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www.childwelfare.gov/pubs/factsheets/spcpswork.cfm

How the Child Welfare System Works



The child welfare system is a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to care for their children successfully. While the primary responsibility for child welfare services rests with the States, the Federal Government plays a major role in supporting States in the delivery of services through funding of programs and legislative initiatives.

What's Inside:

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The primary responsibility for implementing Federal child and family legislative mandates rests with the Children's Bureau, within the Administration on Children, Youth and Families, Administration for Children and Families, U.S. Department of Health and Human Services (HHS). The Children's Bureau works with State and local agencies to develop programs that focus on preventing the abuse of children in troubled families, protecting children from abuse, and finding permanent families for children who cannot safely return to their parents. For more information, see *How Federal Legislation Impacts Child Welfare Service Delivery* on the Child Welfare Information Gateway website: www.childwelfare.gov/pubs/impacts/index.cfm

Most families first become involved with their local child welfare system because of a report of suspected child abuse or neglect (sometimes called "child maltreatment"). Child maltreatment is defined by CAPTA as serious harm (neglect, physical abuse, sexual abuse, and emotional abuse or neglect) caused to children by parents or primary caregivers, such as extended family members or babysitters.¹ Child maltreatment also can include harm that a caregiver allows to happen or does not prevent from happening to a child. In general, child welfare agencies do not intervene in cases of harm to children caused by acquaintances or

strangers. These cases are the responsibility of law enforcement.²

THE CHILD ABUSE PREVENTION AND TREATMENT ACT

The Child Abuse Prevention and Treatment Act (CAPTA), originally passed in 1974, brought national attention to the need to protect vulnerable children in the United States. CAPTA provides Federal funding to States in support of prevention, assessment, investigation, prosecution, and treatment activities as well as grants to public agencies and nonprofit organizations for demonstration programs and projects. Additionally, CAPTA identifies the Federal role in supporting research, evaluation, technical assistance, and data collection activities. CAPTA also sets forth a minimum definition of child abuse and neglect. Since it was signed into law, CAPTA has been amended several times. It was most recently amended and reauthorized on December 20, 2010, by the CAPTA Reauthorization Act of 2010 (P.L. 111-320). To see the 2010 amendment to CAPTA, visit: www.gpo.gov/fdsys/pkg/BILLS-111s3817enr/pdf/BILLS-111s3817enr.pdf

¹ Each State has its own laws that define abuse and neglect for purposes of stating the reporting obligations of individuals and describing required State and local child protective services agency interventions. For State-by-State information about civil laws related to child abuse and neglect, visit the Information Gateway website at www.childwelfare.gov/systemwide/laws_policies/state

² While some States authorize child protective services agencies to respond to all reports of alleged child maltreatment, other States authorize law enforcement to respond to certain types of maltreatment, such as sexual or physical abuse.

The child welfare system is not a single entity. Many organizations in each community work together to strengthen families and keep children safe. Public agencies, such as departments of social services or child and family services, often contract and collaborate with private child welfare agencies and community-based organizations to provide services to families, such as in-home family preservation services, foster care, residential treatment, mental health care, substance abuse treatment, parenting skills classes, domestic violence services, employment assistance, and financial or housing assistance.

Child welfare systems are complex, and their specific procedures vary widely by State. The purpose of this factsheet is to give a brief overview of the purposes and functions of child welfare from a national perspective. Child welfare systems typically:

- Receive and investigate reports of possible child abuse and neglect
- Provide services to families that need assistance in the protection and care of their children
- Arrange for children to live with kin or with foster families when they are not safe at home
- Arrange for reunification, adoption, or other permanent family connections for children leaving foster care

Appendix A provides a graphic overview of the process described in the following sections.

What happens when possible abuse or neglect is reported?

Any concerned person can report suspicions of child abuse or neglect. Most reports are made by “mandatory reporters”—people who are required by State law to report suspicions of child abuse and neglect.³ As of April 2010, statutes in approximately 18 States and Puerto Rico require any person who suspects child abuse or neglect to report it.⁴ These reports are generally received by child protective services (CPS) workers and are either “screened in” or “screened out.” A report is screened in when there is sufficient information to suggest an investigation is warranted. A report may be screened out if there is not enough information on which to follow up or if the situation reported does not meet the State’s legal definition of abuse or neglect.⁵ In these instances, the worker may refer the person reporting the incident to other community services or law enforcement for additional help.

