

Child Welfare Research: What Parent Attorneys Need to Know

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Amelia Watson, JD
Michael Heard, MSW
Washington State Office of Public Defense



Why Child Welfare Research Matters

- Best interest theory impacts child welfare cases everyday;
- Best interest arguments you hear are often NOT supported by child welfare research;
- Knowledge around child welfare research supports negotiation and collaboration around child welfare cases;
- Data provides facts that CANNOT be ignored;
- Evidence Based Practice is here to stay;
- Knowledge supports litigation strategies, arguments and creating good case law.



What We Have Noticed About Child Welfare Research

- Many social workers don't stay up to date with current research;
- Child welfare research generally supports parents and families;
- Public child welfare agencies often disconnect with academic research.



Staying Current with Child Welfare Research

- Child Welfare Information Gateway Listserv
- ABA Listserv
- Public Defense Agency Access to Government Research
- Social Work Practicum Student/Intern
- Interdisciplinary Parent Representation Listserv
- DCYF Website: dcyf.wa.gov/
- Google Scholar/Open Source Research (ex: ResearchGate)
- Child Welfare Evidence Based Practice Clearinghouse



Racial Disproportionality in Child Welfare

“The child welfare system's racial harm is a powerful reason to replace our current child protection practices with policies that generously and non-coercively support families. ”

Dr. Dorothy Roberts

Racial Disproportionality: Notable Child Welfare Research (1)

- Research has documented racial disparities at each stage along the child welfare pathway (Dettlaff et al., 2011)
 - Acceptance for investigation (Zuravin et al., 2005)
 - Substantiation of alleged maltreatment (Ards, et al., 2003)
 - Placement in out of home care (Rivaux, et al., 2008)
 - Length of time in placement
 - Longer time to reunification (Hill, 2005)

Racial Disproportionality: Notable Child Welfare Research (2)

- Racial disparities in the courtroom began at the very door to the courthouse (Lens, 2019)
 - Demographic divide of clients vs. legal professionals
 - Separation by space, color, and clothing
- Clients in child welfare cases were marginalized in court, both through the rules of the adversarial process and through the construction of stereotypical narratives (Lens, 2019)
 - Key interactions tinged with racial stereotypical bias
 - The silence of parent voice in the courtroom
 - The narrative of blame, shame and helplessness
 - Brief courtroom interactions are synergistic for use of stereotypes/bias

Racial Disproportionality: Notable Child Welfare Research (3)

- Research shows that implicit biases' effect triage judgments. As such, given high public defender caseloads, there is reason to suspect unconscious biases will influence public defender decision-making due to racial stereotypes (Richardson & Goff, 2013)

Essay recommends five strategies to help debias:

- Office Culture
- Objective Triage Standards
- Accountability,
- Awareness
- Intentional Goals.

Racial Disproportionality: Notable Child Welfare Research (4)

- Racial disparities in the CW system are not due to poverty alone, but are related to caseworker assessment of risk (Dettlaff et al., 2011)
 - Race was not an explanatory factor in substantiation decisions when only poverty (family income) was analyzed (Dettlaff et al., 2011)
 - BUT when caseworker assessment of risk was added to the model, race emerged as a significant explanatory factor in substantiation decisions. (Dettlaff et al., 2011)

Racial Disproportionality: Notable Child Welfare Research (5)

- African American and Native American children are three times more likely to be in foster care than white children. In certain states, Hispanic children are also overrepresented (Hill, 2008)
- Although African American youth were only 7% of California's child population, they comprised 28% of the foster care population. Non-Hispanic White children were underrepresented, as they comprised 26% of children in foster care and 31 % of the child population (Shaw, et al., 2008)



Racial Disproportionality: Notable Child Welfare Research (6)

- African American Children who are removed from their homes, stay in care nine months longer than caucasian children stay (McRoy, 2008)
- African American children are less likely to receive family preservation services and are more apt to be removed from their families than white children in similar situations (U.S. Government of Accountability Office, 2007)



Relative/Kinship Placements

“You ‘age out’ of a system, but you don't age out of a family.” Donna Butts, Executive Director of Generations United

Relative Placements: Notable Child Welfare Research (1)

