINCIPLES THAT GUIDE OUR WORK

1. Best interest principle
2. Minimum sufficient level of care
3. Attitudes and Skills that enhance our work

WHAT IS BEST INTEREST?

- ⦿ A safe home
- ⦿ A permanent home
- ⦿ As quickly as possible

Judges use the “best interest of the child” standard when making their decisions in child abuse and neglect cases.

Although it has been debated for years, there is no concise legal definition for this standard.

WHAT IS “MINIMUM SUFFICIENT LEVEL OF CARE”

- The bottom-line standard for a child to remain in his/her home.
- MSL standards are based on state and federal definitions but elements of MSL, such as commonly accepted child-rearing practices and reasonable limits, will vary from place to place. Community members elect local judges to make difficult determinations according to community standards.

MINIMUM SUFFICIENT LEVEL OF CARE: FACTORS TO CONSIDER

◉ The child's needs

- Is the parent providing for the basic needs?
 - Physical (food, clothing, shelter, medical care, safety and protection)
 - Emotional (attachment between parent and child)
 - Developmental (education, special help for children with disabilities)

◉ Social Standards

- Is the parent's behavior within or outside commonly accepted child-rearing practices in our society?

◉ Community Standards

- Does the parent's behavior fall within reasonable limits given the specific community in which the family resides?

WHY THE MSL STANDARD IS USED

- ◉ It maintains the child's right to safety and permanence while not ignoring the parents' right to their children.
- ◉ It is required by law (as a practical way to interpret the "reasonable efforts" provision of the Adoption Assistance and Child Welfare Act).
- ◉ It is possible for parents to reach.
- ◉ It provides a reference point for decision makers.
- ◉ It protects (to some degree) from individual biases and value judgments.
- ◉ It discourages unnecessary removal from the family home.
- ◉ It discourages unnecessarily long placements in foster care.
- ◉ It keeps decision makers focused on what is the least detrimental alternative for the child.
- ◉ It is sensitive across cultures.

PRINCIPLES THAT GUIDE CHILD ABUSE AND NEGLECT LAWS AND REGULATIONS

- ◉ Children are first, and foremost, protected from abuse and neglect.
- ◉ Children are safely maintained in their homes whenever possible and appropriate.
- ◉ Children have permanency and stability in their living situations.
- ◉ The continuity of family relationships and connections is preserved for children.
- ◉ Families have enhanced capacity to provide for their children's needs.
- ◉ Children receive appropriate services to meet their education needs.
- ◉ Children receive appropriate services to meet their physical and mental health needs.

ADDITIONAL TRAININGS FOR WV MANDATED REPORTERS

- ◉ WV Handle With Care Mandated Reporter - Overview (handlewithcarewv.org)
- ◉ Mandated Reporter Training Information - TEAM for West Virginia Children (teamwv.org)

Laws

West Virginia Code | §49-2-803
(wvlegislature.gov)

West Virginia Code | §9-6-9 (wvlegislature.gov)

REQUIRED REPORTERS OF SUSPECTED ABUSE OR NEGLECT

- ◉ Anyone may report suspected abuse or neglect; however, under WV law, certain persons are required to report. These persons include:
 - Medical, dental or mental health professionals
 - Christian Science practitioners, religious healers, members of the clergy
 - School teacher or other school personnel
 - Social Service Workers, childcare or foster care workers
 - Emergency medical services personnel
 - Peace officers or law enforcement officer, human officers
 - Circuit court judges, family court judges, magistrates, Employees of the division of juvenile services
 - Youth camp administrator or counselor, employees, coach or volunteer of any entity that provides organized activities for children.
 - Commercial film or photographic print processor

WV Child Abuse and Neglect Hotline

1-800-352-6513

24 hours a day - 7 days a week

*For serious physical abuse and sexual
abuse, also contact the state police and
local law enforcement.*

Am I protected if I make a report?

Persons making a report in good faith are immune from civil or criminal liability under **WV Code §49-2-810** for reports of child abuse or neglect and **WV Code §9-6-12** for reports of adult abuse or neglect.

Failure to report penalty:

Relating to Child Welfare Responsibilities

Under **WV Code §49-2-812** any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by section eight hundred nine to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction, shall be confined in jail not more than ninety days or fined not more than \$5,000, or both fined and confined.

Relating to Social Services for Adults

Under **WV Code §9-6-14** any person subject to the mandatory reporting provisions of this article who knowingly fails to make any report required herein or any person who knowingly prevents another person from making such a report is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$100 or imprisoned in the county jail for not more than ten days, or both fined and imprisoned.