³ See Information Gateway’s *Mandatory Reporters of Child Abuse and Neglect* (www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm) and *Making and Screening Reports of Child Abuse and Neglect* (www.childwelfare.gov/systemwide/laws_policies/statutes/repproc.cfm).

⁴ The word *approximately* is used to stress the fact that States frequently amend their laws.

⁵ See *Definitions of Child Abuse and Neglect* (www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm), available from Information Gateway.

During Federal fiscal year (FFY) 2009, an estimated 3.3 million referrals, which included approximately 6 million children, were made to CPS agencies. Approximately two-thirds (61.9 percent) of the reports were screened in for further investigation, and one-third (38.1 percent) were screened out (HHS, 2010b).

What happens after a report is “screened in”?

CPS workers, often called investigators, respond within a particular time period, which may be anywhere from a few hours to a few days, depending on the type of maltreatment alleged, the potential severity of the situation, and requirements under State law. They may speak with the parents and other people in contact with the child, such as doctors, teachers, or child care providers. They also may speak with the child, alone or in the presence of caregivers, depending on the child’s age and level of risk. Children who are believed to be in immediate danger may be moved to a shelter, foster care placement, or a relative’s home during the investigation and while court proceedings are pending. An investigator’s primary purpose is to determine whether the child is safe, whether abuse or neglect has occurred, and whether there is a risk of it occurring again.

Some jurisdictions now employ an alternative, or differential, response system. In these jurisdictions, when risk to the children involved is considered to be low, the CPS caseworker may focus on assessing family strengths, resources, and difficulties and identifying supports and services needed, rather than on gathering evidence to confirm the occurrence of abuse or neglect.

At the end of an investigation, CPS workers typically make one of two findings—unsubstantiated (unfounded) or substantiated (founded). These terms vary from State to State. Typically, a finding of unsubstantiated means there is insufficient evidence for the worker to conclude that a child was abused or neglected, or what happened does not meet the legal definition of child abuse or neglect. A finding of substantiated typically means that an incident of child abuse or neglect, as defined by State law, is believed to have occurred. Some States have additional categories, such as “unable to determine,” that suggest there was not enough evidence to either confirm or refute that abuse or neglect occurred.

The agency will initiate a court action if it determines that the authority of the juvenile court (through a child protection or dependency proceeding) is necessary to keep the child safe. To protect the child, the court can issue temporary orders placing the child in shelter care during the investigation, ordering services, or ordering certain individuals to have no contact with the child. At an adjudicatory hearing, the court hears evidence and decides whether maltreatment occurred and whether the child should be under the continuing jurisdiction of the court. The court then

enters a disposition, either at that hearing or at a separate hearing, which may result in the court ordering a parent to comply with services necessary to alleviate the abuse or neglect. Orders can also contain provisions regarding visitation between the parent and the child, agency obligations to provide the parent with services, and services needed by the child.

In FFY 2009, an estimated 702,000 children were found to be victims of maltreatment (HHS, 2010b).⁶

What happens in substantiated (founded) cases?

If a child has been abused or neglected, the course of action depends on State policy, the severity of the maltreatment, an assessment of the child's immediate safety, the risk of continued or future maltreatment, the services available to address the family's needs, and whether the child was removed from the home and a court action to protect the child was initiated. The following general options are available:

- **No or low risk**—The family's case may be closed with no services if the maltreatment was a one-time incident,

the child is considered to be safe, there is no or low risk of future incidents, and any services the family needs will not be provided through the child welfare agency but through other community-based resources and service systems.