- Children in foster care are at 3.7 times the risk of experiencing institutional abuse compared to children in kinship placements (Winokour et al., 2018)
- Children in non-kinship care are 1.6 time more likely to display internalizing and externalizing behaviors and two times more likely to experience mental illness as compared to children in kinship care (Winokour et al., 2018)
- Children placed in kinship care are more likely to have frequent visitations with their parents (McWey & Cui, 2017; Nesmith, 2015)
- Kinship guardianships lead to better outcomes for behavior and education than foster care. (Rosenthal & Hegar, 2016)

Relative Placements: Notable Child Welfare Research (2)

- Kinship placements have better placement stability and permanency (Bell & Romano, 2017)
- Children in kinship foster care experience better behavioral development, mental health functioning, and placement stability than do children in non-kinship foster care. Although there was no difference on reunification rates, children in non kinship foster care were more likely to be adopted while children in kinship foster care were more likely to be in guardianship (Winokur et al., 2009)

Relative Placements: Notable Child Welfare Research (3)

- Children in relative care are more likely to remain stable in their own school, report liking who they live with and wanting their placement to become permanent (National Survey of Child and Adolescent Well-Being, U.S. Dept of Health and Human Services, 2005)
- Children in in relative care have fewer placement moves than children in non relative care (Testa et al., 2001, Rolock et al., 2009)

Relative Placements: Notable Child Welfare Research (4)

- Child and Family Services Review (CFSR) Findings for Wisconsin Relative Placement Efforts, 2018 (Children's Bureau, 2018):
 - In 68% of cases, the agency made concerted efforts to place the child with relatives, when appropriate.
- Child and Family Services Review (CFSR) Findings for Wisconsin Preserving Connections , 2018 (Children's Bureau, 2018):
 - In 65% of cases, the agency made concerted efforts to preserve a child's connections to his or her neighborhood, community, faith, extended family, Tribe, school, and friends, when appropriate.



Foster Care Outcomes

“Child after child after child told me I would have rather stayed at home and dealt with the issues in that home than gone into a foster care system where I was moved from home to home and school to school.”

The Honorable George Sheldon, Former Secretary
Florida Department of Children and Families

Foster Care Outcomes: Notable Research (1)

- Children in foster care are approximately three times more likely to be involved in the juvenile justice system than comparably maltreated children left in their homes; have higher teen birth rates and lower career earnings (Doyle, 2007)
- Youth aged 16-24 have an unemployment rate of about 10%, but those who age out of foster care have an unemployment rate between 47% and 69% depending on race and gender (The Annie E. Casey Foundation, 2017)



Foster Care Outcomes: Notable Research (2)

- Placement in foster care leads to “a disproportionate likelihood of continued chronic offending” in emerging adulthood (Yang, McCuish, & Corrado, 2017)
- Children in foster care are in poor mental and physical health relative to children in the general population, children across specific family types, and children in economically disadvantaged families (Turney and Wilderman, 2016)

Foster Care Outcomes: Notable Research (3)

- Youth placed in foster care have a higher average BMI (body mass index) than non-foster care youth (Winter, Combs, & Ward, 2018)
- Placement in foster care can be linked to an increase in behavior problems among maltreated children (Lawrence, et al., 2006)
- Former foster youth experience literal homelessness eight times more than the general population (Fowler, et al., 2006)

Foster Care Outcomes: Notable Research (4)

- Children in foster care in Florida, Massachusetts, Michigan, Oregon, and Texas were prescribed psychotropic medications 2.7 to 4.5 times more often than children who were not in foster care (United States Government Accountability Office, 2011)
- Youth running away from foster care reported connecting with their biological families as a primary reason for running, even if they recognized that their families were neither healthy or safe (Courtney, 2005)

Foster Care Outcomes: Notable Research (5)

- Child and Family Services Review (CFSR) Findings for Wisconsin Addressing Physical Health Needs of Children in Foster Care, 2018 (Children's Bureau, 2018):
 - In 70% of cases, the agency adequately addressed the child's physical health needs, including dental needs.
- Child and Family Services Review (CFSR) Findings for Wisconsin Addressing Mental/Behavioral Health Needs of Children in Foster Care, 2018 (Children's Bureau, 2018):
 - In 44% of cases, DCYF adequately addressed the child's Mental/Behavioral health needs.