TIMELINE FOR REPORTING

- ◉ A person who has reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes the child being subjected to conditions that are likely to result in abuse or neglect, shall immediately and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources.
- ◉ In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter **shall also** immediately report to the state police and any law enforcement agency having jurisdiction to investigate the complaint.

CENTRALIZED INTAKE

What information do I need to provide when calling Centralized Intake?

Demographic information of the victim(s) and household members

Description of the suspected abuse or neglect

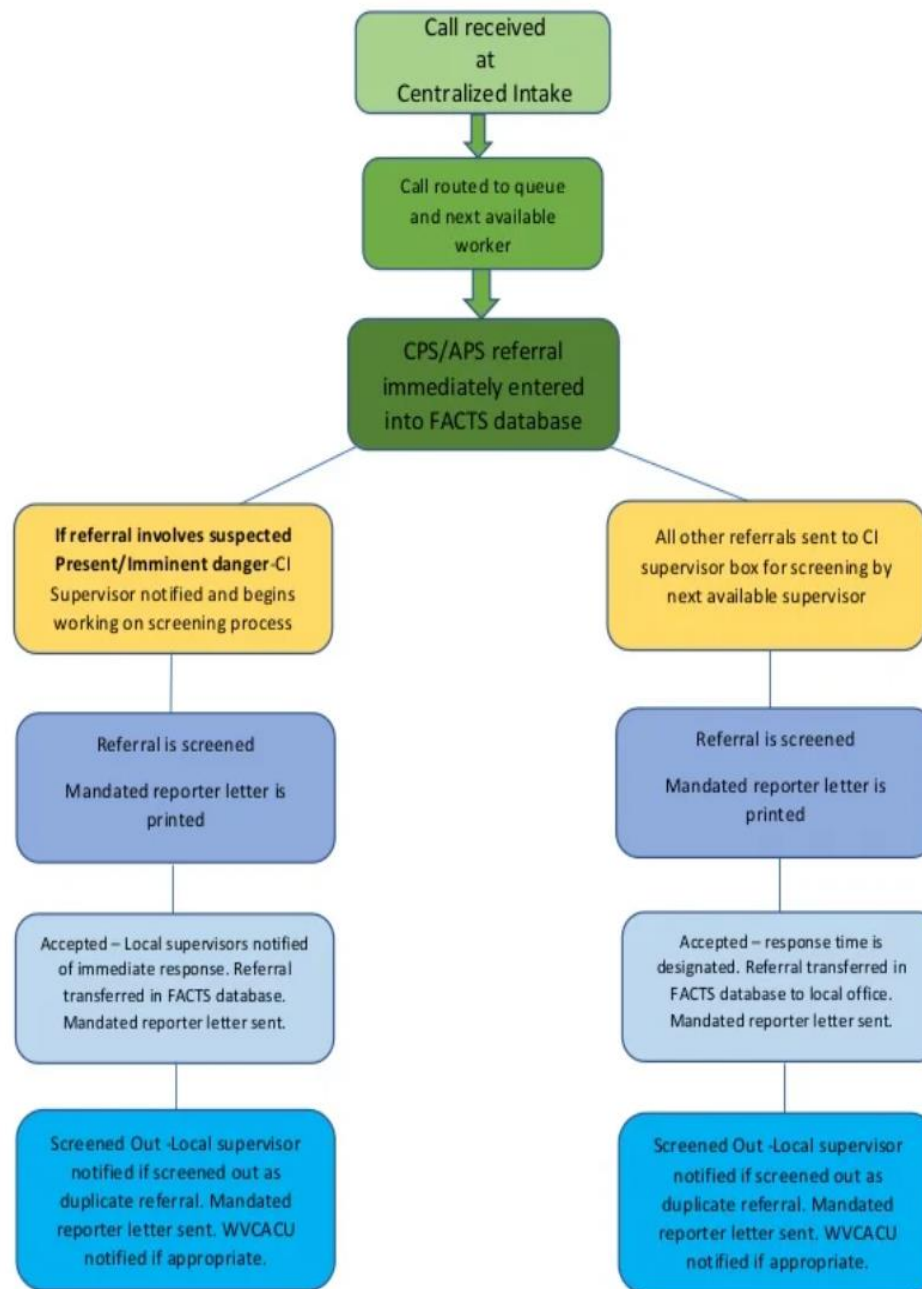
Current location of the victim and caregivers

Information about the presence of protective caregivers

Information about the perpetrators access to the victim

Description of general functioning of victim and caregivers

Potential safety threats in the home/family to first responders such as domestic violence, weapons, vicious animals, dangerous people, etc.