- **Low to moderate risk**—Referrals may be made to community-based or voluntary in-home child welfare services if the CPS worker believes the family would benefit from these services and the child's present and future safety would be enhanced. This may happen even when no abuse or neglect is found, if the family needs and is willing to participate in services.
- **Moderate to high risk**—The family may again be offered voluntary in-home services to address safety concerns and help reduce the risks. If these are refused, the agency may seek intervention by the juvenile dependency court. Once there is a judicial determination that abuse or neglect occurred, juvenile dependency court may require the family to cooperate with in-home services if it is believed that the child can remain safely at home while the family addresses the issues contributing to the risk of future maltreatment. If the child has been seriously harmed, is considered to be at high risk of serious harm, or the child's safety is threatened, the court may order the child's removal from the home or affirm the agency's prior removal of the child. The child may be placed with a relative or in foster care.

⁶ This number refers to unique victims. The unique count of child victims counts a child only once, regardless of the number of times he or she was found to be victim during the reporting year. The duplicate count of child victims counts a child each time he or she was found to be a victim. The number of nationally estimated duplicate victims was 763,000 for FFY 2009.

Nationally, it is estimated that 210,000 children, including more than 123,000 victims and almost 87,000 nonvictims (duplicate count), were removed from their homes in 2009 as a result of a child abuse investigation or assessment.

What happens to people who abuse or neglect children?

People who are found to have abused or neglected a child are generally offered support and treatment services or are required by a juvenile dependency court to participate in services that will help keep their children safe. In more severe cases or fatalities, police are called on to investigate and may file charges in criminal court against the perpetrators of child maltreatment. In many States, certain types of abuse, such as sexual abuse and serious physical abuse, are routinely referred to law enforcement.

Whether or not criminal charges are filed, the perpetrator's name may be placed on a State child maltreatment registry if abuse or neglect is confirmed. A registry is a central database that collects information about maltreated children and individuals who are found to have abused or neglected

those children.⁷ These registries are usually confidential and used for internal child protective purposes only. However, they may be used in background checks for certain professions that involve working with children to protect children from contact with individuals who may mistreat them.

What happens to children who enter foster care?

Most children in foster care are placed with relatives or foster families, but some may be placed in group homes. While a child is in foster care, he or she attends school and should receive medical care and other services as needed. The child's family also receives services to support their efforts to reduce the risk of future maltreatment and to help them, in most cases, be reunited with their child. Visits between parents and their children and between siblings are encouraged and supported, following a visitation plan.

Every child in foster care should have a permanency plan that includes the person with whom the child will live after leaving foster care and who will serve as the child's primary emotional and family connection. Families typically participate in developing a permanency plan for the child and a service plan for the family. These plans guide the agency's work. Except in unusual

⁷ For more information about these databases, see *Establishment and Maintenance of Central Registries for Child Abuse Reports* (www.childwelfare.gov/systemwide/laws_policies/statutes/centreg.cfm), available from Information Gateway.

and extreme circumstances, every child's plan is first focused on reunification with parents. If the efforts toward reunification are not successful, the plan may be changed to another permanent arrangement, such as adoption or transfer of custody to a relative.⁸ Whether or not they are adopted, older youth in foster care should receive support in developing some form of permanent family connection, in addition to transitional or Independent Living services to assist them in being self-sufficient when they leave foster care between the ages of 18 and 21.

Federal law requires the court to hold a permanency hearing, which determines the permanent plan for the child, within 12 months after the child enters foster care and every 12 months thereafter. Many courts review each case more frequently to ensure that the agency is actively pursuing permanency for the child.

In FFY 2009, 140,061 children leaving foster care (51 percent) were returned to their parents or primary caregivers. The median length of stay in foster care for these children was 13.7 months. The average age of a child exiting foster care was 9.6 years old (HHS, 2010a).

⁸ Under the Adoption and Safe Families Act (ASFA), while reasonable efforts to preserve and reunify families are still required, State agencies are required to seek termination of the parent-child relationship when a child has been in foster care for 15 of the most recent 22 months. This requirement does not apply (at the State's option) if a child is cared for by a relative, if the termination is not in the best interests of the child, or if the State has not provided adequate services for the family.

Summary

The goal of the child welfare system is to promote the safety, permanency, and well-being of children and families. Even among children who enter foster care, most will leave it to return safely to the care of their own families, or go to live with relatives or an adoptive family.

For more detailed information about the child welfare system, please refer to the resources listed below. For more information about the child welfare system in your State or local jurisdiction, contact your local public child welfare agency.

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Appendix A: The Child Welfare System