Incarcerated Parents in Child Welfare

“If a community values its children it must cherish their parents”

John Bowlby, Father of Attachment Theory

Incarcerated Parents: Notable Child Welfare Research (1)

- Entering care as a result of parental incarceration led to a 24% longer time to exit” than entering care due to maltreatment (Shaw, Bright, & Sharpe, 2015)
- For the incarcerated parent, in-prison parenting programs and other visitation interventions are shown to be correlated with lower rates of recidivism, increased self-esteem, and more, parental involvement with their children following release (Carlson 1998, Hauck et al.,2002, LaVigne et al.,2005, Bales et al., 2008)

Incarcerated Parents: Notable Child Welfare Research (2)

- People are less likely to value supporting the parent-child relationship for incarcerated fathers than for incarcerated mothers even when the facts of the crime are identical. This is likely due to two psychological processes:
 - People have a tendency to attribute the reason for a crime committed by a man to be more due to internal factors (personality, character, immorality, etc.), and the reason for a crime committed by a women to be more due to external factors (poverty, history of victimization, etc.).
 - Due to stereotypes about familial roles, people have a tendency to believe that mother's play a more important role than fathers in child rearing. (Benbow & Stürmer, 2017)

Incarcerated Parents: Notable Child Welfare Research (3)

- The effects of parental incarceration on child adjustment are more profound if the incarcerated parent resided with the child prior to separation and was primarily responsible for their care (Parke et al., 2002)
- Increase in children's self esteem was shown following a 10-week intervention in which the children could physically interact with their incarcerated fathers in a child-friendly environment (Landreth et al., 1998)



Visitation in Child Welfare

“The degree to which visiting is an integral part of an agency’s services reflects that agency’s commitment to family reunification”

Linda Bayless, Ph. D.

Visitation: Notable Child Welfare Research (1)

- Having regular visitations with at least one parent is correlated with positive mental health outcomes for children (McWey & Cui, 2017)
- In a nationally representative sample of children in foster care only 59% reported having weekly contact with their mother and only 29% reported having weekly contact with their father (McWey & Cui, 2017)
- Young children in foster care who have frequent contact with their biological parents are more likely to have secure attachments (McWey et al., 2004)

Visitation: Notable Child Welfare Research (2)

- Children who have regular, frequent contact with their family while in foster care (Weintraub, 2008):
 - A greater likelihood of reunification
 - Shorter stays in out-of-home care
 - Increases that reunification will be lasting
 - Overall, improved well being and positive adjustments

Visitation: Notable Child Welfare Research (3)

- Visitation maintains parent's interest in their child and motivates them to continue reunification efforts (Sagatun-Edwards and Saylor, 2000)
- Youth running away from foster care reported connecting with their biological families as a primary reason for running, even if they recognized that their families were neither healthy or safe (Courtney, 2005)

Visitation: Notable Child Welfare Research (4)

- Child and Family Services Review (CFSR) Findings for Wisconsin visitation with mother, 2018 (Children's Bureau, 2018):
 - In 78% of cases, the agency made concerted efforts to ensure that visitation is sufficient frequency and quality to promote continuity in child's relationship with mother, when appropriate.
- Child and Family Services Review (CFSR) Findings for Wisconsin visitation with father, 2018 (Children's Bureau, 2018):
 - In 59% of cases, the agency made concerted efforts to ensure that visitation is sufficient frequency and quality to promote continuity in child's relationship with father, when appropriate.



Court Atmosphere

“I remember going to court and doing a termination [of parental rights case] and I felt like I was a piece of meat and the sharks were swimming around me and taking little pieces out of me. And then I remember we had a break and one of the attorneys said, ‘I don’t know why you’re taking this personally.’”

Suburban Child Welfare Worker (Vandervort et al. 2007)



Court Atmosphere (1)

- Qualitative research on 11 focus groups of child welfare trial levels workers and their supervisors in Michigan.
- Child welfare workers describe their experiences with attorneys as so stressful that it was a key contributing factor to burnout and turnover.
- Published study includes discusses ethical principles for attorneys and child welfare social workers.