ONGOING CHILD PROTECTIVE SERVICES PROVIDED TO THE FAMILY

- When a case is opened the worker will provide or arrange for services which enable the parents to provide appropriate care to their child thereby ensuring that the child is safe, and the risk of maltreatment is substantially reduced.

WHEN CASES GO TO COURT

- Although most cases of child abuse and neglect do not require court involvement, sometimes it is necessary to go to court in order to protect a child. The Department initiates court involvement when a child is unsafe and can not be protected in their home.
- In these cases, there is a request for a transfer of custody of the child to the Department. If the Court transfers custody, then the child is placed with relatives or in foster care.

ABUSE AND NEGLECT CASES

Criminal

- ◉ The criminality of the person's conduct is on trial.
- ◉ The government brings an action against an individual alleging that a crime has been committed.
- ◉ If the defendant is found guilty, the court can order fines, restitution, probation, treatment programs, incarceration or in some states, the death penalty.

CIVIL

- ◉ Child protection cases are civil matters.
- ◉ Focus is on the status of the child: whether the child has been abused or not.
- ◉ Civil cases give the opportunity to make reparations. We use improvement periods to help parents make substantial change regarding the situation that led to the removal.

COURT INVOLVEMENT

There are two basic questions to ask when deciding whether to initiate a court proceeding to remove a child, provide in-home protective supervision, or compel treatment:

1. Is the child in clear danger of significant harm?
2. Can the child's safety be maintained by providing help to the family without court proceedings?

Other factors may also be relevant when deciding whether to go to court, including:

1. parental incapacity to care for a child (e.g., incarceration or mental or physical illness);
2. need for control over the alleged abuser (i.e., a pending court case may be useful as leverage for a CPS caseworker to obtain the abuser's cooperation, or a court order may keep the abuser away from the child for a period of time); and
3. need for treatment that is available by court order only.⁶

PARENTS HAVE FEELINGS TOO

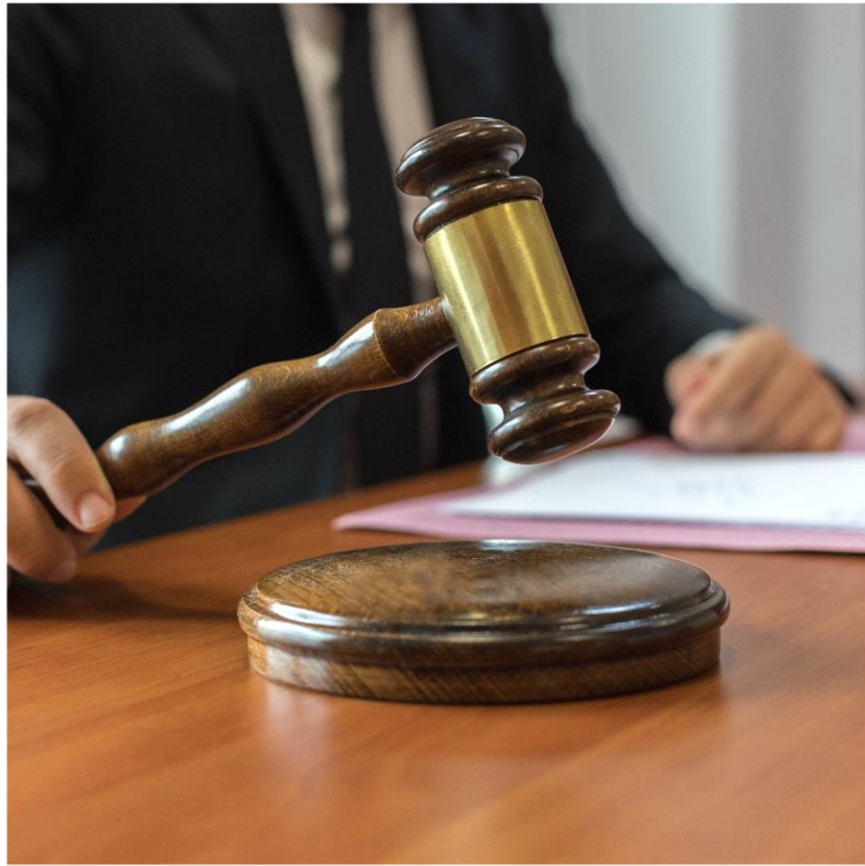
- ◉ Knowledge about parents' feelings can lead to more meaningful contact with parents.