(Vandervort et al. 2007)



Court Atmosphere (2)

- Overall, children appointed a CASA have significantly lower odds than children without a CASA of achieving permanency (Osborne et al., 2019)
- Children appointed a CASA have lower odds of being reunified, greater odds of being adopted (if not reunified), and lower odds of being placed in permanent kin guardianship than children who are not appointed a CASA (Osborne et al., 2019)



Services

“The Services that social agencies and service providers offer will usually make the difference between maintaining the family and permanent removal”

Judge Leonard Edwards

Services: Notable Child Welfare Research (1)

- Child and Family Services Review (CFSR) Findings for Wisconsin Assessing and Addressing Parent's needs, 2018 (Children's Bureau, 2018):
 - In 63% of cases for mothers and 45% of cases for fathers, the agency made concerted efforts to both the assess and address the parents needs.
- CFSR Findings for Wisconsin Ensuring Frequency and Quality of Caseworker Visits with Parents, 2018 (Children's Bureau, 2018):
 - In 56% of cases for mothers and 40% of cases for fathers, the agency made concerted efforts to ensure both the frequency and quality of caseworker visits with parents.
- CFSR Findings for Wisconsin Involving Parents in Case Planning, 2018 (Children's Bureau, 2018):
 - In 67% of cases for mothers and 45% of cases for fathers, the agency made concerted efforts to include parents in case planning.

Services: Notable Child Welfare Research (2)

- On average, parents are asked to complete 7.5 different services on their reunification service plans (D'Andrade and Chambers, 2012)
- Completing tasks on a service plan requires 22 to 26 hours per week (Brook and McDonald, 2007)
 - Substance abuse treatment: 9 hours per week for 6 months
 - Employment counseling/services: 5 hours per week for 6 months
 - Case management/meetings: 5 hours per week
 - Parenting classes/training: 2 hours per week
 - Other services (ie: therapy, DV counseling, etc.): 1-4 hours per week

Services: Notable Child Welfare Research (3)

- Poorer families possess fewer material resources and social supports, experience lower quality health, education, and housing (Zilberstein, 2016)
 - Must invest more time and resources in meeting basic needs.
 - Require more coping ability and diligence to overcome these additional barriers.
- Intensive or higher number of services does not consistently correlate with quicker reunification or lower re-entry (Brook and McDonald, 2007)

Services: Notable Child Welfare Research (4)

- Evidence based service planning (Berliner et al., 2015)
 - Prioritizes efficacy and efficiency: short-term, planned discontinuation
 - Focus and parsimony: smallest number of services needed to accomplish goal, focus on skill building
 - Triage and sequencing: meet basic needs first, stepped care



Fathers in Child Welfare

**“The primary task of every civilization is to teach
the young men to be fathers.”**

Margaret Mead

Fathers: Notable Child Welfare Research (1)

- In a nationally representative sample of children in foster care 52% never had contact with their fathers while in foster care (McWey & Cui, 2017)
- When fathers are involved children spend less time in foster care and are more likely to be reunited with parents or placed with relatives. (Coakley, 2013)
- Fathers involvement in the process increases the likelihood of reunification with the mother, even when the father is not in the home (D'Andrade, 2017)

Fathers: Notable Child Welfare Research (2)

- Fathers are absent from the homes of about 75% of the children placed in foster care (QIC-NRF Project Sites, 2012)
- “What About the Dads?” Study (The Urban Institute, 2005)
 - 88% of non-resident fathers were identified
 - 55% had been contacted by the caseworker
 - 30% of the fathers visited their child

Fathers: Notable Child Welfare Research (3)

- African American caseworkers are more than twice as likely as white caseworkers to have positive views of non-custodial fathers. African American caseworkers are more likely to assume that non-custodial fathers want to be involved in decision making and are less likely to believe that they complicate the case (Arroyo & Peek, 2015).

Fathers: Notable Child Welfare Research (4)

- Child and Family Services Review (CFSR) Findings for Round 3 States, 2015-2016 (Children's Bureau, 2017):
 - The frequency of visits between the caseworker and the father were sufficient in 46% of the applicable reviewed cases vs. 66% for the mother.
 - The Quality of visits between the caseworker and the father were sufficient in 56% of the applicable reviewed cases vs. 65% for the mother.

Fathers: Notable Child Welfare Research (5)

- Child and Family Services Review (CFSR) Findings for Round 3 states, 2015-2016 (Children's Bureau, 2017):
 - Father's needs were adequately assessed in 49% of the applicable reviewed cases vs. 66% for the mother and 74% of the foster parents.
 - After needs were adequately assessed, Father's needs were adequately addressed in 46% of the applicable reviewed cases vs. 61% for the mother.



Contact Information

Amelia Watson, JD
Managing Attorney
Washington State Office of Public Defense
360-586-3164 ex. 103
amelia.watson@opd.wa.gov

Michael Heard, MSW
Social Services Manager
Washington State Office of Public Defense
360-586-3164 ex. 111
Michael.heard@opd.wa.gov