Stage 1: Denial

Stage 2: Anger

Stage 3: Sadness

Stage 4: Acceptance



UNDERSTANDING THE COURT PROCESS

RIGHTS OF PARENTS AND CHILDREN IN JUDICIAL PROCEEDINGS

- ◉ **Rights to Family Integrity and "Reasonable Efforts"**
- ◉ **Right to Proper Notice of the Proceeding**
- ◉ **Right to a Contested Fact-Finding Hearing**
- ◉ **Right to Counsel, Guardians *Ad Litem*, and Court-Appointed Special Advocates**
- ◉ **Right to Confrontation and Cross-Examination**

WHO PARTICIPATES IN A CASE?

- ◉ The Child
- ◉ Guardian Ad Litem
- ◉ Respondent Parents
- ◉ Attorney for respondent parent
- ◉ Child Protective Services
- ◉ Prosecuting Attorney
- ◉ Circuit Court Judge
- ◉ CASA Volunteer

MULTIDISCIPLINARY TEAM MEETING

MDT

State statute requires the formation of a multidisciplinary treatment team in every case in which a petition alleging child abuse or neglect is filed.

The purposes of the multidisciplinary treatment team are to: assess; plan; implement; and monitor a comprehensive, individualized service plan for children who are victims of abuse or neglect and their families.

PETITION AND PRELIMINARY HEARING

- The allegations are listed in a formal document and filed in court.
- At the preliminary hearing, the Judge is making a series of decisions:
 - Whether the allegations are serious and appear to meet the definitions in the law
 - Whether it is safe for the child to live with the parent while the matter is being resolved
 - If the child won't be living with the parent, whether visits will be allowed
 - When the next hearings will take place

ADJUDICATORY HEARING

- The purpose of the adjudicatory hearing is to provide the parties, the Department and the child's caretakers, with the opportunity to testify and to present evidence regarding the allegations contained in the petition.
- At the conclusion of the hearing the court shall decide based on the evidence and shall make findings of fact and conclusions of law as to whether the child is abused and/or neglected.
- Parents are given the chance to answer the allegations.
- Standard of proof is "Clear and Convincing"

IMPROVEMENT PERIODS

- ⦿ Pre adjudicatory improvement period
- ⦿ Post adjudicatory improvement period
- ⦿ Post dispositional improvement period

DISPOSITIONAL HEARING

- The purpose of the dispositional hearing is to provide all the parties to the case with the opportunity to address the court about the future care and custody of the child(ren).
- At the conclusion of the hearing the court will choose from several specified options and enter an order regarding future care and custody.

TIME LIMITED REUNIFICATION SERVICES

- The purpose of this term is to indicate that the process to reunify a child with his or her caretakers should not, in general, extend beyond 15 months. This limitation, while not absolute, is a clear statement that the permanency needs of children should be met within a reasonable period of time.



WHY DO PEOPLE ABUSE AND/OR NEGLECT THEIR CHILDREN?

Risk Factors
Mental Illness
Domestic Violence
Substance Abuse/Addiction
Poverty

RISK FACTORS: CHILD-RELATED FACTORS

- ◉ Chronological age of child
- ◉ Mismatch between child's temperament or behavior and parent's temperament or expectations
- ◉ Physical or mental disabilities
- ◉ Attachment problems
- ◉ Premature birth
- ◉ Unwanted child or child

RISK FACTORS: PARENT/CARETAKER-RELATED FACTORS

- ◉ Low self-esteem
- ◉ Abuse as a child
- ◉ Depression
- ◉ Impulsiveness
- ◉ Substance abuse
- ◉ Character disorder or psychiatric illness
- ◉ Ignorance of child development norms

RISK FACTORS: FAMILY FACTORS

- ◉ **Domestic violence**
- ◉ **Stepparent, or blended, families are at greater risk**
- ◉ **Single parents are highly represented in abuse and neglect cases**
- ◉ **Adolescent parents are at high risk**

TRIGGERING SITUATIONS

- ⦿ A baby will not stop crying.
- ⦿ A parent is frustrated with toilet training.
- ⦿ An alcoholic is fired from a job.
- ⦿ A mother, after being beaten by her partner, cannot make contact with her own family.
- ⦿ A parent is served an eviction notice.
- ⦿ A prescription drug used to control mental illness is stopped.
- ⦿ Law enforcement is called to the home in a domestic violence situation, whether by the victim or a neighbor.
- ⦿ A parent who was disrespected in the adult world later takes it out on the child.

MENTAL ILLNESS

- ◉ An estimated one in five adults in the United States suffers from a diagnosable mental disorder in any given year.
- ◉ The vast majority of people with a mental illness are not dangerous.
- ◉ Mental illness is treatable with various combinations of therapy and drugs.

To understand the impact of mental illness in a particular family, it is critical that you examine the parents' level of functioning. A person's level of functioning can be affected by many factors, and not all are related to mental illness. It is important to distinguish between mental illness and other kinds of limitations. For example, many adults have limited intellectual abilities or specific learning disabilities. These limitations range in severity. By looking at the parents' level of functioning in addition to mental illness, you can make recommendations that address the likelihood that the parents can remedy the problems that initiated their involvement with the child protective services system.

DOMESTIC VIOLENCE

- ◉ Studies have shown that child abuse occurs in 30% to 60% of [domestic] violence cases that involve families with children.
- ◉ The primary reason given by victims for staying with their abusers is fear of continued violence and the lack of real options to be safe with their children. *This fear of violence is real; domestic violence usually escalates when victims leave their relationships.*

SUBSTANCE ABUSE/ADDICTION

- Substance abuse is one of the top two problems (the other is poverty) challenging families reported to child welfare agencies for child maltreatment.
- More than half of children in foster care have parents with substance abuse problems.
- In 80% of substance-abuse-related cases, the child's entry into foster care was the result of severe neglect.
- Children whose parents abuse drugs and alcohol are almost three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers.

THE EFFECTS OF SUBSTANCE ABUSE ON PARENTING

- ◉ A parent may be emotionally and physically unavailable to the child.
- ◉ A parent's mental functioning, judgment, inhibitions, and/or protective capacity may be seriously impaired by alcohol or drug use, placing the child at increased risk of all forms of abuse and neglect, including sexual abuse.
- ◉ A substance-abusing parent may “disappear” for hours or days, leaving the child alone or with someone unable to meet the child's basic needs.
- ◉ A parent may spend the family's income on alcohol and/or other drugs, depriving the child of adequate food, clothing, housing, and healthcare.
- ◉ The resulting lack of resources often leads to unstable housing, which results in frequent school changes, loss of friends and belongings, and an inability to maintain important support systems (churches, sports teams, neighbors).
- ◉ A child's health and safety may be seriously jeopardized by criminal activity associated with the use, manufacture, and distribution of illicit drugs in the home.

POVERTY

- ◉ While abuse and neglect occur in families at all socioeconomic levels, poor children are more likely to come to the attention of the child protection system.
- ◉ The majority of children you encounter in abuse and neglect cases will be living at or below the poverty level
- ◉ Developing a better understanding of the realities of poverty will assist you in being a better advocate

COURT APPOINTED SPECIAL ADVOCATES

- The CASA Program was started in 1976 by a Seattle, Washington Judge, who wanted to ensure that he was getting all of the facts in these cases and that the best interests of children were being represented.
- The CASA Program of Ohio, Marshall, Wetzel and Tyler Counties is one of more than 900 CASA Programs nationwide.
- www.wvcasa.org
- www.wvcasaforchildren.org

THE CASA MISSION

- The CASA Program recruits, trains and supports volunteers to advocate for the best interests of children who have been removed from their home due to abuse and neglect.
- CASA's are typically appointed to a case from the onset of judicial proceedings and remain on the case until the child is placed in a safe, nurturing, and PERMANENT home.
- The CASA Volunteers meet with, parents, relatives, teachers, social workers, foster parents and others involved in the child's life. They then provide written information and recommendations to the Judge as to the child's best interest.

HOW YOU CAN HELP

- Report suspected child abuse to the authorities. If you have any suspicions don't hesitate.
- If an investigation turns out to be unsubstantiated, that's OK. It's better than the alternative of remaining silent and putting a child at risk of abuse.
- Early intervention at the time abuse and neglect is reported is the most effective way to ease the pain of these child victims.
- Spread the word about CASA and the need for CASA Volunteers (neighbors, church members, friends, business acquaintances) encourage them to contact the CASA office.
- **Become a powerful voice in a child's - become a CASA Volunteer**